

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 13th July, 2011 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

Councillor G Merry (Chairman)

Councillors P Butterill, J Clowes, W S Davies, L Gilbert, A Kolker, S McGrory,  
D Marren, D Newton and M Sherratt

### **NON-COMMITTEE MEMBERS IN ATTENDANCE**

Councillors D Brickhill, S Hogben and M Simon

### **OFFICERS PRESENT**

Daniel Evans (Principal Planning Officer)

Rachel Goddard (Senior Lawyer)

Neil Jones (Principal Development Officer, Environmental Services)

David Malcolm (Southern Area Manager – Development Management)

### **Apologies**

Councillors M J Weatherill, M Jones, M A Martin, G Morris and A Thwaite

### **23 DECLARATIONS OF INTEREST**

All Members of the Committee declared that they had received correspondence regarding application number 11/0319C.

Councillor J Clowes declared that she had called in application number 11/1359N, but that the officer's report did not accurately reflect the wording which she had used on the call-in form. She had not expressed an opinion and had not fettered her discretion.

Councillor D Marren declared a personal and prejudicial interest in respect of application number 11/1782N on the grounds that he lived in the proximity of the proposed development. In accordance with the Code of Conduct, he withdrew from the meeting during consideration of this item.

Councillor S Davies declared that he had a personal and prejudicial interest in respect of application number 11/1030N on the grounds that he knew the applicant and objectors. Councillor Davies declared that he would address the Committee as Ward Councillor then withdraw from the meeting during consideration of this item, in accordance with the Code of Conduct.

Councillor S Davies declared that as a Member of the Public Rights of Way Committee he did not wish to fetter his discretion with respect to application number 11/1584N, and that he would not take part in the debate or vote during consideration of this item.

Councillor P Butterill declared a personal interest in respect of application number 11/1051N on the grounds that she was a member of Nantwich Town Council, which had been consulted on the proposed development, and she was Chairman of Nantwich Transport Group. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor G Merry declared a personal interest in respect of application number 11/0627C on the grounds that she knew the applicants. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor G Merry declared a personal interest in respect of application number 10/4373C 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 L Gilbert declared a personal interest in respect of agenda item 16 (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 D Brickhill, who was in attendance at the meeting, declared a personal interest in respect of application number 11/1782N on the grounds that he was a member of Shavington-cum-Gresty 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 S Hogben, who was in attendance at the meeting, declared a personal interest in respect of application number 11/1782N on the grounds that he was a member of Shavington-cum-Gresty 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 D Marren declared a personal interest in respect of application number 11/1051N 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.

## 24 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 22 June 2011 be approved as a correct record and signed by the Chairman.

### 25 **11/1782N 90 CREWE ROAD, SHAVINGTON CUM GRESTD, CREWE, CHESHIRE CW2 5DW: CHANGE USE OF SINGLE GARAGE INTO A SMALL DOG GROOMING SALON. NO EXTERNAL ALTERATIONS TO BE MADE. FOR MRS N KERR**

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

Note: Councillor D Brickhill (Ward Councillor), Councillor S Hogben (on behalf of Shavington-cum-Gresty Parish Council), Mrs G McIntyre (objector) and Mrs N Kerr (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 the application be APPROVED subject to the following conditions:

1. Temporary permission for 3 years
2. Approved plans
3. Hours of operations to be 9am until 6pm Mondays to Fridays and 9am until 2pm on Saturdays, not at all on Sundays or Bank Holidays
4. Details of noise attenuation to be submitted
5. Dog grooming to be restricted to detached garage only
6. Number of dogs per working day restricted to 10
7. No more than two dogs associated with the business on site at any one time
8. Dogs shall be kept within the garage at all times other than when entering and egressing from the site
9. Surfacing materials for the new driveway to be permeable

### 26 **11/0319C LAND REAR OF 33 TO 45 MILL GREEN, CONGLETON: ERECTION OF RETIREMENT LIVING HOUSING FOR THE ELDERLY (CATEGORY II TYPE ACCOMMODATION), COMMUNAL FACILITIES, LANDSCAPING AND CAR PARKING FOR MCCARTHY AND STONE RETIREMENT LIFESTYLES**

Note: Mr J Bednal (Mill Green No 2 Management Board), Mrs C Speakman (objector), Mr A Thorley (supporter) and Mr C Butt (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, a written update, an oral report of the site inspection and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That the Head of Planning and Housing be granted delegated authority to APPROVE, subject to no adverse comments being received from the Environment Agency with respect to the Sequential Test submitted by the applicant.

Approval to be subject to the prior completion of a Section 106 agreement to secure the provision of a commuted sum in lieu of affordable housing provision on site (£153,091), to be ringfenced for the Congleton town area,

and the following conditions:

1. Standard
2. Amended plans
3. Age restriction – over 55 years only
4. Submission of Materials
5. Submission of Landscaping
6. Implementation of Landscaping
7. Submission of Tree Protection
8. Implementation of Tree Protection
9. Submission of Arboricultural Method Statement
10. Provision of parking prior to occupation
11. Scheme of Drainage to be submitted and approved
12. No building over sewer
13. Submission of air quality impact assessment
14. Submission of air assessment of traffic noise and vibration
15. The hours of construction to be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
16. Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved to be approved
17. Development to proceed in accordance with the recommendations made in the submitted bats and water vole/otter reports to protect valued wildlife and the River Dane corridor.
18. A detailed method statement covering the implementation of said recommendations to be submitted to the Council for approval prior to commencement of works.

**27 11/1498C IVANHOE, HOLMES CHAPEL ROAD, BRERETON, CONGLETON, CW12 4SP: DEMOLITION OF EXISTING BUILDINGS AND REDEVELOPMENT OF THE SITE FOR 11 DWELLINGS (INCLUDING 3 AFFORDABLE UNITS) WITH ASSOCIATED LANDSCAPING AND ACCESS IMPROVEMENTS FOR CRANFORD ESTATES LTD**

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

RESOLVED – That the application be DEFERRED to enable officers to produce a comprehensive report, to include additional representations and outstanding consultee comments, for consideration at a future meeting.

**28 11/0627C SMALLWOOD STORAGE LTD, MOSS END FARM, MOSS END LANE, SMALLWOOD, SANDBACH, CW11 2XQ: DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 15 DWELLINGS AND ASSOCIATED INFRASTRUCTURE WORKS FOR SMALLWOOD STORAGE LTD**

Note: Mr S Goodwin (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 report of the site inspection.

RESOLVED – That the Head of Planning and Housing be granted delegated authority to APPROVE, subject to no objection being received from the Greenspaces Officer.

Approval to be subject to the prior completion of a Section 106 agreement to secure £239,400 towards affordable housing provision in the Congleton Rural area

and the following conditions:

1. Standard time limit
2. Reserved Matters time limit
3. Reserved Matters (scale, appearance, landscaping)
4. Plans (& Scale Parameters)
5. Materials
6. Landscaping
7. Implementation of Landscaping
8. Boundary Treatment
9. Tree Protection Measures & Arboricultural Method Statement.
10. Implementation of Tree Protection
11. Removal of Permitted Development Rights
12. Contaminated Land Condition
13. Construction of Access.
14. Provision of parking

15. Development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays. Details of piling to be submitted
16. Timing of works to avoid bird nesting season
17. Provision of bat roost
18. method statement covering mitigation for great crested newt as outlined in the supporting Phase 1 Habitats Survey Report
19. Accommodation of the public footpath.
20. Submission of scheme to limit the surface water run-off generated by the proposed development,
21. .The discharge of surface water from the proposed development to mimic that which discharges from the existing site. Attenuation will be required for discharges up to the 1% annual probability event, including allowances for climate change.
22. Provision of SUDS
23. Submission of a scheme to manage the risk of flooding from overland flow of surface water,
24. site layout is to be designed to contain any such flooding within the site,
25. Submission of a scheme to treat and remove suspended solids from surface water run-off during construction works
26. Submission of a scheme to dispose of foul drainage
27. No commencement of development until Smallwood Storage has relocated within the Borough.

**29 11/1051N LAND AT MIDDLEWICH ROAD, NANTWICH: PROVISION OF GREENWAY FROM CREWE TO NANTWICH, SECTIONS FROM WISTASTON GREEN ROAD TO A51/NANTWICH BYPASS INCLUDING A 3M WIDE SURFACED PATH TOGETHER WITH ASSOCIATED ENGINEERING AND LANDSCAPING WORKS FOR CHESHIRE EAST COUNCIL**

Note: Councillor M Simon (Ward Councillor) and Councillor G Roberts (on behalf of Wistaston Parish Council) 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 the application be **APPROVED** subject to the following conditions:

1. Commencement of Development
2. Plans
3. Details of surfacing materials to be submitted and approved
4. Scheme of Landscaping to be submitted and approved – including fencing
5. Scheme of Landscaping to be implemented

6. Details of highway safety measures/signage to be submitted and approved
7. Survey to be submitted and approved if works carried out between 1<sup>st</sup> March and 31<sup>st</sup> August
8. Road safety measures in accordance with submitted plan

**30 10/4373C TOP YARD, STATION ROAD, SANDBACH: CONSTRUCTION OF EIGHT LIGHT INDUSTRIAL UNITS FOR MR R BETTLEY**

Note: Prior to consideration of this application, the meeting was adjourned from 4.15pm to 4.25pm for a break.

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. Plan References
3. Materials
4. Surfacing Materials
5. No External Storage
6. Landscaping Submitted
7. Landscaping Implemented
8. Drainage
9. External Lighting
10. Hours of Construction
11. Use Class B1 Only
12. Hours of Operation
13. Noise Assessment
14. Pile Driving
15. Bin Storage
16. Boundary Treatment
17. Access
18. Cycle Parking
19. Car parking provision to be implemented prior to occupation of the units

**31 11/1030N 6, OAK VILLAS, NANTWICH ROAD, WRENBURY, CW5 8EL: OUTLINE APPLICATION FOR NEW DWELLING FOR MR P PROBIN**

Note: Having declared a personal and prejudicial interest in this application, Councillor S Davies addressed the Committee as Ward Councillor then withdrew from the meeting during consideration of this item.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be DEFERRED for a Committee site inspection to enable Members to assess the impact of the proposed development on neighbouring residential amenity.

**32 11/1359N 8, CHIDLOW CLOSE, HOUGH, CW2 5RE: TWO STOREY SIDE EXTENSION, GROUND FLOOR GARAGE AND UTILITY, FIRST FLOOR BED WITH ENSUITE AND THE EXISTING GARAGE TO BE CONVERTED TO PLAYROOM/STORE AND SINGLE STOREY REAR EXTENSION FOR MR E POTTS**

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

Note: Councillor G Bennion (on behalf of Hough & Chorlton Parish Council) and Mrs M Wise (objector) 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.

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

The proposed development, by virtue of its scale and massing, will have an adverse impact on the character of the area and the street scene, contrary to Policy BE.2 (Design Standards) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

**33 11/1559N 2, BROOKVIEW CLOSE, WISTASTON, CW2 6WB: SIDE TWO STOREY EXTENSION FOR MR L HEATH**

Note: Councillor D Marren declared a personal interest in respect of the above application on the grounds that he knew one of the speakers. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Note: Councillor S Hogben (Ward Councillor) and Mr B Cooper (objector) 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 to enable Members to assess the impact of the proposed development on neighbouring residential amenity.



**34 11/1584N OAKHANGER HALL FARM, TAYLORS LANE, OAKHANGER  
CW1 5XD: EXCAVATION OF A NEW CLAY LINED SLURRY LAGOON  
FOR D & S C SUTTON**

Note: Councillor M Sherratt left the meeting prior to consideration of this application.

Note: Having declared that, as a Member of the Public Rights of Way Committee he did not wish to fetter his discretion, Councillor S Davies did not take part in the debate or vote during consideration of this item.

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. Plans
3. Boundary Treatment
4. Landscaping Submitted
5. Landscaping Implemented
6. Slurry shall only be used for the storage of slurry and dirty water from Oakhanger Hall Farm and no other location and for no other purpose.
7. Hours of Construction restricted to 08:00 to 18:00 hours on Monday to Friday, 09:00 to 14:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.
8. Wheel Washing

Informative: No blockage of the public right of way.

**35 11/1683N UNIT DC 360, FOURTH AVENUE, CREWE: SOLAR PANELS  
TO BE AFFIXED TO THE ROOF OF AN EXISTING WAREHOUSE UNIT  
FOR MR A FORNAL, JUWI RENEWABLE ENERGIES LIMITED**

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. Plan References
3. Materials as Submitted

**36 08/0492/OUT FINE ART, VICTORIA MILLS, HOLMES CHAPEL**

The Committee considered a report regarding the above planning application, which had been approved by Congleton Borough Council's

Planning Committee on 3 February 2009, subject to the signing of a Section 106 agreement.

At its meeting on 27 April 2011, the Southern Planning Committee had considered a report recommending refusal of the application due to the applicant's failure to sign the Section 106 Agreement and had resolved to defer consideration of the matter in order to allow a further opportunity for the issue to be resolved.

Since the meeting on 27 April 2011, substantial progress had been made. However, it had become apparent that a number of minor modifications to the resolution and the proposed Section 106 Agreement were required.

#### RESOLVED

- (a) That the application be approved, subject to the conditions specified within the original committee report dated 3 February 2009 and subject to the prior signing of a S106 Agreement to cover the following matters:
- Secure provision of 15% Affordable Housing / not less than 24 units for Intermediate housing. Intermediate housing to include provision of 'Shared Ownership' and 'Rent to Home Buy' but with an option for 'Discount for Sale' where agreed if the units cannot be sold to a registered social landlord.
  - Development not to commence until such time as Fine Art has relocated to alternative premises with the borough of Cheshire East.
  - Requires the applicants to submit a Travel Plan and implement the approved Travel Plan in accordance with the agreed triggers and mechanisms.
  - Secure a financial contribution of £25,000 to fund off-site highway improvements and works to upgrade bus services and bus stops as required by the Travel Plan.
  - To cover the range of scenarios in respect of Children and Young Persons Provision identified in summary within this update report.
- (b) That if the Section 106 Agreement is not signed within three months of this decision by the Southern Planning Committee, then the Head of Planning and Housing be granted delegated authority to refuse the application for the reasons specified within the report considered by the Committee on 27 April 2011.

**37 PLANNING FOR GROWTH AND THE PRESUMPTION IN FAVOUR OF SUSTAINABLE DEVELOPMENT**

The Committee considered a report regarding recent ministerial announcements with respect to growth and sustainable development.

RESOLVED – That the report be noted.

The meeting commenced at 2.00 pm and concluded at 5.50 pm

Councillor G Merry (Chairman)