

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 17th February, 2010 in the Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor B Dykes (Chairman)  
Councillor G Merry (Vice-Chairman)

Councillors W T Beard, D N Bebbington, M Davies, S Davies, S Furlong,  
B Howell, J Jones, S Jones, A Kolker, S McGrory, R Walker and  
M J Weatherill

### **Apologies**

Councillors L Gilbert

### **130 CODE OF CONDUCT - DECLARATIONS OF INTEREST/ PRE-DETERMINATION**

Councillor B H Dykes declared a personal and prejudicial interest in agenda item 14 (Variation of S.106 Agreement – Wyche Lane, Bunbury) on the basis that he was a Member of Bunbury Parish Council and had entered into correspondence with the applicant (Muir Group Housing). Having declared a personal and prejudicial interest, Councillor Dykes withdrew from the meeting during discussion of the item.

Councillor A Kolker declared a personal interest in agenda item 5 (09/3286C – Holly House Farm, Cranage) on the basis that he was acquainted with the father of the applicant and also that the applicant had made contact with him about the application. Councillor Kolker had expressed no view on the application.

Councillors W T Beard, D N Bebbington, W S Davies, B H Dykes, S Furlong, E Howell, J Jones, A Kolker, R Walker and M J Weatherill each declared that, in respect of agenda item 6 (Planning Application No. 09/4043N – Earl of Crewe) they had received communications from the applicant. None had acknowledged the communications.

Councillor E Howell declared that she had been contacted by the applicant in respect of the previous application at which time she had declined to comment. She had subsequently been contacted in respect of this application and had also declined to comment.

Councillor S Jones made a declaration of pre-determination in respect of agenda items 7 and 8 (09/3490C – 20 Pikemere Road and 09/0819N – 38 Pikemere Road). She would exercise her right to speak and then withdraw from the meeting.

Councillor W S Davies declared that in respect of agenda item 9, the site visit had been arranged prior to his election as a Councillor and he had, therefore, been unable to attend the arranged visit. He made a separate visit to the site unaccompanied by an Officer, and had met a neighbour of the applicant during that visit, but had not expressed a view.

131        **MINUTES**

RESOLVED:

That the minutes of the meeting held on 27<sup>th</sup> January 2010 be approved as a correct record and signed by the Chairman.

132        **09/3286C - HOLLY HOUSE FARM, CRANAGE, HOLMES  
CHAPEL: ERECTION OF AGRICULTURAL BUILDING AND HARD-  
STANDING FOR THE FARMING OF SUCKLER COWS AND CALVES  
FOR MR AND MRS ROSS YARWOOD**

Notes: (1) Mr G Watts (on behalf of the applicant) attended the meeting and addressed the Committee on this matter;

(2) Having arrived at the meeting during consideration of this application, Councillor S McGrory did not participate in the debate or voting, in accordance with paragraph 13.5 of the Planning Protocol of Conduct in Relation to the Determination of Planning Matters.

The Committee considered a report regarding the above planning application, an oral report of the site inspection, and updates from the applicant's agent, which were summarised by the Southern Area Manager – Development Management.

RESOLVED:

That the application be REFUSED for the following reasons –

- (1) The proposed development relates to a newly created agricultural unit and the provision of a permanent dwelling should be considered to support existing agricultural activities only. Furthermore the proposed dwelling is considered to be overly large and expensive to construct. As a result the proposal would be detrimental to the character and appearance of the open countryside which should be protected for its own sake whilst the size and expense in constructing the dwelling. The development would be contrary to the provisions of PPS 7 (Sustainable Development in Rural Areas) and Policies H18 (Dwellings Associated with Rural Enterprises), H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review (01/05); and

- (2) The Local Planning Authority considers that the applicant has failed to demonstrate that there is a clearly established existing functional need that could not be fulfilled by another existing dwelling in the area or on the unit and that the development meets the financial test specified within Annex A of PPS7. As a result, the special justification for allowing a new dwelling in the open countryside has not been met and the proposed development is contrary to the provisions of PPS7 (Sustainable Development in rural Areas) and Policies H18 (Dwellings Associated with Rural Enterprises), H6 (Residential Development in the Open Countryside and the Green Belt) and PS8 (Open Countryside) of the Congleton Borough Local Plan First Review (01/05).

133      **09/4043N - EARL OF CREWE HOTEL, NANTWICH ROAD, CREWE: DEMOLITION OF EXISTING BUILDING AND CONSTRUCTION OF NEW FOOD-STORE WITH ASSOCIATED PARKING FOR ALDI STORES LTD.**

Note: Mr John Morris (local resident in support of the application) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, an oral report of the site inspection, and updates from the applicant, Cheshire East Highways and a late representation from a local resident, which were summarised by the Southern Area Manager – Development Management.

RESOLVED:

That the application be REFUSED for the following reason –

The proposal would result in the loss of a locally listed building, the re-use of which the Local Planning Authority considers to be both physically and financial sustainable. The applicant has failed to demonstrate that there are any other reasons for the development which outweigh the need to safeguard the building and the proposal is therefore contrary to Policy BE.13 (Buildings of Local Interest) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

(Notes: (1) During discussion of the planning application, Councillor J Jones declared a personal interest by virtue of his friendship with Mr J Morris, who had spoken in support of the application;

(2) In accordance with Procedure Rule No. 15.5 Councillor E Howell requested that her abstention from voting be recorded.)

134      **09/3490C - 20 PIKEMERE ROAD, ALSAGER: PROPOSED SUB-DIVISION OF DOMESTIC CURTILAGE TO CREATE ADDITIONAL SEPARATE DWELLING FOR MR MICHAEL BOUNFORD**

Notes: (1) Having exercised her separate speaking rights as a Ward Councillor, Councillor S Jones withdrew from the meeting during consideration of this item.

(2) Mr David Currie (objector) 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 REFUSED, contrary to the Planning Officer's recommendation for approval, for the following reason –

The proposed development would have an adverse impact on the character and appearance of the area by virtue of being cramped and appearing to be an over-development of the site. The scheme would, therefore, be contrary to Policy GR1 of the Congleton Borough Local Plan.

135      **09/0930/C - 38 PIKEMERE ROAD, ALSAGER: TWO RESIDENTIAL UNITS TO REAR OF 38 PIKEMERE ROAD, ALSAGER ON EXISTING REAR GARDEN LAND FOR MR ANDREW CHATTERTON**

Notes: (1) Having exercised her separate speaking rights as a Ward Councillor, Councillor S Jones withdrew from the meeting during consideration of this item.

(2) Mr Andrew Chatterton (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 time limit.
2. Development in accordance with the approved plans.
3. Submission of tree protection scheme.
4. Submission of landscaping scheme.
5. Implementation of landscaping scheme.
6. No tree or hedgerow works during the breeding season.

7. Construction hours limited to 07.30 hrs to 18.00 hrs Monday to Friday, 07.30 hrs to 14.00 hrs Saturday with no working on Sundays and Bank Holidays.
8. Submission of details of any piling to be undertaken.

136      **09/0819N - LAND ADJACENT PINNACLE FARM, COOLE LANE, NEWHALL, NANTWICH: CHANGE OF USE FROM AGRICULTURE TO FISH-REARING AND ANGLING CENTRE AND FORMATION OF PONDS AND LAKES, ERECTION OF BUILDINGS (INCLUDING TEMPORARY DWELLING) AND PROVISION OF ACCESS AND PARKING FOR THE REILLY AND SEIPP PARTNERSHIP**

Note: Councillor Margaret Hollins (the Ward Councillor), Mr Gary Waudby (objector) and Mr Brian Reilly (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, and additional representations from local residents which were summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be APPROVED subject to the following conditions:

1. Standard
2. Materials of the temporary dwelling and office to be submitted and approved in writing
3. Materials of the hatchery building to be submitted and approved in writing.
4. Materials of the polytunnels to be submitted and approved in writing.
5. Materials of the toilet block to be submitted and approved in writing
6. Surfacing materials to be submitted and approved in writing
7. Access to be a width of 5.5m for the first 15m from Coole Lane with 10m radius
8. Visibility splays of 2.4m x 120m to be provided and retained prior to the temporary dwelling is first being occupied
9. Prior to the commencement of development a scheme of passing places along the access shall be submitted and approved. The approved details shall be implemented in accordance with a time table to be submitted and approved
10. Setting back of gates 10.5m from Coole Lane and gates to open inwards only
11. Width of access to be 3m wide apart from first 15m which shall be constructed in accordance with Condition 4
12. Landscaping scheme to include all new woodland planting and wildflower areas outside the application site and reed beds, watercourse, settlement tanks, ponds and other planting
13. Landscape implementation to be carried out in accordance with a timetable to be submitted and agreed

14. Design of overflow channel screening to be submitted and approved in writing
15. Details of any lighting to be submitted and approved in writing
16. Any ancillary mounted equipment in connection with the temporary dwelling, fish rearing pools and hatchery building shall be acoustically attenuated in accordance with a scheme to be submitted and approved
17. The location of mobile mechanical plant shall not be audible at the façade of the nearest noise sensitive premises
18. Temporary dwelling and business facility (3 years only)
19. Occupation of dwelling restricted to the fishing and angling centre use of the site
20. Removal of PD for extensions/alterations for temporary dwelling
21. Phasing plan for the development to be submitted and approved in writing
22. Final site levels to be submitted and agreed in writing
23. Biodiversity management plan to be submitted and approved in writing
24. Drainage details to be submitted and approved in writing
25. Storage and disposal of waste details to be submitted and approved in writing
26. A scheme of bird nesting boxes and bat boxes to be submitted and approved and provided
27. The development to be subject to a Green travel plan which shall be submitted and approved in writing
28. Details of covered cycle parking to be submitted and approved and to be provided prior to lakes becoming open to fishing
29. Development to be carried out in accordance with the approved plans

137      **09/3724N - HIGH ASH FARM, CAPPERS LANE, BRINDLEY, NANTWICH: OUTLINE APPLICATION FOR NEW AGRICULTURAL MACHINERY SHED, NEW SLURRY HOLDING TANK, NEW ORGANIC CALF-REARING SHED, NEW MILKING PARLOUR AND STANDING STOCK SHED, NEW GRAIN TOWERS AND GRAIN DRYER FOR HIGH ASH LIMITED**

The Committee considered a report regarding the above planning application, and updates from ESU Ecology and Landscape which were summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be approved subject to the following conditions:

- 1-3      Standard Outline
- 4        Removal of buildings identified on plan
- 5        Landscaping scheme to be submitted
- 6        Landscaping scheme to be implemented

- 7 Diversion of public footpath to be submitted to, agreed and implemented prior to commencement of development
- 8 Materials and finish to be submitted
- 9 Details of grading of Buildings A and B into bank
- 10 Scheme to be submitted/approved to secure/incorporate features within the proposed buildings suitable for roosting bats.
11. Footpath diversion to be agreed prior to commencement unless otherwise agreed in writing.

138 **09/3905N - FOOTWAY TO QUEEN'S PARK, CREWE:  
APPLICATION FOR A NEW GREENWAY FROM WISTASTON GREEN  
ROAD TO QUEEN'S PARK, CREWE INCLUDING A 3-METRE WIDE  
SURFACED PATH TOGETHER WITH ASSOCIATED ENGINEERING  
AND LANDSCAPING WORKS FOR CHESHIRE EAST COUNCIL**

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

The Committee considered a report regarding the above planning application and an update from Sport England which was summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be APPROVED subject to the following conditions:

- 1 Standard
- 2 Plans
- 3 Tree protection
- 4 Work to stop if protected species found
- 5 Notwithstanding the details on the approved plan, no development shall take place on King George V playing fields unless and until a scheme showing the re-siting of the football pitch and the proposed cycle route, together with appropriate drainage where necessary has been submitted and approved in writing by the LPA. The scheme shall be implemented in accordance with an agreed timescale.

139 **09/4145N - CALVELEY GREEN FARM, CHOLMONDESTON  
ROAD, CALVELEY, TARPORLEY: ERECTION OF A GAIA 133 11KW  
WIND TURBINE ON AN 18M TOWER FOR MRS K M DALEY**

Note: Mr Tony Carver, Natural Energy (in support of the application) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, and updates from the Parish Council and ESU Ecology which were summarised by the Southern Area Manager – Development Management.

RESOLVED –

That the application be APPROVED subject to the following conditions:

1. Standard
2. Approved drawings
3. Removal when no-longer required for electricity generation purposes

140      **09/4195C - 3 HIGH STREET, CONGLETON: CHANGE OF USE OF GROUND FLOOR FROM RETAIL (A1) TO AN ADULT GAMING CENTRE (SUI GENERIS) AND ERECTION OF A DISCREET CCTV FACILITY**

Note: Mrs Susan Hughes (Ads-Plan Ltd – agents 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. Standard time limit
  2. Compliance with the approved plans
  3. Hours of operation limited to 10.00 to 21.00 Monday to Saturday and 11.00 to 20.00 on Sundays and Bank Holidays
  4. Submission of a scheme for the enclosure of any acoustic fans
- Informative: Internal CCTV should also be provided.

141      **WYCHE LANE, BUNBURY**

Notes: (1) Having declared a personal and prejudicial interest in this item, Councillor B H Dykes withdrew from the meeting prior to consideration of the item. Councillor G Merry assumed the Chair for the item.

(2) Mr Parker, Bunbury Parish Councillor, attended the meeting and addressed the Committee on this matter.

The Committee considered a report which sought approval for a proposed variation to the Section 106 Agreement attached to planning permission P07/0867 for 10 affordable houses at Wyche Lane, Bunbury for Muir Group Housing, approved by the former Crewe and Nantwich Borough Council.

RESOLVED:

That the Borough Solicitor be instructed to prepare a Deed of Variation in respect of the Section 106 Agreement attached to planning permission P07/0867 to modify the mix of tenure on the site from seven affordable



rented units and three shared ownership units to provide for all affordable rented units.

The meeting commenced at 2.00 pm and concluded at 5.45 pm

Councillor B Dykes (Chairman)