

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 16th November, 2011 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

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

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors Rhoda Bailey and D Hough

OFFICERS PRESENT

Nigel Curtis (Principal Development Officer, Highway Development Control)
Ben Haywood (Principal Planning Officer)
Jadesh Jhamat (Planning Lawyer)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillor G Morris

94 DECLARATIONS OF INTEREST

Councillor L Gilbert declared a personal and prejudicial interest in respect of application number 11/2196N on the grounds that he had assisted with the acquisition of the neighbouring site and the owner was a personal friend. In accordance with the code of conduct, he withdrew from the meeting during consideration of this item.

Councillor L Gilbert declared a personal and prejudicial interest in respect of agenda item 16 (Section 106 Agreement for Demolition of Existing Buildings and Erection of New Buildings and Redevelopment of Existing Link House to Provide 35 Apartments and Two Retail Units with Associated Infrastructure on land at 2 & 4 Heathfield Avenue and 29, 29A & 31 Hightown, Crewe) on the grounds that he had been appointed as a Cheshire East Council representative on the Board of Wulvern Housing.

Councillor A Thwaite declared that he had expressed an opinion with respect to application number 11/3619C and therefore fettered his discretion. Councillor Thwaite exercised his separate speaking rights as a

Ward Councillor and withdrew from the meeting during consideration of this item.

Councillor S Davies declared that he had expressed an opinion with respect to application number 11/3076N and 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.

Councillor P Butterill declared a personal interest in respect of application numbers 11/2886N, 11/2196N, 11/1536N, 11/1537N and agenda item 17 (Planning Approval P03/0494 - 24 No. Dwellings at Hastings Road - Variation to Section 106 Agreement relating to No.21 The Gatehouse) on the grounds 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 these items.

Councillor P Butterill also declared that she had received correspondence from an objector regarding application number 11/2196N.

Councillor D Marren declared a personal interest in respect of application numbers 11/2886N, 11/2196N, 11/1536N, 11/1537N and agenda item 17 (Planning Approval P03/0494 - 24 No. Dwellings at Hastings Road - Variation to Section 106 Agreement relating to No.21 The Gatehouse) on the grounds that he was a member of Nantwich Town Council, which had been consulted on the proposed developments. In accordance with the code of conduct, he remained in the meeting during consideration of these items.

Councillor J Weatherill declared a personal interest in respect of application number 11/2196N on the grounds that the applicant was a close neighbour. In accordance with the code of conduct, she remained in the meeting during consideration of this item.

Councillor J Clowes declared that she had received correspondence from members of the public regarding applications on the agenda.

Councillor G Merry declared that she had received correspondence regarding application number 11/2999C.

All Members of the Committee who had attended the site inspection with respect to application number 11/2196N declared that they had received documentation from the applicant.

95 MINUTES OF PREVIOUS MEETING

RESOLVED – That the minutes of the meeting held on 26 October 2011 be approved as a correct record and signed by the Chairman.

96 **11/2886N LAND OFF HASTINGS ROAD, NANTWICH, CHESHIRE:
RESIDENTIAL DEVELOPMENT COMPRISING 21 DWELLINGS WITH
ASSOCIATED ACCESS, PARKING, GARAGES, LANDSCAPING AND
OPEN SPACE FOR MR D HOUGH, ARLEY HOMES NORTH WEST
LIMITED**

Note: Mr A Palin and Mr B Moore (objectors) and Mr C Kershaw (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 update and an oral report of the site inspection by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to:

- (a) the completion of a Section 106 agreement to secure
 1. Provision of on-site affordable housing of 6 dwellings, including 4 units (3 x 2 bed and 1 x 3 bed) for rent and 2 units (2 x 3 bed) for intermediate tenure;
 2. Provision of a financial contribution of £15,000 towards off site equipped play space;
 3. Maintenance of areas of Public Open Space and Newt Mitigation Land
- (b) the following conditions:
 - 1) Commencement of Development (3 years)
 - 2) Approved Plans
 - 3) Materials to be submitted
 - 4) Surfacing materials, including permeable driveways, to be submitted
 - 5) Detailed Landscaping Scheme to be submitted
 - 6) Landscaping Scheme Implementation
 - 7) Tree protection measures to be submitted
 - 8) Details of no dig technique and construction method to be submitted
 - 9) Details of Boundary treatment to be submitted
 - 10) Details of Pond to be provided on land to south of railway including construction methods
 - 11) Details of boundary treatment to newt mitigation area to be submitted and retained
 - 12) Details of newt holes in fence to be submitted and retained
 - 13) Development to be carried out outside Bird Breeding Season (unless survey carried out)
 - 14) Details of bird/bat enhancement measures
 - 15) Parking to be available prior to occupation
 - 16) Full detail of noise mitigation measures to be submitted including the position/design of any acoustic fencing

- 17) Hours of construction
- 18) Hours of pile driving
- 19) Hours of floor floating
- 20) Phase II Contaminated Land Survey
- 21) Removal of Permitted Development Rights for Extensions (Class A and B)
- 22) Details of foul and surface water drainage, including improvement/enhancement of existing water courses
- 23) Development to be carried out in compliance with the dust mitigation measures identified within Section 6 of the Air Quality Assessment prepared by SLR dated October 2011

97 11/2196N K M D HIRE SERVICES, LONDON ROAD, NANTWICH CW5 6LU: EXTENSION AND NEW STORE FOR MR DAN MELLOR

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

Note: Mr M Proudfoot (objector) and Mr D Mellor (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 update and an oral report of the site inspection by the Principal Planning Officer.

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

- 1) Commencement of Development
- 2) Approved Plans
- 3) Materials to be submitted and approved
- 4) Car park to be made available prior to first use
- 5) Details of any areas of external storage to be submitted
- 6) Details of Boundary treatment to be submitted and approved
- 7) Construction Hours
- 8) Acoustic attenuation for proposed buildings
- 9) No external storage except for gas cylinders

98 11/1536N RESIDENCE (NANTWICH) LTD, MILL STREET, NANTWICH CW5 5ST: HOTEL RECEPTION AND FUNCTION ROOM, 18 BEDROOMS, GARDEN, CAR PARK AND ACCESS FOR ALEXANDRA COUNTRYSIDE INVESTMENTS LTD

Note: Councillor S McGrory arrived prior to consideration of this item.

Note: Mr L Sutton (objector) attended the meeting and addressed the Committee on this matter.

Note: Mr Atkin (objector) had not registered his intention to address the Committee. However, in accordance with paragraph 2.8 of the public speaking rights at Strategic Planning Board and Planning Committee meetings, the Committee agreed to allow Mr Atkin to speak.

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

RESOLVED – That the application be APPROVED subject to:

(a) the prior signing of a Section 106 agreement to secure the provision of Commuted Sum Payment of £62550 to be used for the following:

- Bowling green remodelling £3300
- Guttering / soft fill (completion of) £3000
- Lighting to shelters £900
- Pathways around green for access (completion of) £6400
- Floodlighting improvements (upgrades to existing) £5500
- Water sprinkler system £3300
- Pavillion / facilities £38500
- Bowling green surface improvements (completion of) £1650

(b) the following conditions:

1. Standard Time Limit
2. Plan References
3. Materials
4. Surfacing Materials
5. Landscaping Submitted
6. Landscaping Implemented
7. Drainage
8. Archaeology
9. No External Lighting, to include roof terrace
10. Hours of Delivery
11. Acoustic Attenuation
12. No Additional Windows
13. Double Doors
14. Odours/Fumes
15. Pile Driving
16. No Music
17. Window/Door Details
18. Railings
19. Dummy Windows
20. Details of Boundary Wall
21. Reveal Details
22. Sewer Diversion
23. Visibility Splays
24. Car Parking
25. Bin Storage Area

26. Contaminated Land Report
27. Access Details
28. Details of Footpath
29. Rainwater Goods
30. Construction Management Plan, to include hours of construction

99 **11/1537N RESIDENCE (NANTWICH) LTD, MILL STREET, NANTWICH CW5 5ST: HOTEL RECEPTION AND FUNCTION ROOM, 18 BEDROOMS, GARDEN, CAR PARK AND ACCESS (LISTED BUILDING APPLICATION) FOR ALEXANDRA COUNTRYSIDE INVESTMENTS LTD**

Note: Councillor D Newton was not in the room during consideration of this application.

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. Window/Door to be Constructed out of Timber
6. Railings to be Painted Black
7. Details of Dummy Windows
8. Details of Boundary Wall
9. Reveal Details
10. Details of Bin Storage Area
11. Rainwater Goods

100 **11/2394C PACES GARAGE AND FAIRFIELDS, NEWCASTLE ROAD, ARCLID, CHESHIRE CW11 2UE: REDEVELOPMENT OF INDUSTRIAL/COMMERCIAL PREMISES AND TWO DETACHED GARAGES AND ERECTION OF 18 DWELLINGS (13 MARKET/5 AFFORDABLE), PROVISION OF PUBLIC OPEN SPACE AND FORMATION OF REPLACEMENT ACCESS FOR THE DWELLING FAIRFIELD FOR ROWLAND HOMES LTD AND MESSRS PACE**

Note: Councillor L Gilbert left the meeting prior to consideration of this application.

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

Note: Councillor A Hollinshead (on behalf of Arclid Parish Council), Mr M Sloane and Mr A Jolley (objectors) and Mr P Emery (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 update and an oral report of the site inspection by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to:

- (a) the prior signing of a Section 106 agreement to secure
- Affordable Housing comprising 3 social rented units and 2 intermediate tenure units.
 - Social rented units to be provide through an RSL
 - Financial contribution of £10,000 towards speed limit reduction from 50mph to 40mph around Arclid traffic lights.
 - A management company to maintain the green space on the site.
 - A LEAP play area on the site.
- (b) the following conditions:
1. Standard
 2. Plans
 3. Submission of detailed construction plans for access
 4. Provision of footpaths to site frontage
 5. Scheme of foul drainage
 6. Contaminated land investigation
 7. Details of Sustainable Urban Drainage System
 8. Timing and method of pile driving
 9. Air Quality mitigation measures#
 10. Construction hours to be 0800 – 1800 Monday to Friday and 0800 to 1300 Saturday with no working on Sunday / bank holidays
 11. Removal of Petrol tanks
 12. Method of dealing with unforeseen contamination
 13. Electromagnetic screening measures
 14. Relocation of existing businesses elsewhere within the Borough
 15. Tree Protection
 16. No works within protected area
 17. Boundary Treatment, including protection for POS
 18. Landscaping
 19. Landscaping implementation
 20. Materials
 21. Obscured glazing to gable of Plot 14
 22. Protection of breeding birds
 23. Incorporation of features suitable for use by breeding birds
 24. Removal of Permitted Development rights for plots 14 – 18
 25. Noise and vibration mitigation measures

101 **11/2999C LAND SOUTH OF PORTLAND DRIVE, SCHOLAR GREEN, STOKE ON TRENT: VARIATION OF CONDITIONS 2,3,5,10 & 11 OF PLANNING PERMISSION 08/0712/FUL FOR BEN BAILEY HOMES (PART OF GLADED DALE GROUP)**

Note: Councillors M Martin and D Newton left the meeting prior to consideration of this application.

Note: Councillor Rhoda Bailey (Ward Councillor) and Ms A Freeman (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 and an oral update by the Southern Area Manager - Development Management.

RESOLVED – That the application be DEFERRED to enable officers to clarify the status of the Health Centre with the applicant.

102 **11/3076N LONG LANE FARM, LONG LANE, BRINDLEY, NANTWICH, CHESHIRE CW5 8NE: CHANGE OF USE OF AGRICULTURAL BUILDING TO JOINERY WORKSHOP. RESUBMISSION OF 11/1184N FOR MR N BULKELEY**

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

Note: Mrs M Perkin (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, contrary to the planning officer's recommendation for refusal, the application be APPROVED, as the proposed development would encourage local employment in the rural area.

The approval to be subject to the following conditions:

1. Time limit
2. Materials
3. Noise mitigation
4. Occupation of workshop restricted to occupiers of Barn 1
5. Hours of operation
6. Details of any external lighting
7. No external storage
8. No direct sales
9. Approved plans

103 **11/3264N 198 - 200, EDLESTON ROAD, CREWE CW2 7EP:
EXTENSION OF TIME FOR DEMOLITION OF REDUNDANT SNOOKER
CLUB AND CARPET WAREHOUSE AND REDEVELOPMENT OF SITE
TO PROVIDE THIRTEEN APARTMENTS AND PARKING, RETAIL
UNITS AND OFFICE ACCOMMODATION FOR THE GAINSBOROUGH
TRUST**

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

Note: Councillor A Thwaite was not in the room during consideration of this application.

The Committee considered a report regarding the above planning application.

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

1. Standard 3 years
2. Materials
3. Window reveal to be 55mm
4. No new windows to be inserted
5. Details of Boundary treatment to be submitted and approved
6. Development to be carried out in accordance with the amended plans
7. Landscaping scheme to be submitted and approved
8. Landscaping implementation
9. Access to be constructed to CEC standard
10. Parking as shown on approved plans to be available prior to first use and retained
11. Details of covered secure Cycle Racks to be submitted and approved
12. Details of noise mitigation measures (for impact from Edleston Road) to be submitted and approved
13. Bin storage to be provided and made available
14. Detailed scheme for foul and surface water drainage to be submitted and approved
15. Demolition method statement to be submitted and approved
16. Office element to be B1 use only
17. Gates set back by 5.5m from edge of public highway

104 **11/3330C 20, BLADON CRESCENT, ALSAGER ST7 2BG: 1 1/2 OR 2
STOREY DWELLING, ACCESS, TURNING, PARKING AND SINGLE
GARAGE WITHIN CURTILAGE FOR MR/MRS DE CONINCK**

Note: Councillor D Hough (Ward Councillor), Mr M Bailey (objector) and Mr De Coninck (applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

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

The proposed development is cramped, intrusive and unsympathetic to the character of the area, due to its size and relationship to neighbouring property, contrary to GR1 and GR2.

105 **11/3613C OAKLANDS MEDICAL CENTRE, ST ANNS WALK, NEWTONIA, MIDDLEWICH, CHESHIRE CW10 9FG: VARIATION OF CONDITIONS 2, 4, 6, 8, 9, 10, 26 AND 27 TO PLANNING APPROVAL 09/0481C FOR RELOCATION OF EXISTING FLOODLIT ALL WEATHER SPORTS FACILITY, DEMOLITION OF OAKLANDS MEDICAL CENTRE AND CONSTRUCTION OF 2 SEPARATE BUILDINGS COMPRISING A 2 STOREY DENTAL FACILITY AND 3 STOREY MEDICAL CENTRE WITH ASSOCIATED ACCESS AND PARKING FOR OAKAPPALE PRIMARY CARE DEVELOPMENTS LTD**

Councillor S McGrory declared a personal interest in respect of this application on the grounds that he was a member of Middlewich 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.

Note: Councillor K Bagnall (on behalf of Middlewich Town Council) 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 APPROVED subject to the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved/amended plans
3. Submission / Implementation of a Construction Method Statement prior to the commencement of development.
4. Prior to the commencement of any works on site a scheme for the phasing and timescales of the development shall be submitted to and approved in writing by the Local Planning Authority. The Pharmacy / medical centre buildings shall not be occupied until the new floodlit all weather sports facility (including surfacing, lighting and fencing) is constructed, completed and available for use, which will be within the first phase of development. The scheme shall be implemented in full accordance with the approved details.
5. Submission / approval and implementation of finished ground, floor and road levels, including cross sections and longitudinal sections.

6. Submission / approval and implementation of suite of detailed design drawings for the proposed access and parking layouts, to be approved by the LPA. Parking provision will be provided at the levels offered on the Jefferson Sheard Drawing: Ref 4051 No. 2010 Rev E, though with a fully accessible layout and retained thereafter.
7. Submission / approval and implementation of Scheme of Improvement works to be carried out to 'White Horse Alley' pursuant to condition no. 3.
8. Submission / approval / implementation of removable bollards / gates to prevent unauthorised access to parking areas outside centre opening hours
9. Submission / approval / implementation of design and position of cycle racks. Racks to be made available prior to first use of the medical and pharmacy buildings in accordance with the scheme of phasing to be agreed pursuant to condition no 3.
10. Submission / approval / implementation of any proposed CCTV installation
11. Submission / approval / implementation of details of landscaping to include replacement planting (Including replacements for 5 years and management method statement.
12. Submission / approval / implementation of scheme of tree protection measures during construction
13. Submission / approval / implementation of details of boundary treatments including gates and ball secure fencing, retaining walls.
14. Submission / approval / implementation of scheme for the acoustic enclosure of any fans, compressors or other equipment with the potential to create noise.
15. Submission / approval / implementation of scheme of flood lighting detailing positions, angle of lights, type of beam, and zero lux spillage unless any variation is agreed.
16. Submission / approval / implementation of materials samples including surfacing of hardstandings.
17. Submission / approval / implementation of Sustainable Urban Drainage System (SUDS).
18. Submission / approval / implementation of refuse storage facilities.
19. Site to be drained on a separate system with only foul drainage connected into foul sewer
20. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
21. Protection from noise during construction - hours of construction limited to:
Monday – Friday 08:00 hrs 18:00 hrs
Saturday 09:00 hrs 13:00 hrs
With no Sunday or Bank Holiday working.
22. Protection from Pile Driving – hours limited to:

Monday – Friday 08:30 hrs – 17:30 hrs

Saturday 09:30 hrs – 12:30 hrs

With no Sunday or Bank Holiday working.

23. No deliveries shall be taken at or despatched from the site outside the hours of 9 am to 5 pm Monday to Friday and 9 am to 1 pm on a Saturday. Therefore prohibiting overnight parking and early morning deliveries so reducing any unnecessary disturbance.
24. Hours of operation for all weather pitch shall be restricted to 8am-10pm Monday to Friday and 9am to 6pm Saturday, Sunday and Bank Holidays
25. Submission / approval / implementation of details of bin/refuse storage. Implementation prior to first occupation of medical and pharmacy buildings.
26. Submission / approval / implementation of a Travel Plan prior to first use of medical and pharmacy building.
27. Access track used for maintenance vehicles serving the football pitch only.
28. Inspection of roof void of buildings to be removed for presence of bats

106 **11/3619C 66 & 68, LEEK ROAD, CONGLETON, CHESHIRE CW12 3HU:
TWO DETACHED DWELLINGS INCLUDING ACCESS FROM
BOUNDARY LANE FOR VWB ARCHITECTS - MR P BENTLEY**

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

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

RESOLVED – That the application be DEFERRED to allow the size and scale of the proposals to be reviewed with the applicant.

107 **SECTION 106 AGREEMENT FOR DEMOLITION OF EXISTING
BUILDINGS AND ERECTION OF NEW BUILDINGS AND
REDEVELOPMENT OF EXISTING LINK HOUSE TO PROVIDE 35
APARTMENTS AND TWO RETAIL UNITS WITH ASSOCIATED
INFRASTRUCTURE ON LAND AT 2 & 4 HEATHFIELD AVENUE AND
29, 29A & 31 HIGHTOWN, CREWE**

Note: Councillor S McGrory left the meeting at this point in the proceedings and returned during the committee's debate on the application but did not take part in the debate or vote.

The Committee considered a report and a written update regarding proposed amendments to the terms of the above Section 106 Agreement.

The above development was approved by the Southern Planning Committee in July 2009, subject to the signing of a Section 106 Agreement

to provide 12 affordable units and a commuted sums payment in respect of public open space. An amendment to the terms of the Section 106 agreement, to enable the provision of 14 affordable units, was approved by the Committee in June 2010. The applicant was now seeking approval for further variations to the terms of the Section 106 Agreement in respect of the affordable housing.

RESOLVED – That the following amendments be made to the terms of the Section 106 agreement:

- (a) That the 'cascade' be amended to ensure that first priority is given to those in housing need who are resident in or who have connections to Crewe, followed by the whole of Cheshire East;
- (b) That Wulvern Housing be allowed to set 'affordable' rents up to 80% of the local market rental value.

108 **PLANNING APPROVAL P03/0494 - 24 NO. DWELLINGS AT HASTINGS ROAD - VARIATION TO SECTION 106 AGREEMENT RELATING TO NO.21 THE GATEHOUSE**

The Committee considered a report regarding proposed amendments to the wording of the signed section106 agreement relating to the construction of 24 Dwellings on land adjacent to London Road, Nantwich.

Members' attention was drawn to the fact that paragraph 2.1 of the report should read: 'To agree to the amendment to the wording of a S.106 agreement attached to the above to enable 100% staircasing to the property known as 21 The Gatehouse, Nantwich.'

The section106 agreement referred to three affordable units which were subject to a shared ownership lease, whereby the occupier acquired a percentage interest in the unit and a rent was payable to the Housing Association on the remainder of the unit. Occupiers of the affordable units in question had the right to acquire a greater interest in the unit by paying a percentage of the open market value of the property, but they were not permitted to staircase beyond acquiring a 90% share of that unit.

The joint owners of 21 The Gatehouse, Hastings Road, Nantwich had submitted an application to remove the 90% restriction on staircasing with respect to that property, thus allowing for outright ownership.

RESOLVED – That the application be DEFERRED to enable planning officers to provide further information regarding staircasing in shared ownership schemes.

The meeting commenced at 2.00 pm and concluded at 7.30 pm

Councillor G Merry (Chairman)