

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 1st May, 2013 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)
Councillor M J Weatherill (Vice-Chairman)

Councillors Rhoda Bailey, D Bebbington, P Butterill, R Cartlidge, J Clowes,
W S Davies, P Groves, A Kolker, D Marren, S McGrory and A Thwaite

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors I Faseyi and S Jones

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer - Highways)
Ben Haywood (Principal Planning Officer)
Rachel Goddard (Senior Lawyer)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Minute No. 187 Only:

Gary Newsome (Assistant Arboricultural Officer)
Ian Dale (Heritage and Design Manager)

Apologies

Councillors M A Martin and D Newton

173 DECLARATIONS OF INTEREST

The following declarations were made in the interests of openness:

Councillor S Davies declared that in calling-in application number 12/2276N he had expressed an opinion and had therefore fettered his discretion. Councillor Davies exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

With regard to application number 13/0992N, Councillor P Butterill declared that she was a member of Nantwich Town Council, which had been consulted on the proposed developments, and a member of Nantwich Civic Society. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

With regard to application number 13/1097N, Councillor S Davies declared that he knew one of the objectors but did not know him well and had not seen him since a previous application for this site had been considered by the Committee. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

With regard to application number 13/0535C, Councillor Rhoda Bailey declared that she had been contacted by two objectors and a member of Church Lawton Parish Council but had not been involved in any discussions and had kept an open mind.

With regard to application number 13/0765C, Councillor G Merry declared that the site was in her Ward, but that she had kept an open mind.

All Members of the Committee declared that they had received correspondence regarding application number 13/0535C.

With regard to application numbers 13/1327C and 13/1331C, Councillor S Jones, who was in attendance at the meeting, declared that she was a member of Alsager Town Council and that she had submitted the applications on its behalf.

174 **MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 10 April 2013 be approved as a correct record and signed by the Chairman.

175 **13/1327C ALSAGER CIVIC CENTRE, LAWTON ROAD, ALSAGER, STOKE ON TRENT ST7 2AE: REMOVAL OF EXISTING CONCRETE CANOPY AND ERECTION OF NEW STEEL & GLASS CANOPY TO FRONT OF BUILDING . BUILDING OF NEW REAR DOORS & TIMBER SCREEN TO REAR OF BUILDING TO INCREASE SPACE OF STORE ROOM. REMOVAL OF EXISTING FRONT DOORS & GATES REPLACING WITH GLASS AUTOMATIC SLIDING DOORS FOR CLLR S JONES, ALSAGER TOWN COUNCIL**

Note: Councillor S Jones (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 Southern Area Manager – Development Management.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time limit
2. Development in accordance with the approved plans
3. Materials in accordance with the submitted details

176 **13/1331C ALSAGER CIVIC CENTRE, LAWTON ROAD, ALSAGER ST7 2AE: ADVERTISEMENT CONSENT FOR 4 FASCIA SIGNS, 4 ILLUMINATED POSTER CASES AND 3 OCCASIONAL BANNERS FOR CLLR S JONES, ALSAGER TOWN COUNCIL**

Note: Councillor S Jones (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. All advertisements displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
2. Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not impair the visual amenity of the site.
3. Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.
4. No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
5. No advertisement shall be sited or displayed so as to;
 - a) Endanger persons using any highway, railway, waterway, or aerodrome (civil or military);
 - b) Obscure, or hinder the ready interpretation of, any traffic sign, railway signal or to aid navigation by water or air; or
 - c) Hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
6. Development shall be carried out in accordance with the approved plans.

177 **13/0823N RED ACRES, WINDMILL LANE, BUERTON CW3 0DE: RE-SUBMISSION OF AN APPLICATION FOR 9 AFFORDABLE HOUSES FOR HOUSING ASSOCIATION WITHIN THE GREEN BELT UNDER RURAL EXCEPTIONS POLICY FOR MARKDEN CITY HOMES LTD**

Note: Mr S Baddley (objector) and Mr M Ellis (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, a written update, an oral report of the site inspection and an oral update by the Southern Area Manager – Development Management which confirmed that the application had been referred to the Southern Planning Committee due to the sensitive nature of the application.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (a) the satisfactory completion of a Unilateral Undertaking/Planning Obligation to secure:
 - 9no. Affordable Dwellings
 - £2,000 contribution to used to implement barn owl conservation work in the Borough
 - £4,000 contribution to 30mph speed limit
 - cascading to include adjacent Parishes
- (b) consideration of contributions to Public Open Space and additional discussions regarding the 4 bed bungalow
- (c) the following conditions:
 1. Commence development within 3 years
 2. Development in accordance with approved plans
 3. Submission of details/samples of external materials
 4. Submission of a scheme of landscaping of the site including the retention of the hedgerow to the north and west boundary of the site
 5. Implementation of approved landscaping scheme
 6. Submission and implementation of details of boundary treatments
 7. Submission and implementation of a tree protection scheme
 8. Submission and implementation of an arboricultural method statement
 9. Removal of permitted development rights for extensions, roof alterations and outbuildings
 10. Limit on hours of construction
 11. Limit on hours of piling
 12. Lighting details submitted, approved and implemented
 13. Submission of Phase 2 Contaminated Land Survey
 14. Protection for breeding birds
 15. Surveys for Environment Agency
 16. Nature Conservation Enhancement
 17. Construction Management Plan
 18. Submission of detailed drainage scheme
 19. Obscure glazing to side of bungalow (facing Windmill Close)

178 **12/2276N THE SPINNEY, WIRSWALL ROAD, WIRSWALL SY13 4LB:
REPLACMENT AGRICULTURAL BUILDING FOR MR MIKE MERRILL,
SWANLEY MOWERS**

Note: Having exercised his separate speaking rights as a Ward Councillor, Councillor S Davies withdrew from the meeting during consideration of this item.

Note: Mr S Whitehead (objector) and Mr M Merrill (applicant) 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 an oral update by the Southern Area Manager – Development Management.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard
2. Construction details to be submitted for agreement.
3. Removal of the building when it ceases to be needed for agricultural purposes.
4. Drainage
5. Approved plans
6. Provision of bat and bird boxes in accordance with survey.

179 **12/4319N BENTLEY MOTORS LTD, PYMS LANE, CREWE, CHESHIRE
CW1 3PL: ERECTION OF A TWO STOREY TEMPORARY OFFICE
ACCOMMODATION WITH LINKS TO AN EXISTING BUILDING TO
ACCOMMODATE EXISTING STAFF RELOCATED ON SITE FOR MR
ANDREW ROBERTSON**

The Committee considered a report regarding the above planning application.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to:

- (a) the satisfactory completion of a Unilateral Undertaking/Planning Obligation to secure pedestrian crossing(s), following further discussions between the Development Management and Building Control Manager and the Highways Manager.
- (b) the following conditions:
 1. 5 year temporary consent and area restored thereafter
 2. Development to be carried out in accordance with approved plans
 3. Materials / colours to be submitted
 4. Hours of construction limited
 5. Hours of piling limited
 6. Acoustic Enclosure of any Fans / Compressors to be submitted

Note: Following consideration of this application, the meeting was adjourned for ten minutes for a break.

- 180 **12/4533N LAND NEXT TO ACTON CHURCH OF ENGLAND PRIMARY SCHOOL, CHESTER ROAD, ACTON, CHESHIRE CW5 8LG: 14 HOUSES FOR AFFORDABLE RENT, COMPRISING FOUR TWO BEDROOM/FOUR PERSON HOUSES, NINE THREE BEDROOM/FIVE PERSON HOUSES AND ONE FOUR BEDROOM/SIX PERSON HOUSE. THE PROPOSALS ALSO COMPRISE THE ENLARGEMENT AND IMPROVEMENT OF THE ADJACENT SCHOOL CAR PARK FOR MR PHILIP PALMER, MULBURY HOMES LTD**

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

- 181 **13/0535C CHERRY LANE FARM, CHERRY LANE, CHURCH LAWTON, CHESHIRE ST7 3QX: DEMOLITION OF EXISTING BARN AND CONSTRUCTION OF FOUR NEW RESIDENTIAL DWELLINGS FOR MR & MRS DAVID LEECH**

Note: Councillor D Marren left the meeting prior to consideration of this application.

Note: Councillor B Adams (on behalf of Church Lawton Parish Council), Mrs B Barber and Mr J Ashall (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, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time Limit
2. Approved Plans
3. Submission of Materials
4. Contaminated Land Investigation
5. Tree Protection Measures
6. Submission of detailed Construction Specification/Method Statement
7. Submission of full details of both hard and soft landscape works
8. Implementation of the approved landscaping plan
9. Submission of boundary treatment
10. The hours of construction (and associated deliveries to the site) restricted to 0800 to 1800 hours on Monday to Friday, 0800 to 1400 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
11. Submission of details of the method, timing and duration of any pile driving operations
12. Submission of breeding bird survey
13. Removal of permitted development rights Classes A< B< C< D and E of Part 1 Schedule 2
14. Prior to the commencement of development all the existing buildings and hardstanding within the application site and the land edged blue

on the location plan submitted with the application shall be demolished and all materials used in their construction shall be removed from the site. The land edged blue shall then be restored to a paddock in accordance with details to be submitted and shall not be used at any time as domestic curtilage.

15. Prior to the first commencement of development the existing business on site shall be relocated to an alternative site within the Borough of Cheshire East.
16. Submission of full details of the drainage system

182 **13/1097N LAND ON NEWTOWN ROAD, SOUND: THE ERECTION OF A DETACHED PROPERTY, DOUBLE GARAGE AND ASSOCIATED ACCESS PROVISION FOR PAUL BRADBURY**

Note: Dr P Griffiths (on behalf of Sound & District Parish Council), Mr D Lowe (on behalf of a local representative group), Mrs R High (objector) and Mr P Bradbury (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 update by the Principal Planning Officer confirming the increase in the depth of the dwelling to be 0.675m.

The meeting was adjourned for two minutes during the debate to enable officers to confirm the increase in size of the garage, during which no Members left the room.

RESOLVED – That, contrary to the planning officer's recommendation for approval, the application be REFUSED for the following reasons:

1. The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would create an overbearing feature within the streetscene, contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and the design advice within the NPPF.
2. The increase in the dimensions of the proposed dwelling and its re-location closer to existing properties would have an adverse impact upon the amenity and living conditions of neighbouring occupiers in particular Corner Cottage, contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Adopted Replacement Local Plan 2011 and paragraph 17 of the NPPF.

183 **13/0673N OVERWATER MARINA, COOLE LANE, NEWHALL,
CHESHIRE CW5 8AY: VARIATION OF CONDITION 22 ON APPROCAL
P08/1239 RELATING TO THE USE OF THE CAFE/SHOP FOR JANET
MAUGHAN**

Note: Councillor P Groves left the meeting prior to consideration of this application.

The Committee considered a report regarding the above planning application.

RESOLVED – That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Approved plans
2. Maintenance of landscaping approved under condition 5 of P08/1239
3. No Boats moored at the marina shall be used as the main or only dwelling for any persons
4. Workshop for repairs/servicing /maintenance only for boats based at the marina or those arriving by water only
5. No outside storage, excluding storage of boats awaiting repair,
6. Hours of operation for workshop 08.00 until 18.00 Mondays to Saturdays with no working on Sundays and Bank Holidays
7. The café in facilities building shall be limited to the area shown on drawing number 6039/2/P/101 rev C and shall be restricted to Use Class A3 only, with no permitted changes usually allowed under the Use Classes Order. The building shall not be extended in any way without prior submission and approval of a separate planning application.
8. Shop and Chandlery to be limited to sale of food items and goods required by boaters and not general retail
9. Withdraw permitted development rights for statutory undertakers
10. All workshop repairs, servicing, cleaning/painting of hulls and maintenance shall take place inside the building with doors closed.
11. No hire boats available from the marina without the prior submission and approval of a planning application

184 **13/0765C OLD FODEN WORKS, TRAINING CENTRE, HILL STREET,
SANDBACH, CHESHIRE CW11 3JE: EXTENSION TO TIME LIMIT OF
OUTLINE PLANNING APPLICATION 09/3337C FOR DEMOLITION OF
EXISTING INDUSTRIAL UNIT, CLEARANCE OF SITE AND
REDEVELOPMENT BY THE ERECTION OF RESIDENTIAL UNITS FOR
CIC: COMMUNITY INTEGRATED CARE**

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

The Committee considered a report regarding the above planning application.

RESOLVED – That authority be DELEGATED to the Development Management and Building Control Manager in consultation with the Chairman to approve the application for the reasons set out in the report, subject to confirmation whether a Deed of Variation to a Section 106 Agreement was required and the following conditions:

1. Reserved to be submitted
2. Time limit for Submission of Reserved Matters
3. Standard time limit for implementation
4. Contaminated Land Investigations to be carried out

185 **13/0992N LAND OFF ST ANNES LANE, NANTWICH: VARIATION OF CONDITIONS (PLANS) ON APPLICATION 12/1989N - RESIDENTIAL DEVELOPMENT COMPRISING 24 DWELLINGS INCLUDING ACCESS, PARKING, LANDSCAPING AND ASSOCIATED WORKS FOR P. E. JONES (CONTRACTORS) LTD**

Note: Councillor S Davies left the meeting prior to consideration of this item.

The Committee considered a report regarding the above planning application.

RESOLVED

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions and the satisfactory completion of a deed of variation of the S106 Agreement for 12/1989N:
1. Standard time – 3 years
 2. Materials to be submitted to the LPA and approved in writing
 3. Submission of an amended landscaping scheme to be approved in writing by the LPA
 4. Implementation of the approved landscaping scheme
 5. Any tree/hedge removal/pruning to be implemented in accordance with the tree survey schedule CE/6624-SS1
 6. Boundary treatment details to be submitted to the LPA and approved in writing
 7. Remove PD Rights for extensions and alterations to the approved dwellings
 8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.
 9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
 10. Drainage scheme to be submitted and approved in writing
 11. Development to be carried out in accordance with noise mitigation report

12. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
 13. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
 14. Phase II Contaminated land report to be submitted to and approved in writing by the LPA
 15. Completion of the proposed off-site highway works
 16. Windows, doors and gutter details to be approved in writing
 17. All bathroom and en-suite windows to be obscure glazed and non opening
 18. Programme of archaeological mitigation in accordance with a written scheme of investigation submitted to and approved in writing prior to works commencing on archeologically sensitive areas of the site.
 19. Construction method statement
 20. Approved plans (as amended)
- (b) That, in the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Development Management and Building Control Manager be granted delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

186 **PROPOSED DEED OF VARIATION TO THE SECTION 106 AGREEMENT TO ALLOW FOR A WIDENING OF THE ELIGIBILITY CRITERIA - P03/1059 - WEIR COTTAGE WARMINGHAM**

The Chairman reported that this item had been withdrawn prior to the meeting.

187 **TREE PRESERVATION ORDER AT THE OLD VICARAGE, CREWE ROAD, WINTERLEY**

Note: Mrs C Ashley (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above tree preservation order.

RESOLVED – That, for the reasons set out in the report, the Cheshire East Borough Council (Sandbach – The Old Vicarage, Crewe Road, Winterley No2) Tree Preservation Order 2013 be confirmed, subject to the following modifications being made in red on the TPO map to reflect the true positions of the trees:

The trees labelled on the original map attached to the Order referred to at Committee shall be transposed as follows:

The Beech identified as T1 on the map shall be labelled T2 and the Beech identified as T2 on the map shall be labelled T1 to accurately identify their situation as described in the TPO schedule.

The meeting commenced at 2.00 pm and concluded at 5.55 pm

Councillor G Merry (Chairman)