

## Wake up Macclesfield

National Planning Casework Unit (Northern)

DCLG

5, St Philips Place

Colmore Row

Birmingham

B3 2PW

27<sup>th</sup> June 2013

Dear Ms Ford

### **Cheshire East Council planning application 12/1212M**

I am writing on behalf of the Wake up Macclesfield group to request that the decision by Cheshire East Council to approve the above application for the redevelopment of Macclesfield town centre be called in by the Secretary of State.

This request is not a case of sour grapes following a decision that did not go the way we wanted. Rather, it is based on clear evidence that Cheshire East did not discharge their independent regulatory planning function by doing a thorough and comprehensive analysis of the scheme. This is due to conflicts of interest that have been apparent throughout and have made it impossible for the planning process to be handled objectively and according solely to planning criteria.

Please see below for supporting information.

#### **1. Financial gain by Cheshire East.**

The council are the direct beneficiary of development on land in its ownership yet the financial details were not disclosed.

#### **2. Stipulations within the Development Agreement.**

The council have a Development Agreement with the developers, Wilson Bowden. Following a Freedom of Information request, the council released only a heavily redacted copy of the documents. The case was then referred to the Information Commissioner, who made the unusual ruling that the Development Agreement should be disclosed in full in the public interest because of concerns around the planning application. The council chose, however, to determine the planning application whilst appealing the ruling. In doing so, they denied the public interest in the content of the Agreement and the very real concerns that the Agreement contains stipulations that could compromise the ability of the planning department to scrutinise details of the application objectively.

#### **3. No account taken of local opposition**

This development generated an extremely high level of public interest reflecting concerns that a scheme conceived eight years ago in a period of growth was being proposed in the current fragile retail market and in a location where the owner of the main shopping centre has objected to the scheme on the grounds it is likely to harm the main town centre shopping area.

This public interest resulted in an unprecedented number of written objections to the scheme. Cheshire East's figures state that there were objections from well over 3,000 households and potentially from over 5,000. These break down as follows:

**First tranche of consultation:**

Objections from 1065 households. Letters of support from 11.

**Second tranche of consultation:**

Objections from 3018 households. Letters of support from 190.

**Related planning application**

In addition to these are the letters of objection which quoted the numbers for both this application and the related one, application 12/1213M for the demolition of houses on Roe Street. The planning officers' report to committee states that the planners appreciate that these objections belong with the main application, 12/1212M.

Objections from 1543 households. Letters of support from 8.

Despite the high number of written objections, most of which cited valid planning grounds, Cheshire East discounted this opposition.

**4. Misapplication of policy**

The Chief Planning Officer misdirected the Strategic Planning Board on the interpretation of adopted policy MTC1 from the local plan. He directed members that Wilson Bowden was in conformity as it was "consolidating and enhancing" the town centre. In fact, policy MTC1 states that :

**THE FUNCTION OF THE PRIME SHOPPING AREA WILL BE CONSOLIDATED AND ENHANCED.**

*Reason*

The aim is to maintain and enhance the vitality and attractiveness of the main shopping area.

The site for the development is not within the main shopping area and the application does not therefore conform with this policy.

**5. Misleading information**

The council has taken information used to promote the scheme by the applicant and presented this in public despite the fact that the information is not supported by evidence. Information includes details about the extent of retailer interest and confirmed lettings. This information was published on the Cheshire East website.

## **6. Lack of evidence**

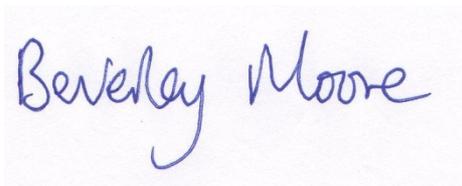
The council commissioned a retail study to address public concerns about harm to the primary shopping area. The resulting report by consultants WYG did not provide the required analysis. Despite this, the report nevertheless concluded there would be limited harm. Yet on the day of the planning meeting, a representative of WYG addressed the planning board and said that the development would enhance the primary shopping area. This statement was given to members without any evidence to support it.

In conclusion, it is clear that Cheshire East Council has failed to address the core issue of harm to the primary shopping area when determining an application on their own land to which they are a party to a development agreement. They have not obtained sufficient evidence to support the conclusions they have reached. The Information Commissioner's ruling is also significant. It is clear that the public interest would have been served by the document being available ahead of determination. In a nutshell, Cheshire East took deliberate steps to avoid transparency.

For all these reasons, there is a clear case for intervention by the Secretary of State.

I would be happy to provide further background documents and information as required. I can be contacted on the address above, by email at [beverley@writingpoint.co.uk](mailto:beverley@writingpoint.co.uk) or by phone at 0770 9961185.

Yours faithfully



Beverley Moore

**On behalf of Wake up Macclesfield**