

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 15th July, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor B Dykes (Chairman)

Councillors T Beard, D Bebbington, M Davies, S Furlong, L Gilbert, S Jones,
A Kolker, S McGrory, A Richardson, R Walker and J Weatherill

OFFICERS PRESENT

Sheila Dillon (Senior Solicitor), John Ellis (Strategic Highways &
Transportation Manager), David Malcolm (Development Control Manager –
Sandbach Office) and Paul Moore (Principal Planning Officer –
Sandbach Office)

Apologies

Councillors G Merry, B Howell and J Jones

35 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE- DETERMINATION

Councillor S McGrory declared that, with respect to application number 09/0809C, he had been involved in discussions regarding previous planning applications for the site but had expressed no opinion with respect to the current application.

Councillor T Beard declared a personal interest in respect of application number 09/1325N on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillor B Dykes declared a personal interest in respect of application number 09/1325N on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

All Members of the Committee declared that they had received correspondence in relation to application number 09/1598C.

Councillor L Gilbert declared that he had called in application number 09/1598C at the request of Twemlow Parish Council, but that he had not expressed an opinion and had not fettered his discretion.

36 MINUTES

RESOLVED – That the minutes of the meeting held on 24 June 2009 be approved as a correct record and signed by the Chairman.

37 **09/0809C OUTLINE APPLICATION FOR THE DEMOLITION OF A DWELLING HOUSE (NUMBERS 3 & 5) AND REDEVELOPMENT OF THE SITE. TOGETHER WITH THE ADJOINING HAULAGE YARD FOR UP TO 93 DWELLINGS AND THE PROVISION OF PUBLIC OPEN SPACE TOGETHER WITH ASSOCIATED HIGHWAY AND LANDSCAPING WORKS. THE APPLICATION SEEKS SPECIFIC APPROVAL OF THE SITE ACCESS FROM HOLMES CHAPEL ROAD, ALL OTHER MATTERS BEING RESERVED, LAND OFF JERSEY WAY, MIDDLEWICH FOR DANIEL KERSHAW, RUSSELL HOMES**

Note: Mr J Scott (on behalf of the local residents group), Mrs A McCall (supporter) and Mr W Booker, Singleton Clamp & Partners, (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 proposed development would be contrary to Policies GR1 (parts iv and v), GR9 (part ii) and GR18 of the Congleton Borough Local Plan 2005 due to its unacceptable accessibility and traffic generation, and failure to ensure adequate and safe provision for access and egress for vehicles.

Note: Following consideration of this application, the meeting was adjourned from 3.05 to 3.10pm to enable members of the public to leave.

38 **P09/0095 USE OF AGRICULTURAL LAND AS RUGBY PITCHES, LAND OFF WYBUNBURY LANE STAPELEY FOR CREWE & NANTWICH RUFC**

Note: Mr G Evans (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 DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring residential amenities.

39 09/0650N EXTENSION TO CREATE EN-SUITE AND DRESSING ROOM, 8, GREEN LANE, WILLASTON, NANTWICH, CHESHIRE, CW5 7HY FOR MR R BOOTH

Note: Mr C Todd (on behalf of Willaston Parish Council), Mr W Blackburn (an objector) and Mr R Ashall, Ashall Town Planning, (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 APPROVED subject to the following conditions:

1. Materials to match existing dwelling
2. Approved plans

40 09/1325N DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF NEW BUILDINGS AND REDEVELOPMENT OF LINK HOUSE TO PROVIDE 35 APARTMENTS AND TWO RETAIL UNITS WITH ASSOCIATED INFRASTRUCTURE, LAND AT 2 & 4 HEATHFIELD AVENUE AND 29, 29A & 31 HIGHTOWN CREWE

Note: Mr A Sladen-Dean (an objector), Mr G Allen, Geoff Allen Associates, (on behalf of the applicant) and Mr G Pike, Alison Pike Architects & Designers, (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 APPROVED subject to the prior completion of a Section 106 Agreement to secure the provision of 12 affordable units for rent and the provision of a commuted sums payment towards the enhancement of existing open space

and the following conditions:

1. Standard
2. Approved plans
3. Materials
4. Surfacing materials
5. No demolition during bird breeding season or site checked by ecologist
6. Access and car parking to be provided
7. Cycle rack details and to be provided
8. Solar panels to be provided and maintained and method statement
9. No subdivision of retail units
10. A1 shops only

11. Landscaping
12. Landscaping implementation
13. Boundary treatment
14. Waste management plan
15. Sustainable urban drainage measures
16. Noise attenuation
17. Lighting scheme
18. Finished floor levels

41 09/1515N THE INSTALLATION OF A RADIO BASE STATION CONSISTING OF A 10M REPLICA TELEGRAPH POLE, CANNON TYPE D AND G CABINETS AND DEVELOPMENT ANCILLARY THERETO, LAND AT THE JUNCTION OF VALLEY ROAD, READESDALE AVENUE, CREWE, CHESHIRE FOR O2 UK LTD

Note: Mr E Jones (an objector) and Mr S Short (the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That PRIOR APPROVAL is REQUIRED, but the details be APPROVED subject to the following conditions:

1. Standard – 3 years
2. Monopole and antenna to be brown in colour, equipment cabinet to be green
3. Development to be completed in accordance with the approved plans

42 09/1589N PROPOSED EXTENSION ON REAR OF DWELLING, 4 FULBECK CLOSE, WISTASTON, CREWE FOR MR SUTTON

The Committee considered a report regarding the above planning application.

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

1. Standard Time Limit
2. Materials to Match Existing Building
3. Approved Plans
4. Rear Fence to be Retained

43 09/1598C CONSTRUCTION OF ONE TWO-STOREY DWELLING WITH DETACHED DOUBLE GARAGE AND NEW ACCESS.CONSTRUCTION OF NEW ACCESS FOR EXISTING DWELLING, BEECH HOUSE, TWEMLOW GREEN, HOLMES CHAPEL CHESHIRE, CW4 8BN FOR MR J HINDLEY

Note: Mr C Hulley (an objector) and Mr Hindley (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 APPROVED subject to the following conditions:

1. Standard commencement condition
2. Development to accord with approved revised plans
3. Removal of permitted development rights Class A to C of Part 1 Schedule 2 of GPDO 1995.
4. Limit hours of construction,
5. Limit hours of piling
6. Submission of samples of facing materials
7. Standard contaminated land conditions
8. Standard Tree Protection conditions
9. Standard Landscaping conditions

44 JUDICIAL REVIEW OF DECISION TO GRANT PLANNING PERMISSION, BRYANCLIFFE, WILMSLOW PARK SOUTH, WILMSLOW

The Committee considered a report which detailed the result of the Judicial Review proceedings brought against the decision of Macclesfield Borough Council to grant planning permission for the development at Bryancliffe, Wilmslow Park South, Wilmslow.

In February 2008, following completion of a section 106 agreement, Macclesfield Borough Council had granted planning permission for the demolition of the existing house and erection of 3 apartments with undercroft parking on the site.

The legality of the decision to grant planning permission had been challenged on seven grounds and a hearing was held on 21 and 22 May 2009. The judge had determined that the Judicial Review application should succeed and had quashed the planning permission, on the basis that he agreed with three of the grounds, these being:

- that the Committee Report did not deal with the European Community Habitats Directive on protected species in regard to the bat roost that had been identified on the site;
- that the Committee Report failed to say whether there was compliance with the policies in the Development Plan or not;
- that there was a failure of the Council to take account of applicable policies.

In order to ensure that such a challenge could not be made against any future decisions of Cheshire East Council, it was necessary to amend

existing procedures and include in Committee reports more information relating to European Protected Species and more specific detail on compliance or otherwise with Development Plans.

RESOLVED

- 1 That the decision of the High Court be noted;
- 2 That it be noted that changes will be required in the processing of applications and content of reports as a result of the areas of challenge that were successful;
- 3 That it be noted that that the areas of unsuccessful challenge will be taken as the minimum level for processing and determining applications for Cheshire East.

The meeting commenced at 2.00 pm and concluded at 4.50 pm

Councillor B Dykes (Chairman)