

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 16th March, 2011 at Lecture Theatre, Crewe Library,
Prince Albert Street, Crewe, Cheshire CW1 2DH

PRESENT

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

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors G Baxendale, R Fletcher, A Moran, M Simon and D Topping

OFFICERS PRESENT

Rosamund Ellison (Principal Planning Officer)
Nicky Folan (Solicitor)
David Malcolm (Southern Area Manager - Development Management)

Apologies

Councillors S Furlong, E Howell, J Jones and S McGrory

174 DECLARATIONS OF INTEREST

Councillor A Kolker declared that in being a member of Mill Lane Action Group he had expressed an opinion and therefore fettered his discretion with respect to application number 11/0474C. Councillor Kolker exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Councillor R Walker declared a personal and prejudicial interest in respect of application numbers 10/4955N and 10/4597N on the grounds that he knew the applicant and one of the objectors. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of these items.

Councillor S Jones declared a personal interest in respect of application number 11/0217C 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 A Moran, who was in attendance at the meeting, declared a personal interest in respect of application numbers 10/4955N and

10/4597N on the grounds that he was a member of Nantwich Town 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 G Baxendale, who was in attendance at the meeting, declared a personal interest in respect of application number 11/0431C on the grounds that he was a member of Congleton Town 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 R Westwood declared a personal interest in respect of application number 10/5008N on the grounds that he was a member of Wistaston 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.

All Members of the Committee declared that they had received correspondence regarding application number 09/2358C.

With respect to application number 09/2358C, Councillor G Merry declared that she had received a telephone call from the applicant but that she had not expressed an opinion.

With respect to application number 09/2358C, Councillor L Gilbert declared that, as Ward Councillor, he had corresponded with the applicant about the way in which the application had been dealt with, but that he had not expressed an opinion.

Councillor G Merry declared a personal interest in respect of application number 10/2384C and agenda item number 16 (Elworth Hall Farm, Dean Close, Elworth) on the grounds that she was a member of Sandbach Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, she remained in the meeting during consideration of these items.

Councillor B Dykes declared a personal and prejudicial interest in respect of agenda item 15 (Section 106 Agreement for New Scout Hut on Land at Bunbury Playing Fields, Bunbury) on the grounds that he had been involved with the application. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

175 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 23 February 2011 be approved as a correct record and signed by the Chairman.

176 09/2358C - THIMSWARRA FARM, DRAGONS LANE, MOSTON, SANDBACH, CHESHIRE, CW11 3QB: RETROSPECTIVE APPLICATION FOR CHANGE OF USE FROM AGRICULTURAL LAND TO A SITE FOR A MOBILE HOME FOR OCCUPATION BY AN ENGLISH TRAVELLER WHO HAS CEASED TO TRAVEL DUE TO ILL HEALTH AND LONG STANDING DISABILITY FOR MR A D ARROWSMITH

Note: Mrs S Wright (objector) and Mr A D Arrowsmith (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 REFUSED for the following reasons:

1. The Local Planning Authority does not accept that the occupier of the caravans qualifies as a Gypsy or Traveller as defined in Circular 01/2006 or that he is engaged in full-time in agriculture, forestry or other business appropriate to the locality and that it is necessary for him to reside in this location. The use of the land for the stationing of residential caravans is therefore contrary to policies PS8 (Open Countryside), H6 (Residential Development in the Open Countryside and the Greenbelt) and H7 (Residential Caravans and Mobile Homes) of the adopted Congleton Borough Local Plan First Review 2005.
2. The site which includes a static mobile home, a touring caravan, a shipping container, solar panels and boundary fencing etc is clearly visible from Dragons Lane and Plant Lane and the Local Planning Authority considers that the proposal due to its inappropriateness causes inherent harm to the visual appearance and character of this part of the open countryside. To allow the development would be contrary to policies GR1 (General Criteria), GR2 (Design) and PS8 (Open Countryside) of the adopted Congleton Borough Local Plan First Review 2005 and advice advocated in PPS1: Delivering Sustainable Development and PPS7: Sustainable Development in Rural Areas.

177 10/4955N - 58 SOUTH CROFTS, NANTWICH, CW5 5SG: DEMOLITION OF EXISTING SEMI-DETACHED PROPERTY AND ERECTION OF REPLACEMENT DWELLING FOR MR & MRS K NORD

Note: Having declared a personal and prejudicial interest in this application, Councillor R Walker withdrew from the meeting during consideration of this item.

Note: Councillor A Moran (Ward Councillor), Ms S Perris and Mr E Wood (objectors), and Mr K Nord (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

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

1. Standard Time Limit
2. Plans
3. Materials
4. Drainage
5. Surfacing Materials
6. Boundary Treatment
7. Remove PD Rights
8. Car Parking
9. Landscaping Submitted
10. Landscaping Implemented
11. Obscure Glazing First Floor Window Side Elevations Facing no's 57 and 59 South Crofts
12. All proposed doors/windows to be fabricated out of timber and set behind a minimum 55mm reveal
13. No Removal of the Tree T.2
14. Conservation Area Style Rooflights
15. Hours of Construction
16. Tree Retention
17. Tree Protection Measures
18. Construction Specification/Method Statement
19. Retention of Brick Boundary Wall

178 **10/4597N - 58 SOUTH CROFTS, NANTWICH, CW5 5SG:
CONSERVATION AREA CONSENT FOR DEMOLITION OF EXISTING
PROPERTY AND ERECTION OF REPLACEMENT DWELLING FOR MR
& MRS K NORD**

Note: Having declared a personal and prejudicial interest in this application, Councillor R Walker withdrew from the meeting during consideration of this item.

Note: Ms S Perris (objector) and Mr K Nord (applicant) attended the meeting and addressed the Committee on this matter.

Note: Councillor A Moran (Ward Councillor) and Mr E Wood (objector) had registered their 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 application be APPROVED subject to the following conditions:

1. Standard Time Limit
2. Plans
3. The dwelling shall not be demolished before a contract for the carrying out of the works for the construction of the new dwelling approved under application ref: 10/4955N has been made in accordance with the proposals which have received planning permission. The Local Planning Authority shall be advised as to the completion of such a contract prior to any demolition taking place. The written approval of the phasing and timing of works involved shall be secured before any part of the demolition hereby approved first commences. All works shall then be carried out in accordance with the approved timetable, unless otherwise agreed in writing by the Local Planning Authority.
4. Hours of demolition: 07:30 – 18:00 Mon – Fri, 07:30 – 14:00 Sat.

179 **11/0217C - LAND ADJACENT 6 HEATH END ROAD, ALSAGER:
RESIDENTIAL PROPOSAL FOR A SINGLE DETACHED DWELLING
FOR MR A GIRVIN**

Note: Councillor R Fletcher (Ward Councillor), Mr C Gibson (objector) and Mr A Girvin (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, an oral report of the site inspection and an oral update by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to the prior completion and signing of a Section 106 agreement to:

- (1) control the future management of the adjacent ecological area
- (2) provide for appropriate Great Crested Newt mitigation works to be in place before any tree works or site activities commence

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 of a Phase 1 land contamination survey
5. Limits on hours of construction
6. Limits on hours of piling
7. Submission of detailed landscaping scheme
8. Implementation of landscaping scheme
9. Submission and implementation of tree protection scheme

10. Compliance with the Method Statement for Protection of Tree During Development
11. Submission and implementation of surveys and mitigation methods for the protection of breeding birds
12. Submission and implementation of details of bat and bird boxes
13. Compliance with the Great Crested Newt Mitigation Strategy
14. Removal of permitted development rights for alterations to the roof
15. Compliance with the details of road construction shown on plan 3717.04 and submission of an updated Arboricultural Method Statement.
16. Compliance with the routing of services as shown on plan 3717.05.
17. Submission of details of tree protection fencing.
18. Compliance with the recommended actions required for mitigation in the Phase 1 Habitat and Ecological Survey Report 2010.

180 **10/2384C - LAND ADJACENT NEWCASTLE ROAD, BRERETON, CHESHIRE: CHANGE OF USE OF LAND TO MIXED EQUESTRIAN/AGRICULTURAL INCLUDING FORMATION OF A PRIVATE HORSE BREEDING AND TRAINING FACILITY TO COMPRISE STABLING, STORAGE AND INDOOR AND OUTDOOR EXERCISE ARENAS FOR MR DAVENPORT**

Note: Mr C Britton (Agent 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 update by the Principal Planning Officer.

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

1. Standard Time
2. Approved Plans
3. Materials to be submitted
4. Landscape scheme – hard and soft
5. Landscape Implementation
6. Details of manure store
7. Hours of construction - 08:00 to 18:00 hours Monday to Friday, 09:00 to 14:00 hours Saturday, with no working Sundays or Bank Holidays
8. No lighting
9. Private use only
10. Construction of access prior to first use
11. Protection of breeding birds.
12. Implementation of specific recommendations made in the ecological reports.
13. No Gymkhanas / public events
14. Removal of buildings and manege within six months of the date when they cease to be used for equine purposes
15. Remove rights for the siting of containers on the application site
16. Limit the number of horse transporters parked on the site to five

181 **10/5008N - FORMER SURGERY & PHARMACY, 501 CREWE ROAD, WISTASTON, CREWE, CW2 6QP: CHANGE OF USE FROM FORMER GP SURGERY AND PHARMACY TO CHINESE RESTAURANT AND TAKE-AWAY FOR MR WAH LAU**

Note: Prior to consideration of this application, the meeting was adjourned from 3.55 to 4.00pm for a short break.

Note: Councillor M Simon (Ward Councillor), Councillor J Hatfield (on behalf of Wistaston Parish Council), Mrs T Charlesworth (on behalf of Wells Green Methodist Church) and Mr C Burrows (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr A Fennell (objector) had registered his intention to address the Committee on this matter but did not speak.

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

RESOLVED – That the application be DEFERRED for the following reasons:

1. To enable Members to undertake a Committee site inspection, with a highway engineer present, so that they can assess the impact of the proposed development on neighbouring amenity.
2. To enable officers to request the Highway Engineer to visit the site and reconsider his response to the amended plan, particularly with regard to the entrance and exit design.
3. To enable officers to re-consult on the latest plan.

182 **11/0415C - CONGLETON CRICKET CLUB, BOOTH STREET, CONGLETON, CW12 4DG: JOINT OPERATOR MONOPOLE TYPE TOWER SUPPORTING 6NO. ANTENNAS AND ASSOCIATED HEAD FRAME (TOTAL HEIGHT 17.6M), 1NO. EQUIPMENT CABINET, 1NO. METER CABINET AND ALL ANCILLARY DEVELOPMENT FOR O2 AND VODAFONE C/O WFS TELECOM**

Note: Councillor D Topping (Ward Councillor) and Mr S Andow (objector) attended the meeting and addressed the Committee on this matter.

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

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

1. The Local Planning Authority considers that the proposed development by reason of its height, siting, design and appearance would create an alien and intrusive feature within the Congleton

Conservation Area and would create an intrusive element within the views and vistas of the conservation area. The mast would be in a prominent location within a predominantly residential area and would represent a visually incongruous insertion that would harm the character and appearance of the area. The proposal is therefore contrary to Policies GR2, Design and BH9, Conservation Areas of the Congleton Borough Local Plan First Review 2005.

2. The Local Planning Authority considers that there is a lack of evidence to demonstrate beyond doubt that alternative sites have been fully explored. The proposal therefore falls short of the requirements set out in Policy E19: Telecommunications and Supplementary Planning Guidance Note 9: Telecommunications of the Congleton Borough Local Plan First Review 2005 and the National Planning Policy Guidance 8 (Telecommunications).

183 **11/0431C - GRASS VERGE ADJACENT ENTRANCE TO BERKSHIRE DRIVE, ROOD HILL, CONGLETON CHESHIRE: 19.8M HIGH JOINT OPERATOR STREET FURNITURE TYPE TELECOMMUNICATION TOWER, 1NO EQUIPMENT CABINET, 1NO METER CABINET AND ALL ANCILLARY DEVELOPMENT FOR O2 AND VODAFONE**

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

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

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

The proposed development by reasoning of its height in this prominent location within a largely residential area would represent a visually incongruous insertion that would adversely affect the visual amenity of the area of the area. The proposal is therefore contrary to Policies E19 and GR2 of the Congleton Borough Local Plan 2011 First Review 2005.

184 **11/0495N - WYCHWOOD PARK HOTEL, WYCHWOOD PARK, WESTON: EXTENSION TO TIME LIMIT ON APPLICATION P08/0497 FOR CHESHIRE EAST COUNCIL**

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

Note: Mr N Lloyd (agent on behalf of the applicant) had registered his intention to address the Committee on this matter but did not speak.

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

RESOLVED – That the Head of Planning and Housing be granted delegated authority to consider any consultation responses and representations received by 16 March and subject to no new material changes in circumstances being presented, the application be APPROVED. In the event that material changes in circumstances are identified, then the application to be referred back to the Committee.

Approval to be subject to the following conditions:

1. Standard
2. Plans as per permission P08/0497.
3. Materials as specified in the original application unless otherwise agreed in writing.
4. Landscaping scheme to be submitted and approved. To include planting between the houses in Delves Keep and new development and to soften the impact of development when entering Wychwood Park.
5. Landscaping to be implemented.
6. Surface materials to be submitted, approved and implemented.
7. Car parking to be provided as per P08/0497.
8. Provision of cycle parking.
9. Final Travel Plan to be submitted.
10. New cycle pedestrian link to be formed between the golf club house and the leisure complex.
11. Lighting scheme to be submitted, approved and implemented.
12. Construction traffic routing to avoid residential hamlets.
13. No construction traffic to pass through the village of Weston as per letter from Galliford Try dated 6th August 2007.
14. Hours of construction 08:00-18:00 hours weekdays and 08:30 hours to 13:00 hours on Saturdays with no working on Sundays and Bank Holidays.
15. Details of air conditioning units at the development and the golf club house to be submitted, approved and implemented.
16. Noise insulation scheme to be submitted, approved and implemented.
17. While music is played in the function suite, windows and doors to be kept closed.
18. Details of hoardings to be provided to screen the construction to be submitted, approved and implemented.
19. Wheel cleaning, road sweeping and spraying to be operated throughout construction in accordance with details agreed in letter dated 6th August 2007.
20. Development not to exceed 165 bedrooms in total, not more than 770 sq m floor space of leisure facilities and not more than 2077 sq m of conference/ training facilities, unless varied by submission of further planning application.
21. Surface water drainage scheme for mound to be submitted, approved and implemented.
22. Surface water run off from car park to be passed through oil interceptors.

185 11/0474C - BARNSHAW BANK FARM, MILL LANE, GOOSTREY, CW4 8PW: CONVERSION OF EXISTING AGRICULTURAL BUILDING TO FORM 2NO PRIVATE DWELLINGS FOR MR J ASHBROOK

Note: Having declared his membership of Mill Lane Action Group, Councillor A Kolker exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Note: Councillor M Nicholls (on behalf of Goostrey Parish Council), Mr J Phillips (on behalf of Mill Lane Action Group) and Mr J Ashall (Agent 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 a written update.

RESOLVED – That the application be DEFERRED for the following reasons:

1. To enable Members to undertake a Committee site inspection, so that they can assess the impact of the proposed development on neighbouring amenity.
2. To enable officers to consider additional information which had recently been received.

186 REPORT IN RELATION TO SECTION 106 AGREEMENT FOR NEW SCOUT HUT ON LAND AT BUNBURY PLAYING FIELDS, BUNBURY

Note: Having declared a personal and prejudicial interest in this matter, Councillor B Dykes withdrew from the meeting during consideration of this item.

The Committee considered a report regarding a request to alter the 'The Tree Planting Scheme' in the Section 106 Agreement for the new Scout Hut at Bunbury Playing Fields Bunbury, which was the subject of planning application P08/0167.

RESOLVED – That the terms of the Section 106 Agreement relating to Bunbury Playing Fields be varied to allow the trees to be provided along the eastern boundary of the playing fields, rather than adjacent to the southern boundary.

187 ELWORTH HALL FARM, DEAN CLOSE, ELWORTH

The Committee considered a report regarding planning application 10/2006C for the redevelopment of Elworth Hall Farm at Sandbach, which had been refused for two reasons, including one relating to contaminated

land issues, at a meeting of the Southern Planning Committee on 24 November 2010.

At the same meeting, the Committee had resolved to grant delegated powers to the Head of Planning and Housing to approve an alternative scheme (10/1765C) for the redevelopment of the site, subject to the satisfactory conclusion of negotiations in respect of the contaminated land issue, and the Council's Environmental Health officers withdrawing their objection to the scheme. Planning permission had now been granted for application 10/1765C, subject to appropriate conditions, including those relating to mitigation of the contaminated land impact. The contaminated land issues in respect of the refused application 10/2006C had therefore also been resolved.

RESOLVED – That the second reason for refusal in respect of contaminated land be withdrawn and that the Head of Planning and Housing be instructed not to contest the issue at the forthcoming public inquiry.

The meeting commenced at 2.00 pm and concluded at 5.15 pm

Councillor G Merry (Chairman)