

## **CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 17th June, 2009 at Committee Suite 1,2 & 3, Westfields,  
Middlewich Road, Sandbach CW11 1HZ

### **PRESENT**

Councillor H Gaddum (Chairman)  
Councillor Rachel Bailey (Vice-Chairman)

Councillors D Brown, J Hammond, M Hollins, D Hough, J Macrae, C Thorley,  
G M Walton, Wilkinson and J Wray

### **OFFICERS PRESENT:**

John Knight, Interim Head of Planning and Policy; Chris Chapman, Borough  
Solicitor; Shelia Dillon, Senior Solicitor; Philippa Lowe, Development Manager;  
Steve Molloy, Project Leader, Major Applications; Peter Hooley, Principal  
Planning Officer;  
Nick Turpin, Principal Planning Officer; Rachel Graves, Democratic Services  
Officer

### **49 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors A Arnold, P Edwards and B Moran.

### **50 DECLARATIONS OF INTEREST**

Councillors H Gaddum and J Macrae declared a personal interest in respect of  
application 08/2670P on the grounds that they knew the applicant. In accordance  
with the code of conduct, they remained in the meeting during consideration of  
this item.

Councillor R West, who was in attendance at the meeting, declared a personal  
interest in the respect of application 08/2670P on the grounds that he knew the  
applicant and was a member of the Northern Planning Committee which had  
referred the application to the Strategic Planning Board. In accordance with the  
code of conduct, he remained in the meeting during consideration of this item.

### **51 MINUTES OF THE PREVIOUS MEETING**

#### Minute 48 Appeal Summaries – Bath Vale Works, Brookhouse Lane, Congleton

Members were updated on the outcome of the appeal decision in relation to Bath  
Vale Works, Brookhouse Lane, Congleton and that following receipt of Counsel's  
advice it had been decided not to challenge the decision of the Inspector.

#### **RESOLVED:**

That the minutes of the meeting held on 27 May 2009 be approved as a correct  
record and signed by the Chairman, subject to the following amendments:

Minute 43 - delete paragraph "It was reported....." and replace with the following wording:

"Great Crested Newts were a European Protected Species and no work could commence on site until a Licence under the Habitat Directive had been granted by Natural England.

The recommendation for approval had been made mindful of the tests required for a licence to be granted including whether the development was considered to be of sufficient importance in the public interest. The nature of the development and the proposed mitigation were considered to be sufficient to satisfy the relevant tests in the Habitat Regulations."

## **52 PUBLIC SPEAKING**

A total period of 5 minutes was allocated for the planning application for Ward Councillors who were not Members of the Strategic Planning Board.

A period of 3 minutes was allocated for the planning application for the following individual/groups:

- Members who were not Members of the Strategic Planning Board and were not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

RESOLVED:

That the procedure for public speaking be noted.

## **53 08/2670P - OUTLINE APPLICATION FOR 2 NO. BLOCKS OF 3 NO. TERRACE COTTAGES (6 NO. RESIDENTIAL UNITS IN TOTAL), DALE STREET MILL, DALE STREET, MACCLESFIELD, CHESHIRE SK10 1HH**

Note: Mr Andy Northover (Agent for Applicant) spoke in respect of the application.

The Board considered a report regarding the above application, which had been referred from the Northern Planning Committee.

RESOLVED:

That the application be DEFERRED for a site visit in order to carry out a more detailed assessment of the structural condition of the existing building.

## **54 09/0738W - ERECTION OF AN ENERGY FROM WASTE FACILITY WITH ASSOCIATED BUILDINGS, CAR PARKING AND HARDSTANDING AREAS, LAND OFF POCHIN WAY, MIDDLEWICH**

The Board considered a report which detailed the progress to date with the application for the construction and operation of an Energy from Waste Facility by Covanta Energy Ltd. The report listed the main components of the current proposals and provided an overview of the key considerations which would be important in the determination of the planning application.

There had been wide consultation on the application which had generated numerous requests for clarification and further information to enable a full assessment to be made. There were still important consultees that had yet to complete their considerations of the application and respond, which would result in further requests for information to be supplied by the applicant. Because of this it was not yet possible to finalise the report and confirm the date the application would be considered by the Board. It was agreed that Members should visit the site prior to the application being presented to the Board.

RESOLVED:

That the report be received.

**55 JUDICIAL REVIEW OF DECISION TO GRANT PLANNING PERMISSION, BRYANCLIFFE, WILMSLOW PARK SOUTH, WILMSLOW**

The Board considered a report which detailed the result of the Judicial Review proceedings brought against the decision of Macclesfield Borough Council to grant planning permission for the development at Bryancliffe, Wilmslow Park South, Wilmslow.

Macclesfield Borough Council had granted planning permission in February 2008 following completion of a section 106 agreement, for the demolition of the existing house and erection of 3 apartments with croft parking on site. The Claimant lived near from the site and objected to the proposed development, and challenged the legality of that decision to grant permission on seven grounds. The Judge determined that the Judicial Review application should succeed and quashed the planning permission on the basis that he agreed with the three of the grounds, these being:

- that the Committee Report did not deal with the European Community Habitats Directive on protected species in regard to the bat roost that had been identified on the site;
- that the Committee Report failed to say whether there was compliance with the policies in the Development Plan or not;
- that there was a failure of the Council to take account of applicable policies

As a result of the decision changes in procedure would need to be made to obtain further and better information regarding protected species at application stage and committee reports would need to include more detail regarding the legislation, advice tests to be applied when considering applications affecting protected species.

RESOLVED: That

- (1) the decision of the High Court be noted;

- (2) change will be required in the processing of applications and contents of reports as a result of the challenge being successful
- (3) the areas of unsuccessful challenge be taken as the minimum level for processing and determining applications for Cheshire East.

## **56 ATTENDANCE BY SUBSTITUTE MEMBERS**

The Board considered alternative arrangements to restrict the appointment of substitute members for planning matters.

A local protocol contained in the Constitution provided that no Member should sit or be a substitute on a planning committee without planning training. Following discussions by members of the Strategic Planning Board restrictions were recommended.

It was proposed that no substitutions should be made to the Northern Planning Committee except with a Member from the Southern Planning Committee and vice versa and that the substitute member may come from a different political group and that no substitutions should be made to the Strategic Planning Board.

The proposal would require a change to the Constitution and would therefore be considered by Governance and Constitution Committee and Council and as the proposal was an exception to the strict rules on proportionality, the proposal could only be affected if passed by Council with no Member voting against it.

**RESOLVED:**

That the Governance and Constitution Committee and Council amend the scheme of substitution in the Constitution as follows:

- a) No substitution shall be made to the North Area Planning Committee except with a Member from the South Area Planning Committee and vice versa. The substitute Member should wherever possible come from the same political group but may come from a different political group
- b) No substitutions shall be made to the Strategic Planning Board from the area committees or at all.

## **57 APPEAL SUMMARIES**

Consideration was given to the report as submitted.

Members noted that the appeal for the conversion of a house into two flats in Furnival Street, Crewe had been allowed with conditions and raised concerns about the continued subdivision of terraced properties, which led to the change of character and appearance of a street, on street parking issues and noise disturbance.

**RESOLVED:**

That the Planning Appeals be noted.

The meeting commenced at 2.00 pm and concluded at 3.20 pm

Councillor H Gaddum (Chairman)