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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 6th May, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

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

Councillors P Edwards, J Hammond, D Hough, J Macrae, B Moran, C Thorley,
G M Walton, Wilkinson and J Wray

OFFICERS PRESENT

John Knight, Interim Head of Planning and Policy; Shelia Dillon, Senior Solicitor; David Malcolm, Development Manager; Philippa Lowe, Development Manager; David Snelston, Principal Planning Officer; Rachel Graves, Democratic Services Officer

29 APOLOGIES FOR ABSENCE

Apologies were received from Councillors A Arnold, D Brown and Mrs M Hollins.

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

Councillor P Edwards declared that he had predetermined application 08/1626/FUL by virtue of the fact that he had been a member of the Congleton Borough Council's Planning Committee which had made the decision to approve the application against the Officer's recommendation. In accordance with the Code of Conduct he remained in the meeting but took no part in the discussion or voting.

Councillor J Macrae declared a personal interest in respect of application 08/1626/FUL on the grounds that he had been appointed as a Cheshire East Council representative on the Cheshire and Warrington Economic Alliance (CWEA). In accordance with the Code of Conduct he remained in the meeting during consideration of the item.

31 MINUTES OF THE PREVIOUS MEETING

That the minutes of the meeting held on 15 April 2009 be approved as a correct record and signed by the Chairman.

32 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.

33 08/1626/FUL - PROPOSED FOODSTORE DEVELOPMENT WITH ASSOCIATED PARKING SERVICING, LANDSCAPING AND NEW RETAIL BUILDING ON WHELOCK STREET FRONTAGE (DUAL ACCESS), PACE CENTRE, WHELOCK STREET, MIDDLEWICH FOR TESCO STORES LTD & BRIDEN INVESTMENTS LTD

(Councillor S McGrory, Ward Councillor; Councillor K Bagnall, Middlewich Town Council; Jonathan Williams, Chair of Middlewich Vision and Mr D Rogers, Briden Investments attended the meeting and spoke in respect of the application)

The Board considered a report regarding the above application.

RESOLVED:

That the application be REFUSED for the following reasons:

- (1) the proposed development by virtue of its size, siting and design, the design and appearance of the access and service yard and the associated loss of trees would have an unacceptable impact on the Middlewich Conservation Area of which the site forms a part. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area. The development is therefore contrary to the RSS Policies DP7 & EM1 and Local Plan Policies GR1, GR2 & BH9.
- (2) the proposed development fails to achieve an adequate quality of design to justify approval of planning permission. In reaching this conclusion regard was given to the size, siting and design of the proposed foodstore, the design and appearance of the access and service yard and the general layout of the site. It is therefore concluded that the proposal would detract from the character and appearance of the area, within which the site is located and be contrary to development plan and national planning policies which seek to promote high quality and inclusive design. The

development is therefore contrary to RSS Policy DP7 and Local Plan Policies GR1 & GR2.

- (3) insufficient information has been submitted with the application to illustrate how the impact of development and matters of nature conservation can be adequately mitigated. In the absence of such mitigation the proposed development would be contrary to the interests of nature conservation since it would adversely affect the habitat of protected species (namely bats) without any satisfactory measures of mitigation. The development is therefore contrary to RSS Policy EM1 and Local Plan Policies NR2 & NR4.
- (4) insufficient information has been submitted with the application to illustrate how the impact of development and matters of landscape and trees of local amenity value can be adequately mitigated. In the absence of such mitigation the proposed development by virtue of its size and siting would result in the direct loss of existing trees which are of amenity value to the area as a whole. The development is therefore contrary to RSS Policy EM1 and Local Plan Policies NR1 & BH9.

34 APPEAL SUMMARIES

Consideration was given to the report as submitted.

RESOLVED:

That the Planning Appeals be noted.

35 UPDATE REPORT ON LIVE ENFORCEMENT NOTICES

Following a request at the meeting of the Strategic Planning Board on 4 March 2009, an update report was received which outlined the status of existing live enforcement notices for Cheshire East.

It was suggested that the format of future reports be amended to include the case reference number, relevant dates, location details and a numerical record of the workload. Discussion ensued on the high amount of legal and planning resources required in relation to planning applications and enforcement and if there were enough resources in place to deal with the workload.

It was agreed that updates would be brought back to the Board quarterly for the first year.

RESOLVED:

- (1) That the report be noted;
- (2) updates be brought back to the Board quarterly for the first year.

36 PROCEDURE NOTES FOR DECISION MAKING

A report was received which outlined procedures for adoption as best practice in respect of the Strategic Planning Board and the two Planning Committees in relation to:

- (1) the reference of matters to the Strategic Planning Board relating to a significant departure from policy which a Planning Committee is minded to approve and any other matters which have strategic implications by reason of their scale, nature and location
- (2) procedure if Members wished to make a decision contrary to an officers recommendation

There had been a variation in the practices between the four former authorities and it was therefore necessary to promote a consistent and transparent approach across the Strategic Planning Board and the Planning Committees.

RESOLVED:

That the procedures be adopted as best practice.

37 MEMBER TRAINING IN PLANNING

The Board considered a report on the progress on arrangements for further training sessions for members of the Board and the two Planning Committees.

The Board had previously agreed that a programme of half day sessions be arranged over the coming year at 5-6 week intervals. The first session would be on 11 May and would cover the Council's arrangements for making planning decisions together with an update on the Development Plan policy situation and material planning applications.

It was proposed that the second session on 22 June cover planning enforcement and decision making and policy for minerals and waste planning applications.

RESOLVED:

The proposals for the first two training session be approved.

The meeting commenced at 2.00 pm and concluded at 4.00 pm

Councillor H Gaddum (Chairman)