

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 6th June, 2012 at Council Chamber, Municipal Buildings,
Earle Street, Crewe CW1 2BJ

PRESENT

Councillor G Merry (Chairman)

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

NON-COMMITTEE MEMBERS IN ATTENDANCE

Councillors J Hammond and J Wray

OFFICERS PRESENT

Rachel Goddard (Senior Lawyer)
Ben Haywood (Principal Planning Officer)
Chris Hudson (Principal Forestry and Arboricultural Officer) (for Item 18 only)
David Malcolm (Southern Area Manager – Development Management)
Julie Zientek (Democratic Services Officer)

Apologies

Councillors M J Weatherill, L Gilbert, P Groves and D Marren

1 DECLARATIONS OF INTEREST

Councillor P Butterill declared a personal interest in respect of application numbers 12/1488N and 12/1201N, 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 D Newton declared that in calling-in application number 12/1454N he appeared to express an opinion and had therefore fettered his discretion. Councillor Newton exercised his separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

Councillor M Martin declared that she had been unable to keep an open mind with respect to application number 12/1454N and had therefore fettered her discretion. Councillor Martin exercised her separate speaking rights as a Ward Councillor and withdrew from the meeting during consideration of this item.

All Members of the Committee declared that they had received correspondence regarding application number 12/0763C.

Rachel Goddard declared a personal and prejudicial interest in respect of application number 12/1073N on the grounds that she knew the applicant. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.

Julie Zientek declared a personal and prejudicial interest in respect of application number 12/1488N on the grounds that she knew one of the objectors. In accordance with the code of conduct, she withdrew from the meeting during consideration of this item.

2 MINUTES OF PREVIOUS MEETING

RESOLVED – That, subject to the following amendments to minute 197, the minutes of the meeting held on 9 May 2012 be approved as a correct record and signed by the Chairman:

- (a) That condition 20 be amended to read: 'Swimming Pool – domestic, not commercial, use only'
- (b) That condition 25 be amended to read: 'The business shall be limited to a renewable energy office and no other use within class B1.'

3 12/0971C 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.

The Committee considered a report regarding the above planning application and an oral update by the Southern Area Manager – Development Management.

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

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 the National Planning Policy Framework and Planning Policy for Traveller Sites.

**4 12/0316N SITE OF BRISTOL STREET MOTORS, MACON WAY,
CREWE: PROPOSED NEW BUILD, NON-FOOD RETAIL UNIT, UP TO
3715 SQ.M (USE CLASS A1), INCLUDING ACCESS AND ASSOCIATED
INFRASTRUCTURE FOR MACONSTONE LTD**

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

Note: Mr R Frazer (supporter) and Mr D Brown (on behalf of the applicant) had not registered their 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 Frazer and Mr Brown to speak.

The Committee considered a report regarding the above planning application, an oral update by the Southern Area Manager – Development Management and an oral report of the site inspection.

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

- (a) the satisfactory completion of a Section 106 Agreement to secure £40,000 for traffic management improvements in the local area
- (b) the following conditions:
 - 1. Commencement of Development
 - 2. Reserved Matters
 - 3. Plans
 - 4. Details of Materials to be submitted and approved in writing
 - 5. Details of Surfacing Materials to be submitted and approved in writing
 - 6. Details of any external lighting to be submitted and approved in writing
 - 7. Landscaping to be submitted
 - 8. Landscaping Implemented
 - 9. Details of secured covered cycle parking to be submitted and approved in writing
 - 10. Details of bin storage areas to be submitted and approved in writing
 - 11. Details of boundary treatment to be submitted and approved in writing
 - 12. Restrict the Use of Unit to A1
 - 13. Restrict goods sold
 - 14. Access to be formed in accordance with the approved plans
 - 15. Car parking and turning areas to be constructed and made available prior to the unit being occupied
 - 16. No subdivision of the building
 - 17. Pile foundations
 - 18. Restrict Retail Floor Space to 3715sqm
 - 19. Contaminated Land Report

20. Air Quality Assessment
21. Noise Control – Hours of Construction
22. Waste
23. Floor Floating
24. Hours of operation Mon-Sat 0800-2100 Sun 1100-1600
25. Travel Plan to be submitted and approved in writing
26. Details of Car Park Opening Times and closing/barriers to be submitted and approved
27. Oil Interceptors
28. Acoustic Enclosures
29. Accesses to be constructed in accordance with the submitted plans

(c) referral to the Secretary of State

5 12/1073N TOP END FARM, BARTHOMLEY ROAD, BARTHOMLEY, CHESHIRE CW2 5NT: RETENTION OF EXTENSIONS TO AGRICULTURAL BUILDINGS FOR MR MARK ABELL

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

Note: Councillor J Hammond (Ward Councillor) and Mr M Coyne (objector) 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 DEFERRED

- (a) for a Committee site inspection to enable Members to assess the impact of the development
- (b) for an expert assessment of the agricultural business plan

6 11/4002C LAND OFF JERSEY WAY, MIDDLEWICH, CHESHIRE: CONSTRUCTION OF 83 NO. PRIVATE RESIDENTIAL DWELLINGS TOGETHER WITH ASSOCIATED WORKS FOR C/O DAVID MAJOR (STEWART MILNE HOMES NW), RUSSELL HOMES & STEWART MILNE HOMES

Note: Councillor J Clowes joined the meeting prior to consideration of this item.

Note: Ms A Freeman (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.

The Southern Area Manager – Development Management reported that the application was for 83 dwellings, not 77 as stated in the report, and confirmed that the application had been assessed in accordance with the National Planning Policy Framework, despite references to old policies in the report.

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

- (a) the satisfactory completion of a Section 106 Agreement comprising the following:
- Provision of 23% affordable housing (19 no. units comprising of 12no. two bedroom apartments, 4no. three bedroom houses and 3no. two bedroom) split on the basis of 63% social rent (12 units) and 37% intermediate tenure (7 units) as per requirements of the Interim Planning Statement;
 - Provision for a management company to maintain the onsite amenity space;
 - Submission of a method statement and drawing(s) to show how the allotments will be constructed and the provision of a management company to maintain them;
 - The developer will provide a contributory sum to the upgrade of existing estate footway links and the approaches to the Puffin crossing on the A54 Holmes Chapel Road. The sum of money is estimated at £7500 for the high friction surface and £10000 for upgrades to connecting footways and provision of a small amount of lighting. The total sum will be £17500;
 - The developer will provide a sum of £12,500 for the upgrade of two local bus stops to quality partnership facilities;
 - A commuted sum payment of £106,635 to enhance and maintain the LEAP facility at Angus Grove and to enhance and maintain the capacity of existing amenity greenspace;
 - A plan to show pepper potting of the affordable housing; and
 - Phasing to ensure all affordable housing is constructed and transferred to a Registered Provider (where applicable) before 50% of the market housing is occupied.
- (b) the following conditions:
1. Standard Time Limit
 2. Plan References
 3. Materials to be submitted and approved by the Local Planning Authority
 4. Details of the surfacing materials to be submitted and approved in writing by the Local Planning Authority
 5. Boundary treatment details to be submitted and approved in writing by the Local Planning Authority
 6. Details of a Landscaping scheme to be submitted and approved in writing by the Local Planning Authority

7. The approved landscaping scheme to be implemented.
8. Breeding birds surveys if any works are undertaken between 1st March and 31st August in any year.
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 roosting bats and breeding birds including house sparrow and swifts. Such proposals to be agreed by the LPA.
10. Remove PD Rights for extensions and alterations to the approved dwellings
11. Drainage scheme to be submitted and approved in writing by the Local Planning Authority
12. All services to be located underground, unless otherwise agreed in writing with the Local Planning Authority
13. Parking to be made available prior to occupation
14. Construction management plan to be submitted and approved in writing prior to the commencement of development
15. No development shall take place within the area until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work (to consist of excavation, recording, reporting, and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority. The work shall be carried out strictly in accordance with the approved scheme.
16. Submission/approval/implementation of external Lighting
17. The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) from Campbell Reith Hill
18. 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.
19. Details of the Footpath connection to Holmes Chapel Road to be submitted and agreed in writing. Footpath to be constructed prior to the first occupation of the dwellings, unless otherwise agreed in writing
20. All Windows/Doors in the development hereby approved to be set behind a 55mm reveal
21. Scheme for Water Course Protection
22. Eco Homes 'Very Good Standard' or 2 Star Code for Sustainable Homes
23. Hours of construction:
Monday to Friday 0800 to 1800 hours
Saturday 0900 to 1400 hours
Sundays and Bank Holidays Nil
24. Pile Foundations
Monday to Friday 0830 to 1730 hours
Saturday 0830 to 1300 hours

Sundays and Bank Holidays Nil

25. The development to be constructed in accordance with Hepworth Acoustics Noise and Vibration Consultants report received by the Local Planning Authority on 13th March 2012
26. Prior to the commencement of development details of the Acoustic Fencing to plots 19 to 22 and plot 26 shall be submitted to and approved in writing by the LPA

7 12/1454N LAND OFF STONELEY ROAD, CREWE: PROPOSED TELECOMMUNICATIONS BASE STATION COMPRISING 15M HIGH SLIM COLUMN, ASSOCIATED ANTENNAS, 2NO. 300MM DIAMETER DISH ANTENNAS, 1NO. EQUIPMENT CABINET AND ASSOCIATED LANDSCAPING AND ANCILLARY DEVELOPMENT FOR VODAFONE LTD

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

Note: Councillors P Butterill and S Davies 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.

Note: Having exercised their separate speaking rights as Ward Councillors, Councillors M Martin and D Newton withdrew from the meeting during consideration of this item.

Note: Mr J Scott (on behalf of the applicant) had registered his intention to address the Committee on this matter but he had left the meeting by the time this item was considered.

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:

The proposed telecommunications mast by virtue of its height and siting would be visually obtrusive and result in a significant impact upon visual amenity within the locality. It is therefore considered that the development is contrary to Policy NE.18 (Telecommunications Development) of the Crewe and Nantwich Replacement Local Plan 2011 and the National Planning Policy Framework.

8 **12/1310N SOUTH VIEW EQUESTRIAN CENTRE, WINSFORD ROAD, WETTENHALL, CHESHIRE CW7 4DL: APPLICATION FOR A LAWFUL DEVELOPMENT CERTIFICATE FOR AN EXISTING USE OR OPERATION OR ACTIVITY INCLUDING THOSE IN BREACH OF A PLANNING CONDITION FOR MR CHARLES BRITTON**

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

Note: A statement from Councillor M Jones was read out by the Principal Planning Officer.

Note: Mr M Moss (objector) and Mr S Goodwin (on behalf of the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above application, which sought confirmation from the Local Planning Authority that three conditions attached to permission 7/15644 (use as an equestrian centre) had been breached continuously for a period of 10 years.

The Head of Development had delegated authority with respect to such applications, which were determined on the basis of factual information. However, Councillor M Jones had requested that Members of the Southern Planning Committee be given an opportunity to comment on the application.

RESOLVED – That the report be noted and that the Planning Officer submit Committee Members' comments to the Head of Development by the deadline of 22 June 2012.

9 **12/0874C FIRLANDS, 36, BLACK FIRS LANE, SOMERFORD, CONGLETON CW12 4QQ: OUTLINE APPLICATION FOR THE ERECTION OF 2NO. DETACHED 2 - 2.5 STOREY RESIDENTIAL DWELLINGS WITH GARAGES FOR G JACKSON**

Note: Councillor S Davies 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.

Note: Mr R Hall (on behalf of the applicant) 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 Hall to speak.

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

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

1. The reserved matters shall be submitted prior to the commencement of development
2. The reserved matters shall be submitted within 3 years
3. Development shall commence within 2 years of approval of reserved matters
4. The reserved matters shall include measures for retention of trees shown as protected and retained in accordance with submitted Tree Survey
5. No tree works until approved tree protection measures are in place
6. Tree Protection measures
7. Development to be carried out in accordance with approved tree protection measures
8. Construction hours limited (inc piling)
9. Removal of Permitted Development for extensions and outbuildings (Classes A-E)

10 12/0864C LAND ADJ BARLEY ORCHARD, 42, BLACK FIRS LANE, SOMERFORD, CONGLETON CW12 4QQ: PROPOSED DETACHED HOUSE AND GARAGE (OUTLINE) FOR DANIEL TAYLOR LIMITED

Note: Councillor R Cartlidge 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 regarding the above planning application, a written update and an oral report of the site inspection.

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

1. The reserved matters shall be submitted prior to the commencement of development
2. The reserved matters shall be submitted within 3 years
3. Development shall commence within 2 years of approval of reserved matters
4. Access plan to be submitted
5. Construction hours limited (inc piling)
6. Removal of Permitted Development for extensions and outbuildings (Classes A-E)

11 12/0763C IVANHOE, HOLMES CHAPEL ROAD, BRERETON, CONGLETON CW12 4SP: DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF 11NO. RESIDENTIAL DWELLINGS (INC 3NO. AFFORDABLE UNITS) ALONG WITH THE CREATION OF A NEW ACCESS FOR BLOOR HOMES (NORTH WEST) LTD

Note: Councillor J Wray (Ward Councillor), Councillor R Coulson (on behalf of Brereton cum Smethwick Parish Council) and Mr A Lindsay (objector) 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 prior completion of a Section 106 agreement to secure:

- Affordable Housing comprising 2 social rented units and 1 shared ownership unit.
- financial contribution of £6501.02 towards the enhancement and maintenance of the Local Nature Reserve at Brereton Heath
- financial contribution (£14822.66) towards the off-site enhancement and maintenance of community space at School Lane, Brereton Green
- ecological mitigation/maintenance

and the following conditions:

1. Standard
2. Plans
3. Materials to be submitted and approved
4. Obscured glazing to first floor windows in flank elevations of Plot 1 and Plot 7
5. Submission of contaminated land investigation
6. The hours of construction (and associated deliveries to the site) of the 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.
7. Details of the method, timing and duration of any pile driving operations to be submitted and approved
8. Landscaping to be submitted and approved (including provision for the gapping up with native species of the hedge on the southern boundary)
9. Implementation of landscaping
10. Implementation of boundary treatment
11. Provision of car parking
12. Construction of access
13. Scheme of tree / hedge protection
14. No works within protected area
15. Updated protected species survey to be undertaken prior to the commencement of development
16. Protection of breeding birds.
17. Provision of features for use by nesting birds

12 11/4548N LAND SOUTH OF NEWCASTLE ROAD, HOUGH: OUTLINE APPLICATION FOR DEVELOPMENT OF FOURTEEN 3 & 4 BED SEMI-DETACHED AFFORDABLE HOUSES FOR MR T BARTLAM

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

13 12/1488N LAND OFF MARSH LANE, NANTWICH, CHESHIRE CW5 5LD: RESERVED MATTER PLANNING APPLICATION RELATING TO OUTLINE PERMISSION P05/0121 FOR THE ERECTION OF 13NO. DETACHED DWELLINGS, PARKING AND AMENITY SPACE; AND THE RETENTION OF PUBLIC OPEN SPACE/CHILDRENS PLAYGROUND FOR ELAN REAL ESTATE LTD & BRITISH WATERWAYS

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

Note: Mr D Hinde (objector) and Mr P Darwin (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 (Standard)
2. Plans
3. Materials as per application
4. Hours of construction
5. PD Removal (A to D)
6. PD Removal (Garage conversions)
7. Obscure glazing (kitchen windows on plot 4)
8. Landscaping (Implementation)
9. Tree protection implementation
10. Boundary treatment
11. External Lighting
12. Structural stability of canal bank in accordance with survey
13. Site to be drained on a separate system
14. Development in accordance with Extended Habitat survey
15. Nesting birds
16. Breeding birds
17. Construction Management Plan

and the following informatives:

1. The applicant is advised that they have a duty to adhere to the regulations of Part IIA of the Environmental Protection Act 1990, the Town and Country Planning Act 1990 and the current Building

Control Regulations with regards to contaminated land. If any unforeseen contamination is encountered during the development, the Local Planning Authority (LPA) should be informed immediately. Any investigation / remedial / protective works carried out in relation to this application shall be carried out to agreed timescales and approved by the LPA in writing. The responsibility to ensure the safe development of land affected by contamination rests primarily with the developer.

2. The Council's Public Rights of Way Team would like to remind you of your obligations with regards to the public right of way.
 - a) No building materials must be stored on the right of way
 - b) Vehicle movements must be arranged so as not to interfere with the public's use of the way
 - c) The safety of members of the public using the right of way must be ensured at all times
 - d) No additional barriers (e.g. gates) are to be placed across the right of way
 - e) There must be no diminution in the width of the right of way available for use by members of the public
 - f) No damage or alteration must be caused to the surface of the right of way
 - g) Wildlife mitigation fencing must not be placed across the right of way

**14 12/1201N 26, WELSH ROW, NANTWICH, CHESHIRE CW5 5ED:
APPLICATION FOR EXTENSION TO TIME ON P07/0463 FOR ELEVEN
HOTEL BEDROOM SUITES AND CAR PARKING FOR P SCHOFIELD,
SCHOFIELD BROTHERS**

Note: Mrs P Simpson (objector) 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. Standard time
2. Approved plans
3. Materials to match existing dwelling
4. First floor windows to west elevation obscure glazed and fixed
5. Scheme of Landscaping for forecourt facing Cross Wood Street
6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in first season prior to occupation or completion
7. Southern boundary fencing to be approved before occupation
8. Vehicular access to be approved prior to commencement of development
9. Permitted Development rights removed

10. Drainage system to be approved prior to commencement of development
11. Programme of archaeological work to be agreed prior to commencement of development
12. Construction Management Plan

15 PROPOSED DEED OF VARIATION TO THE SECTION 106 AGREEMENT IN RESPECT OF APPLICATION 09/4240C

The Southern Area Manager – Development Management, in his introductory remarks, reported to the Committee that further discussion was required with housing officers and invited the Committee to defer consideration of this item.

RESOLVED – That, for the reasons set out above, the application be DEFERRED to allow further discussion with housing officers.

16 TREE PRESERVATION ORDER AT MANOR LODGE, MANOR COURT CREWE CW2 6PG

Note: Councillor D Newton 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.

Note: Dr M Swords (objector) and Mr D Allman (supporter) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above tree preservation order, a written update and an oral report of the site inspection.

RESOLVED – That, for the reasons set out in the report, the Cheshire East Borough Council (Crewe – Manor Lodge, Manor Court) Tree Preservation Order 2012 be confirmed subject to the modification of the plan and First Schedule to exclude the Yew tree from Group G3 and amending the situation of T2 within the First Schedule of the Order from No.14 to No.214 Manor Way.

The meeting commenced at 2.00 pm and concluded at 6.50 pm

Councillor G Merry (Chairman)