

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 24th June, 2009 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor B Dykes (Chairman)
Councillor G Merry (Vice-Chairman)

Councillors T Beard, M Davies, L Gilbert, B Howell, S Jones, S McGrory,
R Walker and J Weatherill

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer), David Malcolm (Development Control
Manager – Sandbach Office) and Paul Moore (Principal Planning Officer –
Sandbach Office)

Apologies

Councillors D Bebbington, S Furlong, J Jones, A Kolker and A Richardson

30 CODE OF CONDUCT - DECLARATIONS OF INTEREST/PRE- DETERMINATION

Councillor S McGrory declared that, with respect to application number
09/0809C, he had been involved in discussions regarding previous
planning applications for the site but had expressed no opinion with
respect to the current application.

31 MINUTES

RESOLVED – That the minutes of the meeting held on 3 June 2009 be
approved as a correct record and signed by the Chairman, subject to the
addition of Councillor Mrs B Howell to the list of those who had sent
apologies for absence.

32 09/0809C - OUTLINE APPLICATION FOR THE DEMOLITION OF A DWELLING HOUSE (NUMBERS 3 & 5) AND REDEVELOPMENT OF THE SITE. TOGETHER WITH THE ADJOINING HAULAGE YARD FOR UP TO 93 DWELLINGS AND THE PROVISION OF PUBLIC OPEN SPACE TOGETHER WITH ASSOCIATED HIGHWAY AND LANDSCAPING WORKS. THE APPLICATION SEEKS SPECIFIC APPROVAL OF THE SITE ACCESS FROM HOLMES CHAPEL ROAD, ALL OTHER MATTERS BEING RESERVED, LAND OFF JERSEY WAY, MIDDLEWICH FOR DANIEL KERSHAW, RUSSELL HOMES

Note: Mr J Scott (on behalf of the local residents group), Mr P Blair, Dennis Wilson Consulting (on behalf of the objectors) and Ms A Freeman, Emery Planning Partnership (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.

RESOLVED – That the application be DEFERRED for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring amenities and assess the suitability of the access.

33 09/0961C - CHANGE OF USE TO GROUND FLOOR FROM CLASS A1 (SHOP/FORMER CERAMIC TILE SHOWROOM) TO CLASS A5 (HOT FOOD TAKEAWAY), 12 ROOD HILL, CONGLETON FOR MR FEREIDOUN KOLAH

The Committee considered a report regarding the above planning application.

RESOLVED

- A. That the application be APPROVED subject to the following conditions:
 - 1. Standard time
 - 2. Hours of operation, 11.30 to 23.30 Monday to Saturday and 11.30 to 22.30 Sundays and public holidays.
 - 3. Details of noise insulation to be submitted for approval
 - 4. Details of cooking odour extraction equipment to be submitted for approval
- B. That the Development Control Manager be requested to write to the applicant regarding the provision of a rubbish bin for customers' use.

34 P08/0865 - CHANGE OF USE FROM PUBLIC HOUSE TO A3 INDIAN RESTAURANT AT THE CHESHIRE CHEESE PUBLIC HOUSE, 56 CREWE ROAD, NANTWICH.

The Committee considered a report regarding two planning applications for change of use at the Cheshire Cheese Public House, 56 Crewe Road, Nantwich, which had been considered by Crewe and Nantwich Borough Council.

Planning application P08/0498 for the change of use of the public house and manager's flat to one dwelling and the erection of 9 apartments was approved, subject to conditions, on 27 July 2008.

On 11 September 2008, planning application P08/0865 for change of use from a public house to A3 Indian Restaurant and extensions to the rear of the premises was approved, subject to conditions. As it was considered that the proximity of the apartments to the proposed restaurant would be detrimental to residential amenities, planning permission was also subject to the applicant first signing a Section 106 Agreement which ensured that if construction of the apartments commenced, the change of use with extensions to form a restaurant would not be implemented, and vice versa.

Planning permission had been issued for the application for the apartments (P08/0498), although no details had been submitted under the conditions of this permission. However, the Section 106 Agreement in relation to application P08/0865 had not been signed, as, despite a number of requests, no correspondence had been received.

RESOLVED – That the planning application for the change of use to an A3 Indian restaurant at the Cheshire Cheese Public House, 56 Crewe Road, Nantwich, be REFUSED because the applicant has failed to confirm through the use of a Section 106 Agreement, that if the development which is the subject of this application is implemented then the apartments permitted under the earlier planning permission reference P08/0498 will not be constructed and in the event that the apartments are constructed the applicant will not implement the development to which this application relates. Without such Agreement, the application fails to ensure that there will be no disturbance to residents in the apartments as a result of the late night opening and activities at the proposed restaurant. To allow the development would be contrary to Policy BE.1 (Amenity) of the Borough of Crewe and Nantwich Replacement Local Plan 2011.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

Councillor B Dykes (Chairman)