

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Friday, 15th November, 2013 at Committee Suite 1 & 2, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Davenport (Chairman)
Councillor D Hough (Vice-Chairman)

Councillors Rachel Bailey, D Brown, J Hammond, J Jackson, P Mason,
B Murphy, C G Thorley, G M Walton, S Wilkinson, J Wray and P Groves

VISITING COUNCILLORS IN ATTENDANCE

Councillor G Baxendale, Councillor B Burkhill, Councillor Mrs Rhoda Bailey,
Councillor S Corcoran, Councillor S Hogben, Councillor M Jones,
Councillor D Mahon, Councillor A Moran and Councillor Mrs J Weatherill

OFFICERS IN ATTENDANCE

Ms S Binjal (Interim Monitoring Officer / Head of Legal Service), Mr A Fisher
(Head of Strategic & Economic Planning), Mr B Reed (Head of Governance
and Democratic Services) and Mrs C Simpson (Director of Economic Growth
& Prosperity)

108 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Edwards and P
Hoyland.

Councillor B Murphy requested (for the purposes of the minutes) it be
noted that he queried the legality of holding the Board meeting at short
notice. It was confirmed that the Local Government Act 1972 Act,
establishes the normal requirement for agenda papers to be published at
least 5 working days before a meeting takes place, except where the
meeting in question is convened at shorter notice; accordingly the calling
of this meeting was lawful.

109 **DECLARATIONS OF INTEREST/PRE DETERMINATION**

None.

110 **MINUTES OF THE PREVIOUS MEETING**

RESOLVED

That the public minutes of the meeting of 6 November 2013 be approved as a correct record and signed by the Chairman.

111 PUBLIC SPEAKING

The Chairman noted that Councillor G Baxendale had registered to speak in advance of the meeting. Further to this request, the Chairman allowed members of the public to speak.

RESOLVED

Members of the public be permitted to speak for a maximum period of ten minutes.

Two members of the public spoke. Mr White and Mr Bates.

112 EXCLUSION OF THE PRESS AND PUBLIC

Pursuant to Section 100B (2) of the Local Government Act 1972, the report relating to the remaining item on the agenda had been withheld from public circulation and deposit on the grounds that the matters may be determined with the public and press excluded.

It was moved and seconded, pursuant to Section 100A (4) of the Local Government Act 1972 that the public and press be excluded from the remaining item of the Board's business on the grounds that the item involved the likely disclosure of exempt information as defined in Paragraph 5 (information in respect of which a claim to legal professional privilege could be maintained in legal proceedings) of Part 1 of Schedule 12A to the Local Government Act 1972, as amended, and that the public interest would not be served in publishing the information, and it was:-

RESOLVED

That the press and public be excluded from the remainder of the meeting for the reasons given.

113 EXEMPT ITEM MINUTE-6 NOVEMBER 2013

RESOLVED

That the exempt item minute be approved as a correct record of the proceedings of the 6 November 2013 and signed by the Chairman.

114 PLANNING APPEALS UPDATE

(Visiting Councillors, G Baxendale, S Corcoran, S Hogben, M Jones and A Moran spoke in respect of the item).

Consideration was given to an oral update (by Officers) that provided further information with regard to the Council's position in respect of the current Planning Appeals that may impinge upon the assessment of the Council's future (five year) supply of housing land for the Borough.

In response to a request from Members, Officers also undertook a further review of the Planning balance in respect of the four Planning appeals. Members reflected on the report of 6 November 2013 and the resolution made at that time. In the light of updated discussions the following decisions were taken:-

RESOLVED

(1) In respect of The Moorings, Congleton application 12/3028C appeal, it was agreed that the appeal be challenged for the following reasons:-

The proposal would be located within the Open Countryside, contrary to (i) Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to ensure that only appropriate development in a rural area is allowed and (ii) the core principles of the NPPF which seek to protect the intrinsic character and beauty of the countryside. Moreover, the proposal would also result in a loss of Grade 3a Agricultural Land, contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to protect such land from inappropriate use and ensure an adequate supply of agricultural land.

And it was further Resolved that:-

(iii) In addition it was agreed that the position on housing land supply and the relevant buffer (and any impact on past moratoria) would be kept under close review and if further material evidence could be put forward at a later date on the receipt of additional information then the authority to challenge the appeal on these grounds should be delegated to the Director of Economic Growth & Prosperity in consultation with the Chairman and Vice Chairman of the Strategic Planning Board.

(2) In respect of the Kestral Drive, Goldfinch Drive, Congleton application 12/3025C appeal, it was agreed that the appeal be challenged in accordance with the first reason as resolved on 22 May 2013 as follows:-

The proposal would be located within the Open Countryside, contrary to (i) Policies PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to ensure that only appropriate development in a rural area is allowed and (ii) the core principles of the NPPF which seek to protect the intrinsic character and beauty of the countryside. Moreover, the proposal would also result in a loss of Grade 3a Agricultural Land, contrary to Policy PS8 and H6 of the Congleton Borough Adopted Local Plan First Review 2005, which seek to protect such land from inappropriate use and ensure an adequate supply of agricultural land.

And it was further Resolved that:-

(iii) In addition it was agreed that the position on housing land supply and the relevant buffer (and any impact on past moratoria) would be kept under close review and if further material evidence could be put forward at a later date on the receipt of additional information then the authority to challenge the appeal on these grounds should be delegated to the Director of Economic Growth & Prosperity in consultation with the Chairman and Vice Chairman of the Strategic Planning Board.

(3) In respect of Land Rear of Rose Cottages, Brereton Heath application 12/3087C appeal, it was agreed that a statement of common ground be agreed with the appellants. For the avoidance of doubt the Council maintains its position regarding sustainability in this appeal. In addition it was agreed that the position on housing land supply and the relevant buffer would be kept under close review and if further material evidence could be put forward at a later date on the receipt of additional information then the authority to challenge the appeal on these (grounds) should be delegated to the Director of Economic Growth & Prosperity in consultation with the Chairman and Vice Chairman of the Strategic Planning Board.

(4) In respect of the Waterworks House, Dingle Lane, Sandbach application 12/1650C appeal, it was agreed that a statement of common ground with the appellants accordingly. For the avoidance of doubt the Council maintains its position regarding Ecological matters and impact on the Wildlife Corridor in this appeal. In addition it was agreed that the position on housing land supply and the relevant buffer would be kept under close review and if further material evidence could be put forward at a later date on the receipt of additional information then the authority to challenge the appeal on these (grounds) should be delegated to the Director of Economic Growth & Prosperity in consultation with the Chairman and Vice Chairman of the Strategic Planning Board.

It was then moved and seconded that the Exclusion Resolution be lifted and the meeting move back into Part 1-Matters to be considered with the public and press present.

Consideration was given to how decisions made at the meeting could be communicated to the public.

RESOLVED

(1) After lengthy discussion the Strategic Planning Board agreed to issue a statement communicating the decisions made at the meeting.

And that

(2) all future appeals relating to the Council's position with regard to its assessment of future housing supply be delegated to the Director of Economic Growth & Prosperity, to be considered in consultation with the

Chairman and Vice Chairman of the Strategic Planning Board. Any such delegation needs to be exercised consistently bearing in mind the discussions that had taken place earlier in the meeting by Members of the Strategic Planning Board.

(During consideration of the item the meeting adjourned for a short break).

The meeting commenced at 1.00 pm and concluded at 3.53 pm

Councillor H Davenport (Chairman)