



# Prestbury Parish Council

## Minutes of the Planning Committee of Prestbury Parish Council

**Date** Wednesday 26<sup>th</sup> January 2022

**Time** 9.30AM

**Venue** - Prestbury Village Hall

### **ATTENDANCE:**

**Members of Prestbury Parish Council:**      **Members of Cheshire East Council**

Cllr T Jackson

None

Cllr M Leather

Cllr K Podmore

Cllr Herbert (left the meeting at 9.38am)

Clerk – Mark Wheelton

**Member(s) of Public:** None in attendance

**1. Apologies for absence:** Cllrs A Dicken and D Murphy

**2. Declarations of Interest:** Cllr Leather declared an interest in application 21/6057M and did not participate for this item and was substituted by Cllr Herbert for this application only.

**3. Public Participation:** None

**4. Approval of minutes:** The minutes of the Planning Committee held on the 12<sup>th</sup> January 2022 were approved by all present at that meeting. Proposed Cllr Podmore. Seconded Cllr Jackson. All in favour of those who attended this meeting.

**5. Planning Applications: the following applications were considered:**

Application No:      **21/6057M**

Proposal:              **Replace wooden bin store doors.**

Location:              **1 - 32 Shirleys Close, SK10 4XP**

**Decision:**      **Support the proposal**

**Comments:** The Parish Council had no further comments on this application.

Signed

Date

Application No: **21/6449M**  
Proposal: **Creation of gable end with etched glass top opening windows; incorporation of dormers to front and rear over garage. (modification to existing consent 21/1039M with no change to footprint)**  
Location: **The Cherries, 62, Macclesfield Road, SK10 4BH**  
**Decision: Make a General Observation**  
**Comments:** Members noted the addition of a large number of additional windows in this application on the gable end of the development which overlook the adjoining property. As a result, they request that it is conditioned that these windows have obscure glazing and are non-opening.

Application No: **22/0107M**  
Proposal: **Single storey rear extension**  
Location: **Ford Lodge, The Village, SK10 4DG**  
**Decision: Support the proposal**  
**Comments:** The Parish Council had no further comments on this application.

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**6. Planning applications in relation to tree works:** members noted that there were no new applications.

**7. Decision Notices:** members noted the following recent decisions –

21/5594M – 7, Highfield SK10 4DA. Approved with conditions 6<sup>th</sup> January 2022.  
21/3627M – Woodlands, 61 Willowmead Drive SK10 4BU. Approved with conditions 13<sup>th</sup> January 2022.  
21/4432M – 25 Bollin Gove, SK10 4JJ. Approved with conditions 14<sup>th</sup> January 2022.  
21/4578M – 19, Elm Rise, SK10 4US. Approved with conditions 18<sup>th</sup> January 2022

**8. Any other business:**

- Meeting with the Head of Planning at Cheshire East Council on 19<sup>th</sup> January 2022. Members reviewed the outcomes of this meeting agreed to the notes being attached to the minutes (attached Appendix 1). It was also agreed to keep a close observance for future Local Development Certificate applications to ensure that if and where necessary external legal guidance was sought.
- Application 21/5860T works to TPO trees at 2 The Willows, Willowmead Drive SK10 4BU. Cllr Leather informed the meeting that following a site visit to review this previously discussed application it was noted that it hasn't yet been determined by CEC. The Clerk was requested to write to the planning officer objecting to the proposal to fell the six trees that are subject to the TPO as it is considered that they have vital amenity value. They also wished to fully support neighbours comments in respect to this application.

Signed

Date

**9. Date of next meeting:** - To confirm that the date of the next meeting of the Committee will be on **Wednesday 16<sup>th</sup> February 2022 - Prestbury Village Hall 9.30am**. Apologies given by Cllr Podmore.

The meeting closed at 10.40am.

Signed

Date

Cllr Marilyn Leather - Chair of Prestbury Planning Committee



# Prestbury Parish Council

## Appendix 1

### Notes of a meeting (via Teams) with David Malcolm Head of Planning Cheshire East Council 19<sup>th</sup> January 2022

Present – Prestbury Parish Council: Cllrs K Podmore, M Leather, D Murphy, T Jackson & M Wheelton (Clerk)

Cheshire East Council - Cllr P Findlow & D Malcolm

#### 1. Introduction from David Malcolm (DM)

- DM outlines his current role as Head of Planning Service which included the following services: planning applications, pre apps. planning enforcement, environmental planning (landscape, trees, design), land charges, building control, strategic planning and policy development, technical & admin services. The service has around 110 staff.
- David outlined that the CEC footprint was an extremely large area with considerable constraints and issues. He referred particularly to the current issue with the planning application backlog and the issues caused by the COVID 19 situation & the challenges of working from home. He confirmed that CEC application numbers had increased 15% year on year against a backdrop of the national picture with a lack of experienced planners and associated disciplines (landscape architects, tree officers and so on). This was at a time of retirements & officers moving towards working in the private sector.
- The planning application backlog has meant that as of January 2020 the authority is no longer offering pre application meetings (apart from major applications). In addition, applications were no longer allocated on initial registering to an officer (previously an officer would have dealt with a specific geographic area). The previous average caseload was 40/50 applications but is currently running at 90/100 plus. The delay in allocating applications has led to a current backlog of over 1000 applications in the live system.
- Additional agency staff have been bought in, but this workforce is very mobile with a fast turnover. Capita are currently providing five officers.
- He concluded by conceding that this is currently a very difficult position to be in with a limited pre app process, a backlog of applications, reduced quality of customer service and the ongoing issue of managing expectations. The new CEC Director for the service had instigated a full planning review but David confirmed that decision making was still happening and was not affected.

- Cllr Podmore (KP) emphasised the need to keep communicating with consultees to help maintain a quality service.

## 2. Lawful Development Certificates (LDC) & responding to them

- KP requested an overview of how they are used / interpreted and how the Parish Council can respond or not to such applications.
- DM explained that there are two types of LDC: “existing” and “proposed”. He explained that whilst the applications are listed on the planning portal, no statutory consultee notification is made as these applications are they are matters of fact through “legal determination”.
- An existing LDC is beyond planning permission as it has already been previously dealt with (for example, extension of garden area into an existing field) where evidence has been judged on its probability. This leads to a positive certificate and officers will only seek opinion from those people with associated knowledge.
- A proposed LDC (for example a single storey extension) are being used more and more due to the growing complexity of modern planning regulations. Such applications are not judged on local planning policies, 30% rule and so on, but set by “higher planning authority”. They can be applied for different reasons many based on previous case law, satisfying regulation of “not requiring planning approval.
- DM confirmed all LDC applications are advertised on the portal and comments can still be made however such commentary is usually of no value as objections would not be valid due to the “legal” nature of the application.
- KP enquired if application responses can only therefore be made on a legal basis by getting legal advice? DM confirmed yes. He also emphasised that such applications weren’t bypassing the system just using it. As such he confirmed planning officers try to negotiate a fallback position to minimise the impact of a development which can take place under “permitted development”
- Cllr Leather (ML) enquired as to the best way to comment on LDCs and protect the locality? DM confirmed that the use of permitted development rules should be very clear but have become more complex due to legal interpretation. As such he did not consider a response from PPC would be limited benefit although he did consider the use of a planning consultant with legal knowledge for an opinion could be useful for “change of use” and similar applications.
- Cllr Findlow (PF) enquired if the none naming of officers in application determination was to be the norm? DM confirmed this was not the case and once allocated officers would be named on applications to allow for communication where necessary.

### 3. Non-consultation on applications particularly amended applications

- KP outlined the ongoing frustration about the non-notification to consultees (including neighbours) when amended applications (including material and non-material amendments) are submitted. One example being 61, Willowmead Drive. ML also felt it denied the opportunity to object or request a call in via the local ward member.
- DM confirmed that no consultation usually took place on such applications, although they are listed on the portal and so available to comment. He confirmed that a “discharge of conditions” was always assessed using an officer’s professional judgement and cannot be called in. Amendments to applications (including non-material) are similarly matters of professional judgement. This includes an officer’s view on whether to renotify consultees. Finally, non-material amendments, given their twenty-eight-day notice period for determination (in addition to the definition being greatly expanded recently) are again a judgement call. DM did agree however to review the possibility of taking off listed “consultees” on the notified list found on the planning applications on the portal.
- ML raised similar non-consulting issues with planning application 21/5595M (3, Southfield). DM re-emphasised that there isn’t a requirement to publicise non-material amendments or a discharge of conditions. Such applications are published just aren’t advertised. He did confirm that such applications are judged by a range of specialist officers as required as a check and balance as part of the decision.
- KP raised the similar non-consulting issue on tree applications including an example of where a discharge of condition wasn’t followed through correctly on a development (Willowmead House). DM understood the frustration, but said as always the service will try to manage expectation.
- ML emphasised that there is a perception that the Highways Service aren’t seen to comment often enough on applications which led to problems once development took place. DM noted this and with any application saw determination as a balance of making residents feel involved in the process but acknowledged the difficulty of pleasing everyone. DM did acknowledge it was also important to try and explain the planning process better on the council’s website.

### 4. The effect of non-determination of applications within the statutory period.

DM confirmed that the increasing number of applications going to appeal doesn’t affect the appeal process or the outcome. It is the planning inspector who still determines applications. He confirmed however that the national planning process (including through the National Planning Policy Framework) has moved on in recent years as has decisions. He felt some appeal decisions reflected this different position, including the effects of extensions into the

Greenbelt. He acknowledged that this was a difficult issue and one that will continue to change an areas character.

DM requested that members continue to email hi with any questions that the council has but also to use the advice on the planning portal.

KP thanked David for his time to answer the questions raised.

The meeting finished at 3.20pm