

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Southern Planning Committee**  
held on Wednesday, 12th December, 2012 at Council Chamber, Municipal  
Buildings, Earle Street, Crewe CW1 2BJ

### **PRESENT**

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

Councillors Rhoda Bailey, P Butterill, R Cartlidge, J Clowes, W S Davies,  
P Groves, A Kolker, M A Martin, D Newton and A Thwaite

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

Councillors Rachel Bailey, A Moran and J Wray

### **OFFICERS PRESENT**

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

### **Apologies**

Councillors D Bebbington and D Marren

### **96 DECLARATIONS OF INTEREST**

The following declarations were made in the interests of openness:

With regard to application number 12/4082C, Councillor A Thwaite declared that he had spoken to Councillor P Mason but that he had kept an open mind.

With regard to application number 12/3807C, Councillor A Kolker declared that he had attended a meeting with residents but that he had made no comments and kept an open mind.

With regard to application number 12/3902N, Councillor P Groves declared that he had spoken to residents and called in the application. Councillor Groves declared that he would exercise his separate speaking rights as a Councillor and withdraw from the meeting during consideration of this item.

With regard to application number 12/2808N, Councillor P Butterill declared that her son lived opposite the site and that she had discussed

the application. In accordance with the code of conduct, Councillor Butterill withdrew from the meeting during consideration of this item.

Councillor P Butterill declared that, notwithstanding the publication in the press of a letter from her regarding development on Greenfield sites, she had kept an open mind with respect to all the applications on the agenda for the current meeting, and that she would consider each item on its merits, having heard the debate and all the information. Councillor Butterill also declared that she was a member of Nantwich Town Council and Nantwich Civic Society.

With regard to application number 12/3902N, Councillor P Butterill declared that she had spoken to a resident but had not discussed the application.

All Members of the Committee declared that they had received correspondence regarding application numbers 12/3847C, 12/3603C and 12/2225C but had kept an open mind.

With regard to application number 12/3735N, Councillor A Moran, who was in attendance at the meeting, declared that he was the Chairman of the Beam Heath Trust, which was a landowner on Peach Lane.

#### **97 MINUTES OF PREVIOUS MEETING**

RESOLVED – That the minutes of the meeting held on 21 November 2012 be approved as a correct record and signed by the Chairman.

#### **98 12/2808N LAND AT 2 RAILWAY BRIDGE COTTAGES, BADDINGTON LANE, BADDINGTON, NANTWICH CW5 8AD: CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE INCLUDING EXTENSION OF EXSITING HARDSTANDING FOR MR J FLORENCE**

Note: Councillor M Jones (the Leader of the Council), who had registered an intention to speak, attended the meeting and addressed the Committee with respect to Gypsy and Traveller sites in general.

Note: Having declared that her son lived opposite the site and that she had discussed the application, Councillor P Butterill withdrew from the meeting during consideration of this item.

Note: Councillor Rachel Bailey (Ward Councillor) 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.

Committee Members also noted that in the officer's report 'industrial purposes' in the second paragraph under 'Amenity' should read 'residential purposes'.

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

1. The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies RES13 (Sites for Gypsies and Travelling Showpeople) of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within paragraph 23 of Planning Policy for Traveller Sites.
2. In the opinion of the Local Planning Authority the proposed development will have an adverse impact on the character and appearance of the open countryside which is not outweighed by need contrary to Policies NE.2 (Open Countryside) and RES.13 (Sites for Gypsies and Travelling Showpeople) of the adopted Borough of Crewe and Nantwich Replacement Local Plan 2011.

**99 12/3847C THIMSWARRA FARM, DRAGONS LANE, MOSTON, SANDBACH, CHESHIRE CW11 3QB: CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR TWO GYPSY FAMILIES, INCLUDING LAYING OF HARDSTANDING AND DRIVEWAY FOR MR LAWRENCE NEWBURY**

Note: Councillor J Wray (Ward Councillor), Councillor W Scragg (on behalf of Moston Parish Council), Mr D Wright (on behalf of Action Moston) and Miss R Williams (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 Southern Area Manager – Development Management, who confirmed that, due to insufficient information with respect to where the horses would be grazed, officers were recommending that the application be refused.

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

1. The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within paragraph 23 of Planning Policy for Traveller Sites.

2. The proposed development combined with other existing and proposed schemes for Gypsy/Traveller accommodation in the immediate locality would cumulatively have an adverse impact on the character of the countryside contrary to Policy PS8 (Open Countryside) and also guidance within paragraph 12 of the Planning Policy for Traveller Sites.
3. In the opinion of the Local Planning Authority the applicant has provided insufficient information to determine where their horses will be grazed as such the proposal is contrary to policies H6 (Residential Development in the Open Countryside and the Green Belt), H7 (Residential Caravans and Mobile Homes) and H8 (Gypsy Caravan Sites) of the Borough of Congleton Local Plan First Review.

100 **12/3603C LAND ON THE SOUTH SIDE OF DRAGONS LANE, DRAGONS LANE, MOSTON, SANDBACH, CHESHIRE, CW11 3QB: THE USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES FOR 4 NO. GYPSY PITCHES TOGETHER WITH THE FORMATION OF ADDITIONAL HARD STANDING AND UTILITY/ DAYROOMS ANCILLARY TO THAT USE FOR MARTIN SMITH**

Note: Councillor J Wray (Ward Councillor), Councillor W Scragg (on behalf of Moston Parish Council), Mr D Wright (on behalf of Action Moston) and Mr A Holder (objector) attended the meeting and addressed the Committee on this matter.

Note: Councillor P Evans had registered his intention to address the Committee on behalf of Warmingham Parish Council but did not attend the meeting.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Southern Area Manager – Development Management, who confirmed that there had been a change in circumstances since the Committee had considered a similar application for the same site.

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

1. The location of the site represents an unsustainable form of development due to the distance from local services and facilities contrary to Policies GR1 (New Development) and H8 (Gypsy Caravan Sites) of the adopted Congleton Borough Local Plan First Review 2005 and Policy HOU6 (Gypsy Caravan Sites) of the Cheshire Structure Plan and the guidance contained within paragraph 23 of Planning Policy for Traveller Sites

2. The proposed development combined with other existing and proposed schemes for Gypsy/Traveller accommodation in the immediate locality would cumulatively have an adverse impact on the character of the countryside contrary to Policy PS8 (Open Countryside) and also guidance within paragraph 12 of the Planning Policy for Traveller Sites.
3. Insufficient information has been submitted to demonstrate that the proposed development and its access will not have an adverse impact on an Important Hedgerow running along Dragons Lane. Without sufficient information the development would be contrary to policy NR3 (Habitats) of the Borough of Congleton Local Plan First Review.

101 **12/3735N ALVASTON HALL HOTEL, PEACH LANE, WISTASTON, CREWE CW5 6PD: ALTERATIONS AND EXTENSIONS TO EXISTING HOTEL/LEISURE SITE INCLUDING PART DEMOLITION OF EXISTING BUILDINGS, NEW BUILD BEDROOM ACCOMMODATION, EXTENSION AND REFURBISHMENT OF DINING/CABARET/ AND LOUNGE AREAS WITH ASSOCIATED PARKING AND LANDSCAPE WORKS FOR MR SIMON THOMPSON, BOURNE LEISURE**

Note: Mr J Sayer and Mr S Thompson attended the meeting and addressed the Committee on behalf of the applicant.

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

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

1. Standard
2. Materials to be submitted and approved
3. Provision of car parking prior to first occupation
4. Cycle parking to be provided prior to first occupation
5. Submission and approval of details of service routes.
6. Scheme of drainage to be submitted and implemented
7. Submission of details of lighting
8. Development to proceed in accordance with bat mitigation strategy unless varied by subsequent Natural England License.
9. Provision of features for breeding birds
10. Breeding Bird survey prior to works commencing in nesting season.
11. Implementation of submitted landscape proposals.
12. Submission and approval of details of service routes.
13. Submission and approval of a site construction method statement to include details of demolition works, spoil management, site compound, and construction routes.
14. Adherence to submitted tree protection measures.
15. Submission and approval of an addendum to the AMS to include:

- (i) Contact details of all relevant parties for project including retained arboriculturalist.
  - (ii) A specified programme of arboricultural supervision and reporting for the project.
  - (iii) Any amendments required in relation to services provision.
16. Adherence to revised AMS.
17. Construction Management plan to include details of phasing, site compound, contractor parking and temporary customer/staff parking during each phase of the development.

102 **12/3741C 21, SHEARBROOK LANE, GOOSTREY CW4 8PR: FIRST FLOOR EXTENSION TO EXISTING PROPERTY AND SINGLE STOREY SIDE AND REAR EXTENSION FOR MR J CARTWRIGHT**

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

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

Note: Councillor P Butterill returned to the meeting during consideration of this item but did not take part in the debate or vote.

Note: Mr P Cross (objector) 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 by reason of its height, design and position would have an overbearing impact and cause loss of light to the occupants of 19 Shearbrook Lane which would be harmful to the residential amenities of this property. As a result the proposed development would be contrary to Policy GR6 (Amenity and Health) of the Congleton Borough Local Plan First Review 2005.

103 **12/3807C LAND ADJACENT TO ROSE COTTAGES, HOLMES CHAPEL ROAD, SOMERFORD, CONGLETON: PROPOSED RESIDENTIAL DEVELOPMENT COMPRISING OF 25 NO. DWELLINGS (INC. 7NO. AFFORDABLE UNITS) TOGETHER WITH THE CREATION OF A NEW ACCESS FOR BLOOR HOMES J WILSON S OWEN TRACEY & SO, JOINT APPLICATION**

Note: Councillor J Wray (Ward Councillor), Councillor J Deans (on behalf of Brereton Parish Council), Councillor D Lancake (on behalf of Somerford Parish Council), Mr A Lindsay (objector) and Mr M Waite (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 approval, the application be REFUSED for the following reason:

Notwithstanding the fact that the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, the presumption in favour of sustainable development does not apply in this case because the proposal does not constitute sustainable development, due to its remote location, isolated from shops, services, employment sites, schools and other facilities. It is considered that the adverse impacts of approving the development in sustainability terms would significantly and demonstrably outweigh the benefits, of the increase in housing land supply. The proposed development is therefore contrary to the NPPF.

104 **12/3879N OFFICE PREMISES, THE FORMER GENUS PLC, ROOKERY FARM ROAD, TARPORLEY, CHESHIRE: OUTLINE APPLICATION FOR RE-SUBMISSION OF APPLICATION 12/3086N - DEMOLITION OF EXISTING STEEL PORTAL VACANT OFFICE BUILDING. CONSTRUCTION OF FOUR DWELLINGS WITH ASSOCIATED GARAGE, ACCESS AND PARKING FOR GENUS PLC**

Note: Mrs O Starkey attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED

(a) That, for the reasons set out in the report, the application be APPROVED, subject to the satisfactory completion of a Section 106 agreement to secure:

- A provision of 30% affordable housing (1 unit) to be provided for affordable/social rent
- Provide before 50% completion
- Transfer to RSL
- Control of occupancy

and the following conditions:

1. Outline Time
2. Time for Reserved Matters
3. Approval of Reserved Matters

4. Two Storey Dwellings only
5. No habitable windows to side facing elevations
6. Hours of construction
7. Landscaping plan
8. Tree Protection
9. Arboricultural method statement
10. Breeding Birds survey
11. Pile Driving hours
12. Contaminated Land report
13. Removal of PD
14. Approved Plans

(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.

105 **12/3902N 2, CEDAR GROVE, NANTWICH CW5 6GZ: PROPOSED DWELLING IN CURTILAGE OF BEECH HOUSE 2 CEDAR GROVE FOR MR & MRS W J GREEN**

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

Note: Councillor A Moran (visiting member), Professor P Jones (objector) and Mr R Holmes (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 report of the site inspection.

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

Although this application is in outline only, the applicant has not demonstrated that there is sufficient space within the site to accommodate a dwelling which would be in-keeping with the character of the streetscene, and also meet the amenity spacing standards required. The proposal therefore amounts to an overdevelopment of the site and is considered to be contrary to Policy BE.2 (Design Standards) of the Crewe and Nantwich Replacement Local Plan 2011.

106 **12/4082C TALL ASH FARM TRIANGLE, BUXTON ROAD, CONGLETON, CHESHIRE CW12 2DY: CONSTRUCTION OF THREE NEW RESIDENTIAL DWELLINGS (RESUBMISSION OF APPLICATION REFERENCE 12/0106C) FOR P, J & MS M HUDSON**

Note: Mr I Pleasant attended the meeting and addressed the Committee on behalf of the applicant.

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

RESOLVED – That the application be DEFERRED to allow officers to consider the revised plans that had been received.

107 **12/4087N T I MIDWOOD & CO, GREEN LANE, WARDLE, CHESHIRE CW5 6BJ: THE ERECTION OF A REPLACEMENT STORAGE AND DISTRIBUTION UNIT, INCLUDING DETAILS OF ACCESS, APPEARANCE, LAYOUT AND SCALE (DETAILS OF LANDSCAPING RESERVED FOR SUBSEQUENT APPROVAL), FOLLOWING THE DEMOLITION OF THE EXISTING BUILDING ON THE SITE FOR T I MIDWOOD AND CO LTD**

Note: Councillor R Cartlidge left the room during consideration of this application and did not take part in the debate or vote.

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. Standard Time Limit
2. Plan References
3. Materials
4. Drainage
5. Landscaping Submitted
6. Landscaping Implemented
7. Car parking and turning areas to be made available prior to the first occupation of the building
8. No External Storage
9. Travel Plan
10. External Lighting
11. Surfacing Materials
12. Acoustic Attenuation
13. Contaminated Land

108 **12/4107N FORMER SITE OF EARL OF CREWE HOTEL, NANTWICH ROAD, CREWE, CHESHIRE CW2 6BP: CONSTRUCTION OF NEW FOODSTORE WITH ASSOCIATED CAR PARKING, SERVICING FACILITIES AND LANDSCAPING FOR C/O AGENT, ALDI STORES LTD**

Note: Councillor R Cartlidge returned to the room prior to consideration of this application

Note: Mr C Cunio attended the meeting and addressed the Committee on behalf of the applicant.

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. Standard
2. Plans
3. Submission / approval of materials
4. The retail store hereby permitted shall not be opened to the public except between the following times 0800-2200 Monday to Saturdays and 1000 to 1700 hours Sunday for the first 12 months from the first occupation of the retail store. These opening hours shall be discontinued on or before that date and shall revert to 0800 – 2000 Monday to Saturday and 1100 – 1700 on Sundays and Bank Holidays unless a further permission to amend those opening hours has first been granted on application to the Local Planning Authority.
5. Submission / approval of details of highway access
6. Implementation of landscaping
7. There shall be no deliveries to the site except between the following times 0700 – 2300 Monday to Saturdays and 0800 to 2200 Sundays for the first 12 months from the first occupation of the retail store. These delivery hours shall be discontinued on or before that date and shall revert to Monday – Friday 08.00hrs - 20.00hrs; Saturday 08.00hrs - 20.00hrs; Sunday 10.00hrs - 17.00hrs unless a further permission to amend those opening hours has first been granted on application to the Local Planning Authority.
8. Construction Hours restricted to; Monday – Friday 08:00 to 18:00 hrs; Saturday 09:00 to 14:00 hrs; Sundays and Public Holidays Nil.
9. Should there be a requirement to undertake foundation or other piling on site these operations shall be restricted to: Monday – Friday 08:30 – 17:30 hrs; Saturday 08:30 – 13:00 hrs; Sunday and Public Holidays Nil.
10. Submission / approval of details of the design and position of removable bollards / barriers or other means to secure the car park. Car park shall be closed to members of the public outside store opening hours

11. Submission / approval of sustainable energy saving features and 10% renewables
12. The development to be undertaken in accordance with the submitted construction waste management plan
13. Provision of parking and turning areas
14. The development to be undertaken in accordance with the submitted lighting plan.
15. Submission / approval of Air Quality Assessment and mitigation measures including travel plan
16. Prior to any work taking place to construct the external walls of the development hereby permitted, full details of the elevational treatment to Sherwin Street, to incorporate brick modelling and elements of structural glazing, shall be submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved details.

109 **12/3740N CEDAR COURT, CORBROOK, AUDLEM, CREWE, CW3 0HF: PROPOSED ALTERATIONS TO CEDAR COURT TO PROVIDE A 35 BEDROOM NURSING HOME WITHIN THE EXISTING BUILDING FOR WHICH PLANNING PERMISSION HAS BEEN GRANTED FOR A NURSING HOME (REF: 10/4845N AND 11/4578N) FOR MORRIS & COMPANY LIMITED**

Note: Mr T Morris attended the meeting and addressed the Committee on behalf of the applicant.

Note: Mr J West had registered his intention to address the Committee on behalf of the applicant but did not speak.

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 Standard
- 2 Reference to plans.
- 3 Materials
- 4 Occupancy restriction to those in need of full time nursing care.

110 **12/2225C LAND AT 50A, NANTWICH ROAD, MIDDLEWICH, CHESHIRE CW10 9HG: RESIDENTIAL DEVELOPMENT COMPRISING DEMOLITION OF EXISTING BUNGALOW & OUTBUILDINGS & ERECTION OF 24 DWELLINGS INCLUDING ACCESS, PARKING, LANDSCAPING & ASSOCIATED WORKS FOR P E JONES (CONTRACTORS) LIMITED**

Note: Mr L Regan (objector) and Ms H Hartley (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 approval, the application be REFUSED for the following reason:

The proposal, by virtue of the increased traffic generation through the adjacent residential area would have an adverse impact on the amenity of local residents due to traffic generation coming through the estate contrary to Policy GR6 of the Congleton Borough Local Plan First Review 2005.

The meeting commenced at 1.00 pm and concluded at 6.30 pm

Councillor G Merry (Chairman)