

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 27th April, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor L Gilbert (Vice-Chairman)

Councillors W T Beard, W S Davies, B H Dykes, J Jones, S Jones, A Kolker,
R Walker, M J Weatherill and R Westwood

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors D Flude and M Simon

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Daniel Evans (Principal Planning Officer)
Paul Moore (Principal Planning Officer)

Apologies

Councillors D Bebbington, S Furlong and S McGrory

195 COUNCILLOR BETTY HOWELL

All those present at the meeting observed a minute's silence in memory of
Councillor Betty Howell, who had died on 18 April.

196 DECLARATIONS OF INTEREST

Councillor R Westwood declared that he had predetermined application
number 11/1151N and that he had a personal and prejudicial interest in
respect of the application on the grounds that he lived in the vicinity of the
application site. Councillor Westwood declared that he would address the
Committee as an objector then withdraw from the meeting during
consideration of this item, in accordance with the Code of Conduct.

Councillor B Dykes declared a personal interest in respect of application
number 11/0548N on the grounds that he knew the applicant. In
accordance with the code of conduct, he remained in the meeting during
consideration of this item.

Councillor G Merry declared a personal interest in respect of application
number 11/0551C on the grounds that she was a member of Sandbach
Town Council, which had been consulted on the proposed development.

In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor S Jones declared a personal interest in respect of agenda item 14 (10/0741C 19-23 Lawton Road, Alsager) on the grounds that she was a member of Alsager Town Council, which had been consulted on the proposed development. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor L Gilbert declared a personal interest in respect of agenda item 13 (08/0492/OUT Fine Art, Victoria Mills, Holmes Chapel) on the grounds that he was a member of Holmes Chapel Parish Council, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item. Councillor Gilbert also declared that, as one of the Ward Councillors, he had had a discussion with the tenant of the premises in question.

197 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 6 April 2011 be approved as a correct record and signed by the Chairman.

198 **11/0748C LAND ADJACENT TO 5 MIDDLEWICH ROAD, CRANAGE: RESERVED MATTERS APPLICATION FOR APPROVED APPLICATION 07/0662/OUT - TEN DWELLING HOUSES FOR CRANAGE PARISH COUNCIL**

Note: Councillor M Mackenzie (on behalf of Cranage Parish Council), Mr M Hodge (objector) and Mr J Ashall (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter. Ms D Madden (objector) had registered her intention to address the Committee on this matter 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 the Head of Planning and Housing be granted delegated authority to APPROVE, subject to additional consultation responses not raising any significant additional issues of concern.

Approval to be subject to the following conditions:

1. In accordance with submitted plans
2. All fenestration shall be set behind a reveal of 50mm unless otherwise agreed in writing by the Local Planning Authority.
3. Notwithstanding the submitted details, Prior to commencement of development, a scheme for the landscaping of the site shall be submitted to and approved in writing by the Local Planning Authority.

The landscaping scheme shall include details of hard landscaping, planting plans, written specifications (including cultivation and other operations associated with tree, shrub, hedge or grass establishment), schedules of plants noting species, plant sizes, the proposed numbers and densities and an implementation programme.

4. No trees, shrubs or hedges within the site which are shown as being retained on the approved plans shall be felled, uprooted, wilfully damaged or destroyed, cut back in any way or removed without the prior written consent of the Local Planning Authority. Any trees, shrubs or hedges removed without such consent, or which die or become severely damaged or seriously diseased within five years from the occupation of any building or the development hereby permitted being brought into use shall be replaced with trees, shrubs or hedge plants of similar size and species until the Local Planning Authority gives written consent to any variation.
5.
 - (a) Prior to the commencement of development or other operations being undertaken on site a scheme for the protection of the retained trees produced in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations), which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site, including trees which are the subject of a Tree Preservation Order currently in force, shall be submitted to and approved in writing by the Local Planning Authority. No development or other operations shall take place except in complete accordance with the approved protection scheme.
 - (b) No operations shall be undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until the protection works required by the approved protection scheme are in place.
 - (c) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
 - (d) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Local Planning Authority.
6. Prior to the commencement of development or other operations being undertaken on site in connection with the development hereby approved (including any tree felling, tree pruning, demolition works, soil moving, temporary access construction and / or widening, or any operations involving the use of motorised vehicles or construction machinery) a detailed Construction Specification / Method Statement for no-dig construction techniques and permeable surfaces within the

rooting area of the Oak tree to the north east of the site shall be submitted to and approved in writing by the Local Planning Authority. This shall provide for the long term retention of the tree. No development or other operations shall take place except in complete accordance with the approved Construction Specification / Method Statement.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or as may subsequently be amended or re-enacted) no extensions, alterations or buildings within the site curtilage normally permitted by Class F of Part 1 Schedule 2 to that Order shall be carried out unless a further planning permission has first been granted on application to the Local Planning Authority.
8. Prior to commencement of development, details of a facility which will allow vehicles to enter and leave the site in a forward direction shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented to the satisfaction of the Local Planning Authority, before first occupation of the development hereby permitted and the facility shall then be retained, kept clear and be available for use at all times thereafter.
9. Prior to commencement of development, details of a service strip scheme for the hereby approved development shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented prior to the first occupation of the development hereby approved retained thereafter.
10. Scheme for the future maintenance and protection of the amenity Greenspace.

Informative

The application to carry an informative requiring entry into a Section 38 Agreement under the Highways Act 1980 to cater for the formal adoption of the adoptable road.

- 199 **11/0752N LAND AT JUNCTION OF BROOK STREET AND EDLESTON ROAD, CREWE: 17.5 METRE HIGH JOINT OPERATOR STREET FURNITURE TYPE TELECOMMUNICATIONS TOWER, 1 NO EQUIPMENT CABINET, 1 NO METRE CABINET AND ALL ANCILLARY DEVELOPMENT FOR O2 AND VODAFONE C/O WFS TELECOM**

Note: Councillor D Flude (Ward Councillor) had not registered her 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 Councillor Flude to speak.

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

RESOLVED – That the application be REFUSED for the following reason:

The proposed development by reasoning of its height, siting and design would create an alien and intrusive feature. This is a prominent location within the residential area and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies NE.18 (Telecommunications Development), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

200 **11/1151N LAND IN FRONT OF 613, CREWE ROAD, WISTASTON:
14.8M HIGH JOINT OPERATOR STREET FURNITURE TYPE
TELECOMMUNICATIONS TOWER, 1NO. EQUIPMENT CABINET AND
1NO. METER PILLAR FOR O2/VODAFONE**

Note: Councillor M Simon (Ward Councillor) attended the meeting and addressed the Committee on this matter.

Note: Having declared a personal and prejudicial interest in this application, Councillor R Westwood addressed the Committee as an objector then withdrew from the meeting during consideration of this item.

The Committee considered a report and a written update 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 by reasoning of its height, siting and design would create an alien and intrusive feature. This is a prominent location within the residential area and this proposal would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies NE.18 (Telecommunications Development), and BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

201 **11/0017N FORMER GROUNDS MAINTENANCE DEPOT OFF DANE
BANK AVENUE, CREWE: 8 TWO STOREY DETACHED DWELLINGS, 2
TWO STOREY SEMI-DETACHED DWELLINGS AND 2 THREE STOREY
SEMI- DETACHED DWELLINGS FOR CHELFORD HOMES**

Note: Councillors G Merry, T Beard, B Dykes, J Jones and J Weatherill declared that they had received correspondence regarding the above planning application.

Note: Mr M Graham (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.

RESOLVED – That the application be REFUSED for the following reason:

The Local Planning Authority considers that as the development fails to provide affordable housing, low cost market housing or a mix of housing and would not include renewable energy measures or low carbon/ energy efficiency measures, the proposals would represent a highly unsustainable form of development which would not contribute positively to the local housing market and would fail to meet local housing needs or contribute towards achieving sustainability objectives. In so doing the proposals would be contrary to policies BE.2 Design Standards within the Borough of Crewe and Nantwich Replacement Local Plan 2011, Policy EM18 within the North West of England Plan Regional Spatial Strategy to 2021 and guidance within the Interim Affordable Housing Statement 2011, Planning Policy Statement 3: Housing, Planning Policy Statement 1: Delivering Sustainable Development and Planning Policy Statement 1: Climate Change Supplement.

202 **11/0471C TALL ASH FARM, BUXTON ROAD, CONGLETON, CW12
2DY: THE CONSTRUCTION OF 20 NEW BUILD AFFORDABLE
HOUSES AND NEW ACCESS ROAD FOR PLUS DANE GROUP**

Note: Mr J Ashall (agent on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

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

RESOLVED – That the application be APPROVED subject to the prior completion of a Section 106 agreement to secure affordable housing and a financial contribution of £5676 for maintenance of the amenity Greenspace

and the following conditions:

1. Commence development within 3 years
2. Development in accordance with agreed drawings
3. Submission of details/samples of external materials
4. Submission and implementation of detailed access and junction plans
5. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details
6. Submission and implementation of surveys and mitigation methods for the protection of breeding birds
7. Submission of a scheme of landscaping
8. Implementation of approved landscaping scheme
9. Submission and implementation of details of boundary treatments
10. Submission of a detailed drainage scheme

11. Submission of an updated Phase 1 land contamination survey
12. Implementation of the mitigation recommendations within the Air Quality Assessment
13. Submission of a scheme for the protection of the occupiers of the dwellings from traffic noise and vibration
14. Limits on hours of construction
15. Limits on hours of piling
16. Removal of permitted development rights for extensions
17. 10% Renewable Energy
18. Code for sustainable homes level 4.

Note: Councillor S Jones left the room and returned during consideration of this application but did not take part in the debate or vote, in accordance with paragraph 13.5 of the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.

203 **11/0506N CROWTON FARM, WINSFORD ROAD, CHOLMONDESTON, CW7 4DR: THE ERECTION OF POULTRY HOUSE AND FEED HOPPER WITH HARDSTANDING FOR MR I HOCKNELL, DELPHIC HAULAGE**

Note: Prior to consideration of this application, the meeting was adjourned from 4.10pm to 4.20pm for a break.

Note: Mr M Ludlam (on behalf of the 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 Ludlam to speak.

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

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials (including colour)
4. Drainage
5. Landscaping Submitted
6. Landscaping Implemented
7. Development to comply with Reasonable Avoidance Measures of Great Crested Newts Assessment
8. Hours of Construction
9. External Lighting
10. Method for the Control of Flies
11. Treatment of Manure from Site
12. Hours of Operation
13. The Auto Start Generator and Ridge Fans to be Installed and Maintained in accordance with Manufacturers Instructions

- 204 **11/0548N DROME FARM WARDLE INDUSTRIAL ESTATE, GREEN LANE, WARDLE: INDUSTRIAL NEW BUILD DEVELOPMENT CONSISTING OF 6 UNITS TOGETHER WITH INFRASTRUCTURE, ANCILLARY WORKS AND NEW AGRICULTURAL ACCESS TRACK. THE INDUSTRIAL UNITS CONSIST OF TWO 8000SQ FT UNITS, TWO 3000SQ FT UNITS AND TWO 2775SQ FT UNITS FOR MR P POSNETT**

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. Standard
2. Plans
3. Materials to be submitted
4. Surfacing Materials to be submitted
5. Scheme of Landscaping to be submitted
6. Scheme of Landscaping to be implemented
7. Scheme of drainage to be submitted
8. Boundary treatment to be submitted
9. Turning area and parking as shown on approved plan to be provided prior to first occupation
10. Refuge island to be provided at junction of Green Lane and A51
11. Incorporation of sustainable features to be submitted and approved
12. Waste Management Plan to be submitted and approved
13. Survey for Nesting birds between March and Sept
14. Details of Bin storage to be submitted and agreed
15. Details of cycle storage to be submitted and agreed
16. Details of external lighting to be submitted and approved
17. Noise attenuation Measures to be submitted and agreed
18. Contaminated land

- 205 **11/0551C SAXON CROSS MOTEL, HOLMES CHAPEL ROAD, SANDBACH, CW11 1SE: DEMOLITION OF EXISTING HOTEL ON THE SITE, CHANGE OF USE FROM A CATEGORY C1 DEVELOPMENT TO A MIXED USE OF CATEGORY B1 AND B2. CONSTRUCTION OF A SINGLE STOREY OFFICE BUILDING A SMALL SECURITY BUILDING AND WAREHOUSE BUILDING, NEW HARD LANDSCAPING ASSOCIATED WITH THE PROPOSED DEVELOPMENT INCLUDING RELOCATION OF VEHICULAR ACCESS FOR BOLSHAW INDUSTRIAL POWDERS**

The Chairman reported that the above planning application had been withdrawn by the applicant prior to the meeting.

206 **08/0492/OUT FINE ART, VICTORIA MILLS, HOLMES CHAPEL**

Note: Councillors G Merry, L Gilbert, J Jones and A Kolker declared that they had received correspondence regarding the above planning application.

Note: Ms P Williams (on behalf of the applicant) had not registered her 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 Ms Williams to speak.

The Committee considered a report regarding the above planning application, which had sought to redevelop the Victoria Mills/Fine Décor site in Holmes Chapel with residential development.

On 3 February 2009, Congleton Borough Council's Planning Committee had granted outline planning permission, subject to the signing of a Section 106 agreement to secure the relocation of Fine Art within Cheshire East, 15% affordable housing and a range of requirements, including a £25,000 financial contribution towards off-site highway works, submission of a Travel Plan, provision of a Locally Equipped Area of Play and a contribution towards Amenity Greenspace. While the Section 106 agreement had been finalised over 12-months ago, it had not yet been signed.

RESOLVED – That consideration of the matter be deferred to the Southern Planning Committee meeting on 22 June 2011, to allow the applicant the opportunity to complete a Section 106 Agreement.

207 **10/0741C 19-23 LAWTON ROAD, ALSAGER**

The Committee considered a report regarding proposed amendments to the conditions and Section 106 Heads of Terms relating to the above scheme, which had been approved by the Southern Planning Committee on 19 May 2010.

RESOLVED – That the proposed amendments to the conditions and Section 106 Heads of Terms relating to application 10/0741C, as set out in the report, be approved, subject to:

- (a) the words 'in consultation with Alsager Town Council' being added to the last sentence of the first paragraph of B) Greenspace Requirements
- (b) the removal of condition 8

208 URGENT BUSINESS

The Council was defending an appeal against the refusal of planning application 10/2006C for the redevelopment of Elworth Hall Farm, Sandbach. It was considered prudent to delegate authority to the Head of Planning and Housing, in consultation with the Chairman or Vice-Chairman, to determine the future conduct of the Council's case following the exchange of evidence due on 27 April. The urgency arose because there were no Southern Planning Committee meetings scheduled between the exchange of evidence on 27 April and the Inquiry on 25th May 2011.

The Chairman announced that, in accordance with S100B (4) (b) of the Local Government Act 1972, she was of the opinion that this item of business should be considered at the meeting as a matter of urgency.

As the report contained exempt information and the public interest in keeping it confidential outweighed the public interest in disclosing it, the Chairman agreed it should be taken as a Part 2 item.

209 EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED - That the press and public be excluded from the meeting during consideration of the following item pursuant to Section 100(A) 4 of the Local Government Act 1972 on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 5 as appropriate of Part 1 of Schedule 12A of the Local Government Act 1972 and public interest would not be served in publishing the information.

210 ELWORTH HALL FARM

The Committee considered a report regarding an appeal which had been lodged against the refusal of application 10/2006C.

RESOLVED - That delegated authority be granted to the Head of Planning and Housing, in consultation with the Chairman or Vice-Chairman of the Southern Planning Committee, to retain or withdraw the Council's objection to the appeal proposals following consideration of the evidence exchanged on 27 April 2011.

The meeting commenced at 2.00 pm and concluded at 5.45 pm

Councillor G Merry (Chairman)