

Northern Planning Committee

Agenda

Date:	Wednesday 9th February 2011
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

Members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

To receive any apologies for absence

2. **Declarations of Interest/Pre Determination**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of the Meeting** (Pages 1 - 8)

To approve the Minutes of the meeting held on 19 January 2011 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter

Tel: 01270 686462

E-Mail: sarah.baxter@cheshireeast.gov.uk

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/4558M - 6 Ashwood Road, Disley, Stockport, Cheshire, SK12 2EL: House Extension and Refurbishment Comprising - New Attic Conversion, New Rear Extension, New Raised Decking to Rear Garden, Internal Refurbishment, New Raised Car Park in Curtilage to Front Garden for Graham Prest** (Pages 9 - 18)

To consider the above planning application.

6. **10/4696M - 11 Moran Crescent, Macclesfield, SK11 8JJ: Two Storey Side Extension and Replacement of Glazed Roof on Conservatory with Tiles and Alterations to Conservatory Elevations. Side Extension to Include Lockable Garage for Mr S Cook** (Pages 19 - 26)

To consider the above planning application.

7. **10/4353M - One Oak, One Oak Lane, Wilmslow, Cheshire, SK9 2BL: Replacement Dwelling for Mr Andrew Russell** (Pages 27 - 36)

To consider the above planning application.

8. **10/2905M - One Oak, One Oak Lane, Wilmslow, SK9 2BL: Demolition of Existing House and Erection of New Dwelling for Mr Andrew Russell** (Pages 37 - 46)

To consider the above planning application.

9. **Planning Enforcement Performance** (Pages 47 - 58)

To note a report detailing Enforcement Notices/Enforcement Action, which was considered at a meeting of the Strategic Planning Board on 15 September 2010.

10. **Appeal Summaries** (Pages 59 - 60)

To note the Appeal Summaries.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 19th January, 2011 at The Capesthorne Room -
Town Hall, Macclesfield SK10 1DX

PRESENT

Councillor B Moran (Chairman)
Councillor R West (Vice-Chairman)

Councillors C Andrew, J Crockatt, H Gaddum, O Hunter, T Jackson,
J Narraway, D Neilson, L Smetham, D Thompson and C Tomlinson

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr
N Jones (Principal Development Officer, Highways), Mr A Ramshall
(Conservation Officer), Mr N Turpin (Principal Planning Officer), Ms E Tutton
(Principal Planning Officer) and Mr P Wakefield (Planning Officer)

Apologies

Councillors M Hardy

90 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor R J Narraway declared a personal interest in respect of
application number 10/4083M on the grounds that he was a Member of
North Rode Parish Council, which had considered the application, but that
he had not participated in any of the debates. In accordance with the
Code of Conduct, Councillor Narraway remained in the meeting during
consideration of the application.

Councillor C Andrew declared a personal interest in respect of application
number 10/4083M on the grounds that she was a Member of Eaton Parish
Council, which had considered the application, but that she had not
participated in any of the debates. In accordance with the Code of
Conduct, Councillor Andrew remained in the meeting during consideration
of the application.

Councillor D Thompson declared that she had expressed an opinion in
respect of application number 10/4558M and had therefore fettered her
discretion. Councillor Thompson exercised her separate speaking rights
as a Ward Councillor and withdrew from the room during consideration of
the item.

Councillor L Smetham declared a personal interest in respect of application number 10/4447M on the grounds that she was acquainted with the architect. In accordance with the Code of Conduct, Councillor Smetham remained in the meeting during consideration of the application.

91 MINUTES OF THE MEETING

RESOLVED – That the minutes of the meeting held on 22 December 2010 be approved as a correct record and signed by the Chairman.

92 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

93 10/4083M-VARIATION OF CONDITIONS 9, 10, 12 RELATING TO 06/2254P (APPEAL DECISION APP/C0630/A/07/2033939). THE PURPOSE OF THIS APPLICATION IS TO ENSURE ONE OF THE UNITS CAN BE OCCUPIED FULL TIME BY A MANAGER INCLUDING DURING THE CLOSED SEASON, RODE HEATH WOOD, BACK LANE, EATON FOR MR & MRS NOAD

Note: Mr Holmes (objector) and Mr S Goodwin (agent for the applicant) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

RESOLVED – That the application be APPROVED subject to the completion of a Section 106 Agreement including the following Heads Of Terms:

- A Travel Plan
- Submission, approval and implementation of a woodland management plan
- Form of Licence Agreement to be utilised

and the following conditions:

- 1 Landscaping proposals and implementation in accordance with approved details. Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.
- 2 External appearance of the caravans in accordance with approved details.
- 3 External lighting of the site in accordance with the approved details.

- 4 Construction of roads, parking spaces, hardstandings and storage of building materials and parking of contractors vehicles in accordance with approved details.
 - 5 Ecological management plan in accordance with approved details.
 - 6 Refuse storage and recycling facilities in accordance with approved details.
 - 7 The caravans shall be occupied for holiday purposes only, other than the caravan on plot 10, which shall only be occupied by a person solely or mainly employed as an on site manager (together with any dependents) for the holiday park for a period of three years from the date of this permission. Upon the expiry of the three year period the occupation of plot 10 shall be for holiday purposes only.
 - 8 The caravans shall not be occupied as a person's sole or main place of residence other than the caravan on plot 10, which shall only be occupied by a person solely or mainly employed as an on site manager (together with any dependents) for the holiday park for a period of three years from the date of this permission. Upon the expiry of the three year period plot 10 shall not be occupied as a person's sole or main place of residence.
 - 9 The owners/operators of the site shall maintain an up to date register of the names of all owners/occupiers of individual caravans on the site and of their main home addresses and shall make this information available at all times to the Local Planning Authority.
 - 10 No caravan on the site shall be occupied between 14 January and 1 March in any year other than the caravan on plot 10, which shall only be occupied by a person solely or mainly employed as an on site manager (together with any dependents) for the holiday park for a period of three years from the date of this permission. Upon the expiry of the three year period plot 10 shall not be occupied between 14 January and 1 March in any year.
 - 11 Access to Back Lane in accordance with approved details.
 - 12 No gates or other obstruction shall be placed across the proposed access.
 - 13 Turning space to be provided.
 - 14 Passing places to be provided along Back Lane prior to occupancy.
 - 15 Footpath to be provided between the site and the A536.
 - 16 Bus stops on the A536 adjacent to the opposite Novar to be improved.
 - 17 Cycle parking facilities in accordance with approved details.
 - 18 Materials to be used to construct the caravans in accordance with approved details.
 - 19 Foul and surface water drainage of the site in accordance with approved details.
- 94 **10/4381M-4 NO DETACHED DWELLINGS, LAND TO THE REAR OF 140, PRESTBURY ROAD, MACCLESFIELD FOR MR A NORTHOVER, LOCKSIDE ESTATES LTD**

The Chairman reported that the above planning application had been withdrawn by the applicant prior to the meeting.

**95 10/4558M-HOUSE EXTENSION AND REFURBISHMENT COMPRISING:
- NEW ATTIC CONVERSION - NEW REAR EXTENSION - NEW RAISED
DECKING TO REAR GARDEN - INTERNAL REFURBISHMENT - NEW
RAISED CAR PARK IN CURTILAGE TO FRONT GARDEN, 6,
ASHWOOD ROAD, DISLEY, STOCKPORT, CHESHIRE FOR GRAHAM
PREST**

Note: All Members declared that they had received correspondence from objectors with respect to this application.

Note: Having declared that she had expressed an opinion and therefore fettered her discretion, Councillor D Thompson exercised her separate speaking rights as a Ward Councillor and withdrew from the room during consideration of this item.

Note: Mrs J Stewart (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update, and an oral update by the Business Lead - Northern Office which confirmed a revised recommendation of deferral.

RESOLVED – That the application be DEFERRED:

- (a) for a Committee site inspection so that Members can assess the impact of the proposed development on neighbouring residential amenity.
- (b) to enable officers to assess the recently received revised plans and to renotify neighbouring properties.

**96 10/3535M-CHANGE OF USE OF PART BUILDING FROM B2
INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS, CLARENCE
MILL, CLARENCE ROAD, BOLLINGTON FOR CLARENCE MILL LTD**

Note: Councillor J Crockatt left the room prior to the start of the committee's consideration of this application and returned during the committee's debate on the application but did not take part in the debate or vote.

Note: Ms C Kettlety (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

RESOLVED – That the Head of Planning and Housing be granted delegated authority:

- (a) to REFUSE the application in consultation with Chairman of Committee for the following reasons:
 - 1. R04MS - Insufficient information submitted in respect of car parking provision
 - 2. R04MS_1 - Insufficient information submitted in respect of the financial viability of the scheme to allow for the Affordable Housing provision and Public Open Space contributions to be waived
- (b) to address any new issues raised in any additional representations received by 2 February 2011.

97 10/3536M-CHANGE OF USE OF PART BUILDING FROM B2 INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS, CLARENCE MILL, CLARENCE ROAD, BOLLINGTON FOR CLARENCE MILL LTD

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

- 1. A01AP - Development in accord with approved plans
- 2. A03CA - Standard Time Limit
- 3. A06EX - Materials as application
- 4. A09EX - Rainwater goods
- 5. A14EX - Specification of bonding of brickwork
- 6. A17EX - Specification of window design / style
- 7. A20EX - Submission of details of windows

98 10/4447M-INTERNAL ALTERATIONS TO PROVIDE REMODELLED LIVING ACCOMMODATION, ALTERATIONS TO EXISTING COURTYARD OUTSIDE REAR ENTRANCE AND NEW DETACHED GARAGE, 10, HAWTHORNE PARK, WILMSLOW, CHESHIRE FOR I GOW

Note: Councillor D Neilson left the meeting during the committee's consideration of this application and did not return.

Note: Mr D Benjamin (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral update by the Business Lead - Northern Office.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. A03FP - Commencement of development (3 years)
2. A06EX - Materials as application
3. A09EX - Rainwater goods
4. A17EX - Specification of window design / style (to be timber)
5. A19EX - Garage doors
6. A01AP - Development in accord with approved plans
7. Boundary treatment to be submitted and approved prior to commencement, shall include maximum retention of existing front boundary hedge and wall
8. Hours of construction

99 **10/3545M-FULL PLANNING PERMISSION 06/0236P MIXED USE DEVELOPMENT COMPRISING 87 NO APARTMENTS AND 1077SQ M BUSINESS FLOORSPACE WITH ASSOCIATED CAR PARKING, ACCESS AND SERVICING ARRANGEMENTS, LAND AND BUILDINGS AT PARK GREEN, MACCLESFIELD FOR P H PROPERTY HOLDINGS LTD C/O AGENT**

Note: Prior to consideration of this application, the meeting was adjourned for a period of 10 minutes.

Note: Councillor J Crockatt left the meeting prior to the committee's consideration of this application and did not return.

Note: Mr J Suckley, agent for the applicant, had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application, a written update and an oral update by the Principal Planning Officer.

RESOLVED – That the application be APPROVED subject to the prior completion of a section 106 agreement as detailed in the officer's report and the following conditions:

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A07EX - Sample panel of brickwork to be made available
5. A11EX - Details to be approved
6. A10EX - Rainwater goods
7. A15MC - Archaeological watching brief
8. A02LS - Submission of landscaping scheme
9. A04LS - Landscaping (implementation)
10. A22GR - Protection from noise during construction (limit on hours of construction works)
11. A02HA - Construction of access

12. A07HA - No gates - new access
13. A14HA - Construction of highways
14. A15HA - Construction of highways - submission of details
15. A18HA - Construction of footways
16. A23HA - Provision / retention of turning facility
17. A24HA - Provision / retention of service facility
18. A30HA - Protection of highway from mud and debris
19. A32HA - Submission of details re: construction
20. A26HA - Prevention of surface water flowing onto highways
21. A02HP - Provision of car parking (scheme to be submitted)
22. A07HP - Drainage and surfacing of hardstanding areas
23. A04HP - Provision of cycle / motorcycle parking
24. Section 278
25. Removal of Japanese Knotweed
26. Protection of breeding birds
27. Artificial bat roosts to be agreed
28. Details of any pile drive driving to be approved
29. visibility splays on Brook Street
30. Decontamination of land
31. Minimum floor levels above river
32. Materials and location of services designed to minimise flood damage risk
33. Approval of details of surface water drainage
34. Approval of measures on Bollin walkway to ensure suitability for disabled
35. visibility splays on Brook Street

100 **10/3614M-EXTENSION OF TIME FOR PERMISSION 06/0234P (CONSERVATION AREA CONSENT) - PART DEMOLITION OF NON-LISTED BUILDINGS FOR REDEVELOPMENT (CONSERVATION AREA CONSENT), LAND AND BUILDINGS AT PARK GREEN, MACCLESFIELD FOR PH PROPERTY HOLDINGS LIMITED**

Note: Mr J Suckley, agent for the applicant, had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. A03CA - Commencement of development
2. A02CA - Demolition as precursor of redevelopment

101 **10/3615M-EXTENSION OF TIME FOR PERMISSION 06/0235P (LISTED BUILDING CONSENT) DEMOLITION OF EXTENSION AND PORCH ON GEORGIAN MILL WITH EXTERNAL AND INTERNAL ALTERATIONS INCLUDING WINDOWS, REPLACEMENT ROOF AND REMOVAL OF INTERNAL PARTITIONS AND STAIRCASES (LISTED**

**BUILDING CONSENT), LAND AND BUILDINGS AT PARK GREEN,
MACCLESFIELD FOR PH PROPERTY HOLDINGS LIMITED**

Note: Mr J Suckley, agent for the applicant, had registered his intention to address the Committee on this matter but did not speak.

The Committee considered a report regarding the above planning application.

RESOLVED – That the application be APPROVED subject to the following conditions:

1. A07LB - Commencement of development
2. A01AP - Development in accord with approved plans
3. A02BC - Submission of structural survey / method of development
4. A02CA - Demolition as precursor of redevelopment
5. A02EX - Submission of samples of building materials
6. A07EX - Sample panel of brickwork to be made available
7. A11EX - Details to be approved - windows, balcony rails and lift shafts
8. A10EX - Rainwater goods
9. A12EX - Fenestration to be set behind reveals
10. A20EX - Submission of details of windows
11. A23EX - Roof ridges - to be finished with lead rolls

The meeting commenced at 2.00 pm and concluded at 5.33 pm

Councillor B Moran (Chairman)

Application No: 10/4558M

Location: 6, ASHWOOD ROAD, DISLEY, STOCKPORT, CHESHIRE, SK12 2EL

Proposal: House extension and refurbishment comprising: New attic conversion - New rear extension - New raised decking to rear garden - Internal refurbishment - New raised car park in curtilage to front garden

For Graham Prest

Registered 22-Nov-2010

Policy Item No

Grid Reference 397987 384973

Date Report Prepared: 28 January 2011

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Impact upon the character of the area
- Impact upon amenity of neighbouring property

REASON FOR REPORT

The application was called to the Committee by Councillor Thompson to allow neighbours and other interested parties to give their views stating: overdevelopment of the site, policies BE1, DC1, un-neighbourly and overlooking of neighbouring properties: DC3.

The application was deferred from the last Committee meeting on 19 January following the receipt of revised plans, and to allow time to re-consult neighbours and for Members to carry out a site visit.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a single-storey link detached property (linked by its garage to number 8) with front and rear gardens. The site slopes from the south west boundary with Ashwood Road down to the north east boundary with the canal, and is located within a Predominantly Residential Area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to erect a rear dormer / first floor extension, single-storey rear extension, and a raised car parking area to the front.

The rear decking that was previously proposed has now been removed from the application and the rear elevations altered accordingly to allow access to the extension from the existing ground levels.

RELEVANT HISTORY

10/0902M - House Extension and Refurbishment Comprising: New Attic Conversion, New Rear Extension, Extend Existing Front Gable, New Raised Decking to Rear Garden, Internal Refurbishment, New Raised in Curtilage Car Parking to Front Garden – Withdrawn 13.05.2010

POLICIES

Regional Spatial Strategy – DP1

Local Plan Policy – BE1, DC1, DC2, DC3, DC6

CONSULTATIONS (External to Planning)

Environmental Health – No objections

British Waterways – No comments to make

Ministry of Defence – No safeguarding objections

Disley Parish Council – Object on the grounds that the proposal is over development of the site, unneighbourly and overlooks adjacent properties. Contrary to policies BE1, DC1 and DC3. Comments on the revised plans are awaited.

OTHER REPRESENTATIONS

At the time of writing no comments had been received relating specifically to the revised plans. The following objections were received in response to the original submission, and were reported in the previous Committee report.

Eight letters of representation have been received from neighbours at 4, 8, 10, 12, 14, 15, 18 and 19 Ashwood Road objecting to the proposal on the following grounds:

- Trees / hedges will have to be removed to allow access to front parking area, contrary to what is stated on application form.
- Cannot access parking area from existing drive due to steepness of existing drive. 3D views inaccurate in this regard.

- Potentially provide parking for motorhome/commercial vehicle which is unacceptable.
- Danger to number 4 if a vehicle overshoots.
- Loss of amenity – loss of privacy, light and overbearing.
- Proposed dormer extension is out of keeping with all others and gives property two-storey appearance.
- Hazard to integrity of existing sewer. Drainage information is wrong.
- Duty of Council to ensure that a daylight reduction assessment is carried out.
- Elevated car park out of keeping
- Inaccuracies in drawings
- Impact upon adjacent properties during construction
- Risk of subsidence due to soft ground and steep slope. Geological survey should be undertaken
- Scale of development is not proportionate to its plot.
- May reduce value of neighbouring properties.
- Application should be considered in its entirety, leaving no potential for permitted development rights to circumvent the planning rules.
- No mention made of separate underground watercourse.
- Question use of words “house” and “attic” in description of development.
- Site plan showing relationship with number 4 misrepresents distances between two properties.
- Rear eaves level is shown to be 3 metres on the plans, whereas on site measurements show this to be in excess of 3 metres, which questions whether the rear extension can be done under permitted development.
- Plans not available for viewing

An additional letter has been received from the neighbour at number 8 stating that the proposed extension does not comply with the 45° guideline from the nearest window of number 8.

Comments are awaited from neighbours in relation to the revised plans.

OFFICER APPRAISAL

Design / character

The design of the extensions is considered to be appropriate and in keeping with the existing building. The rear dormer extension replicates the gable features of the existing building, and the cat-slide roof on the single-storey extension is considered to be an acceptable way of achieving a rear extension in design terms. The existing property is one of several bungalows on Ashwood Road that form part of an elevated ribbon of development along the canal to the rear. There are two types of bungalows, those with rear facing gables and those with roofs sloping down towards the canal. The buildings are clearly visible from the towpath, and therefore both the front and rear elevations of the properties are clearly visible from public vantage points. The existing buildings have been altered in a variety of ways with single-storey conservatory extensions and dormer windows to the rear.

The proposed dormer extension is larger than other dormer windows, however rather than being flat roofed, it has a more contemporary gabled appearance, which is in keeping with the character of the area. It is notable that the existing bungalows with rear facing gables are set further back from the canal, thereby reducing their visual impact, however, the dormer will be viewed in the context of other rear dormers as well as these rear gabled properties, one of which is next door. The proposed rendered finish to the rear gable also reflects the external treatment of neighbouring properties. The rear dormer is, therefore, considered to have an acceptable impact upon the character of the area.

The single-storey rear extension is set down in the site, which does help to minimise its visual impact. The proposed ground floor is shown to be 1150mm lower than the ground floor level of the existing house. Again, this will be viewed in the context of the other extensions, and other structures in the rear gardens of properties along this ribbon of development, such as greenhouses, sheds, decking, and garages, and is not considered to be unduly out of character.

At the front of the property, the plans have been amended to show the provision of one parking space in the front garden. The plans indicate that a 310mm railway sleeper retaining structure will be created and the applicant's agent has confirmed that the parking area will have approximately a 1:18 fall. The existing driveway is steeply sloped and the proposed space will be slightly elevated with a shallower gradient. The parking area will still slope down from Ashwood Road, and whilst some of the existing vegetation will have to be removed, space will remain for some replanting to minimise the visual impact of the parking area. The parking space will not be an unduly prominent feature in the street scene and is considered to have an acceptable impact upon the character of the area. Solar panels are also shown on the front roof slope, which are considered to be acceptable in principle. However, details of these panels will need to be conditioned in the event that the application is approved.

The removal of the rear decking reduces the visual impact of the proposal, and adequately overcomes the previously raised concerns about over development of the site. The proposal is therefore considered to comply with BE1, DC1 and DC2 of the Macclesfield Borough Local Plan.

Amenity

No amenity concerns are raised by the proposed dormer extension due to the scale of the development and relationship with neighbouring properties. The single-storey rear extension will project 3 metres from the rear elevation of the building with a maximum height of 3.4 metres where it meets the existing building dropping down to 2.8 metres at its rearmost part.

The extension will comply with the 45° guideline to the nearest rear facing habitable room window of number 8, but as the neighbour has pointed out it will breach that same guideline to their side facing kitchen/diner window. With regard to the impact upon this room, the existing side porch, which is directly

opposite this window is to be removed, thereby increasing the space between the window and the building. Clearly, the existing building already compromises the amount of light received by, and outlook from, this room. The neighbour has submitted a photograph from this room indicating the impact of the extension. This photograph does show that the distant views from the window will be lost, but also that the outlook from the window is already restricted. The kitchen diner would also appear to be served by a window on the front elevation. Therefore, as this window is not the main or sole light source to this room, the impact upon the living conditions within it are not considered to be significantly harmed.

Turning to the neighbour at number 4, the 45° guideline will be breached when taken from their nearest window on their rear elevation. However, this neighbour is more elevated than the application property, and the bottom sill of their nearest window is shown to be higher than the eaves of the extension. The highest point of the extension, where it meets the existing building, is also lower than the top of the window. Therefore the lower positioning of the extension is considered to reduce the impact upon the living conditions within the room.

Similarly, although the extension will present an extended solid brick wall to the rear amenity space of number 4 due to the set back of this neighbour's dwelling, by keeping the extension relatively low, the impact is minimised, and the existing boundary hedging could be grown to reduce the impact even further. As number 8 is set on a similar rear building line to the application property, the impact of the side wall will not be significantly harmful upon them.

Notwithstanding the impact upon neighbouring properties, due regard should also be given to what could be constructed without planning permission. Even if the view is taken that what is currently proposed is not permitted development, a 3 metre high flat roof or higher shallow pitched roof extension could be constructed under permitted development, which would have a virtually identical impact upon this neighbour, and be visually less acceptable. This is considered to be a realistic fallback position, and the applicant has investigated permitted development options with the Council; this should be afforded some weight in determining the application.

However, it is considered that, on their own merits, the proposed extensions will not have a sufficiently harmful impact upon the adjoining properties to justify a refusal of planning permission. No significant amenity issues are raised, and the proposal is considered to comply with the objectives of policy DC3 of the Macclesfield Borough Local Plan.

Now that the decking has been removed a rear patio is proposed at existing ground level. A plan is being sought from the applicant to confirm the level and gradient of this patio as the section and the elevations currently contradict each other. It is not anticipated that significant engineering works will be carried out to the rear, as it is the applicant's intention to repair and replace the existing surface as required.

No amenity issues are raised with regard to the front parking area, and the side facing landing window and two side facing roof lights can be conditioned to be obscurely glazed to prevent overlooking.

Highways

Two parking spaces will be available for the extended property. This is considered to be an adequate amount for a dwelling of this scale, and whilst it will be necessary to reverse out from the additional parking space, this is the same situation as with the existing driveway, and many other properties along this road. Due to the quiet cul-de-sac nature of Ashwood Road, no significant highway safety issues are raised.

Other considerations

With regard to the comments received in representation not addressed above, it is confirmed that the height of the existing eaves is being clarified with the applicant as is the level of the rear patio. The risk to the occupiers of number 4 if a vehicle overshoots the parking area, the impact upon the integrity of the existing sewer, drainage issues, impact upon neighbouring properties during construction, the risk of subsidence, and the impact upon the value of surrounding properties are not considered to be material planning considerations in this case, and therefore cannot be afforded any weight in the determination of the application.

There is no requirement for a daylight reduction assessment to be submitted with the planning application. The impact upon the daylight received by neighbouring properties can be adequately assessed by a site visit. Reference is made to an underground watercourse, and no mention being made of it within the planning application; however there is no evidence to suggest this is a limiting factor for the development.

Concern has been raised regarding the description of development. The applicant chose to use words "attic" and "house" in this description and the Officers are satisfied that the description adequately reflects the proposed development.

Concern has also been raised over the inability to view the plans online and at Disley library. The original publicity period was extended to 5 January 2011 to address this issue. The additional period relating to the revised plans runs until 7 February 2011.

CONCLUSIONS AND REASON(S) FOR THE DECISION

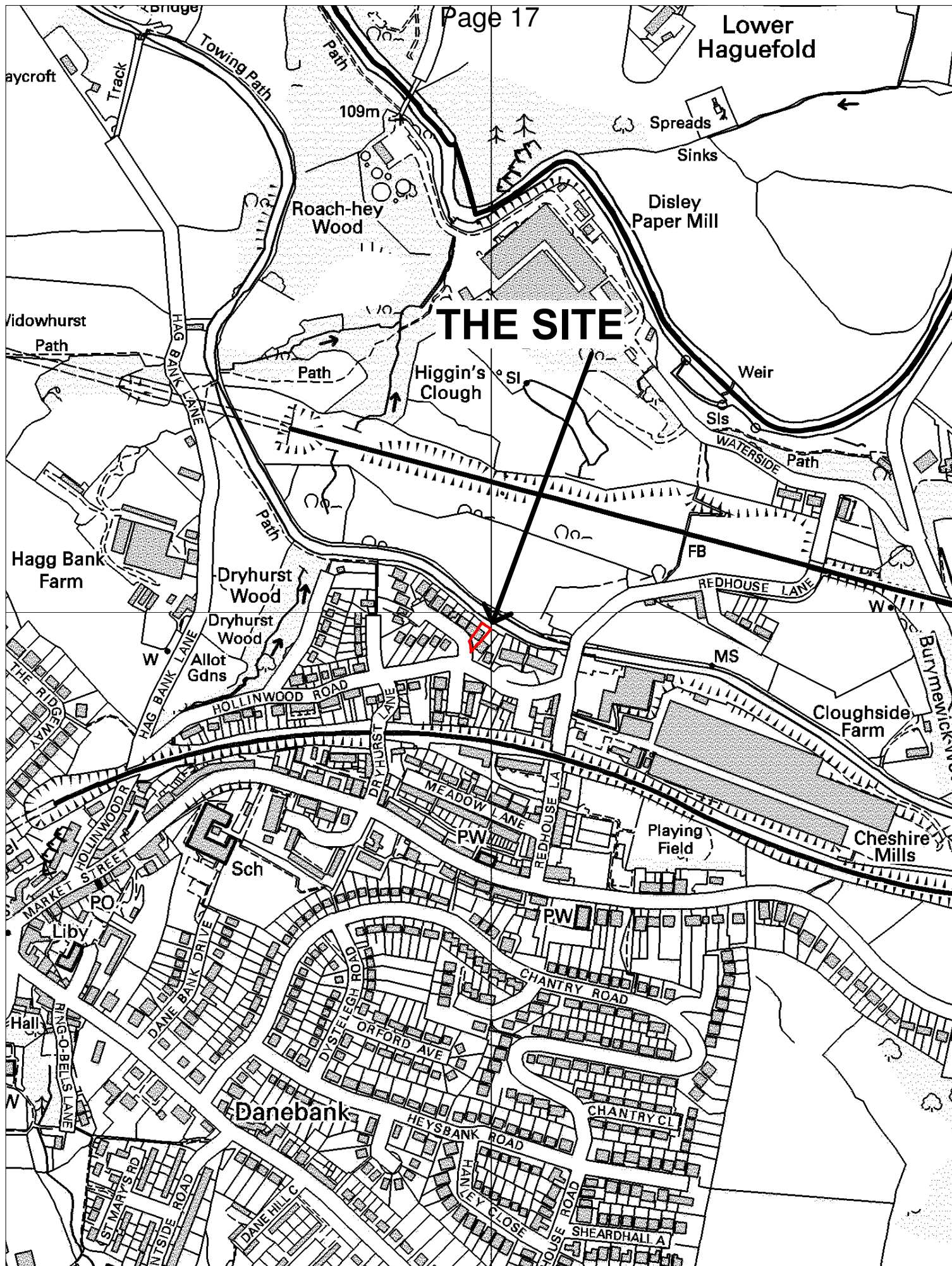
Although visible from public vantage points at the front and rear, the design of the proposed extensions is in keeping with the existing building and they are not considered to have a significant impact upon the character of the area. Similarly, the impact upon neighbouring properties is considered to be acceptable. The proposal is considered to comply with the objectives of policies BE1, DC1, DC2 and DC3 of the Macclesfield Borough Local Plan, and a recommendation of approval is therefore made.

Clarification is being sought from the applicant on the height of the existing eaves, as they are higher than shown on the existing plans, and also on the level/gradient of the rear patio area. This recommendation is subject to these details being acceptable.

Application for **Householder**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A11EX - Details to be approved (solar panels)
5. A01LS - Landscaping - submission of details
6. A05LS - Landscaping - implementation
7. A25GR - Obscure glazing requirement



10/4558M 6, ASHWOOD ROAD, DISLEY, STOCKPORT, CHESHIRE, SK12 2EL
 NGR: 397,680m - 385,210m

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2011.

 Scale 1:5000

This page is intentionally left blank

Application No: 10/4696M
Location: 11, MORAN CRESCENT, MACCLESFIELD, SK11 8JJ
Proposal: Two Storey Side Extension and Replacement of Glazed Roof on Conservatory with Tiles and Alterations to Conservatory Elevations. Side Extension to Include Lockable Garage

For Mr S Cook

Registered 14-Dec-2010
Policy Item No
Grid Reference 390903 373081

Date Report Prepared: 28.01.11

SUMMARY RECOMMENDATION	APPROVE, SUBJECT TO CONDITIONS
-------------------------------	---------------------------------------

MAIN ISSUES

- Design/impact on character and appearance of the area and street-scene
- Impact on neighbour amenity
- Highways safety

REASON FOR REPORT

The application has been called in by Cllr Hardy for the following reasons: 1) un-neighbourly to adjacent dwelling; 2) impact on residential amenity.

DESCRIPTION OF SITE AND CONTEXT

The property to which the application relates is a two-storey, semi-detached dwelling. The property has benefitted from previous extensions (mainly a first-floor rear extension creating a bedroom, a single-storey rear conservatory-style extension and conversion of loft to a study/office with alterations to roof).

The property currently has a detached outbuilding at the rear (which is used as a utility, though could constitute a garage), gardens to front and rear and driveway to front and side (on which 2 No. vehicles can be accommodated).

The area consists mainly of two-storey, semi-detached dwellings with a few detached properties and a small terrace east of the application site approx. 10 years old. The properties are of varying architectural styles, as are the numerous extensions that exist. A number of the properties have created hard-standings at the front used to park vehicles.

DETAILS OF PROPOSAL

The proposed seeks full planning permission to erect a two-storey side extension and make alterations to the existing conservatory elevations and roof.

RELEVANT HISTORY

04/0448P Full planning. Single-storey side and rear extensions, first-floor rear extension and 1 No. dormer to side elevation. Approved, 14042004.

22517PB Bedroom/kitchen extension. Approved, 30051980.

POLICIES

DP1 Spatial Principles
DP7 Promote Environmental Quality

Local Plan Policy

BE1 Design Guidance
H13 Protecting Residential Areas
DC1 New Build
DC2 Extensions and Alterations
DC3 Amenity
DC6 Circulation & Access
DC38 Space, Light & Privacy
DC43 Side Extensions to Houses

Other Material Considerations

Planning Policy Guidance Note 13: Transport

CONSULTATIONS (External to Planning & Housing)

Not applicable

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable

OTHER REPRESENTATIONS

2 No. representations have been received from the occupants of neighbouring properties objecting to the proposed development. One from the occupants of the immediate neighbouring property to the western side, No. 9 Moran Crescent, and one from the immediate neighbouring property to the rear, No. 14 Moran Road. The Agent has submitted a response to the objections raised

by the occupants of No. 14 Moran Road. All details can be read on file. In summary, the issues raised are as follows:

9 Moran Crescent

- Overbearing/shadowing causing loss of light along side of property in particular to bathroom, entrance to dining room/utility room
- Loss of privacy due to proposed shower room window being in close proximity to existing bathroom window of No. 9
- Create a closing in effect at both front and rear of property
- Roof/guttering would overhang

It is noted that the objector refers to damp problems and maintenance issues (that may have resulted from the previous extension and may be exacerbated by the proposed). However, maintenance and damp issues are building regulations and or civil matters, not planning issues.

14 Moran Road

- Loss of natural light to one side of property
- Resultant view would be that of a large brick building
- Enclosure of garden
- Impact on well-being/quality of life

It is noted that the objector expresses concern about the effect of the proposed on the value of her property. However, this is not a planning consideration.

APPLICANT'S SUPPORTING INFORMATION

No additional information has been submitted over and above the application forms and plans required.

OFFICER APPRAISAL

Principle of Development

The principle of the proposed is acceptable, subject to according with relevant Development Plan policies.

Policy

The relevant policies are listed above and relate to the main issues of: 1) design and impact on the character and appearance of the area/street-scene; 2) impact on residential amenity and 3) highways safety.

Design/impact on the character and appearance of the area & street-scene

The alterations to the conservatory elevation and roof - brick wall, French doors and a tiled roof (rather than the predominantly glazed structure) - are considered to be acceptable design alterations.

Rather than following the line of the boundary with a tapered design, the two-storey side extension is divided into sections using right-angled lines. This has created some relief along the side elevation. The extension primarily provides for an increased kitchen/utility area downstairs and an additional bedroom and shower room on the first-floor. The ridge height at the front is approx. 1m lower than the existing main ridge height. The roof angles and ridge lines to the rear part of the two-storey extension follow the roof lines of the existing two-storey rear extension and existing main roof slope.

Given the mix of architectural styles and variety of extensions to properties in the area, it is considered that the design of the proposed is acceptable as is the impact on the character and appearance of the area. Materials proposed are to match those of the existing building.

The projection at the front of the property at ground-floor level (mono-pitched roof over front of garage, porch and lounge) provides relief to the front elevation.

The proposed side extension projects up to the side boundary at points, but will leave up to an 800mm gap at its greatest. Due to the staggered design along the side elevation of the proposed extension, a gap varying between approx. 3.9m to 1m will remain between the application dwelling and the neighbouring property to the west, No. 9. Policy DC43 states that "*side extensions should not normally encroach within 1 metre of the site boundary, to prevent a terracing effect*". Given a) that the resultant minimum distance between the application dwelling and No. 9 will be approx. 1m and b) the application dwelling and No. 9 are oriented at different angles to each and will have different set-back distances, it is considered that the proposed extension would not create a terracing effect, thereby complying with policy DC43. Hence, it is considered that the relationship with the street-scene would not be detrimental and a gap of less than 1 metre to the side boundary is acceptable in this case.

Impact on residential amenity

The 2 No. properties on which the proposed potentially impacts most are No. 9 Moran Crescent (to the western side) and No. 14 Moran Road (to the rear). As noted above, the occupants of each of these properties have expressed objections. These issues are discussed below.

9 Moran Crescent

The existing distances between the side elevations of the application dwelling and No. 9 Moran Crescent range from between approx. 7m at the widest point to 4m at the narrowest point. The resultant distance would range from between 3.9m at the widest point to 1m at the narrowest point. It is noted that a wall exists along the boundary between the properties at a height of approx. 1.5m.

The south-eastern side elevation of No. 9 has 2 No. obscure-glazed windows at ground-floor level, the one nearest the front is a secondary window to the dining room (i.e. there is a primary, clear glazed window on the front elevation) and the other serves a pantry in the kitchen (noting that the kitchen has its primary clear-glazed window on the rear elevation). There is 1 No. obscure-glazed window at first-floor level serving a bathroom and 1 No. clear-glazed window in the loft serving an office. The side elevation of the proposed two-storey extension will have 2 No. obscure-glazed windows at ground-floor level serving a rear hall and utility and 1 No. obscure-glazed window at first-floor level serving a shower room. It is noted that the window of the proposed shower room would slightly overlap the existing bathroom window of No. 9.

Policy DC38 provides guidelines regarding space between buildings to ensure adequate levels of space, light and privacy are attained/retained. Policy DC3 seeks to protect the amenities of the occupants of neighbouring properties by avoiding (amongst other things) any significant loss of light, loss of privacy or overbearing impact.

It is noted a) that the guidance outlined in policy DC38 relates to habitable rooms and b) that all the windows on the side elevation of No. 9 serve non-habitable rooms and/or are secondary windows. It is also noted that, should the application be approved, conditions could be attached requiring (in particular) the proposed shower room window to be obscure-glazed and to have restricted opening.

Bearing the above in mind, it is acknowledged that the proposed extension would result in some loss of light. However, the extent of the reduction is considered not to be significant enough to warrant a refusal. As conditions could be attached to ensure adequate privacy levels are maintained in respect of the bathroom, it is therefore considered that privacy levels in respect of the bathroom would not be reduced to a level that would warrant a refusal.

The existing two-storey extension to the rear of the application site has a bedroom at first-floor level. The size of this bedroom would be increased as a result of the extension. The occupants of No. 11 (the application dwelling) can already look over part of the rear garden area of No. 9. It is considered that the additional window in the resultant larger bedroom would not significantly alter the privacy levels currently enjoyed by the occupants of No. 9 within their rear garden.

The occupant of No. 9 has suggested that the proposed side extension would overhang/encroach onto his land. It is noted that the site edged red and the certificate of ownership submitted with the application suggest that the proposed extension would remain within the land owned by the applicant. However, the issue has been brought to the attention of the agent to seek clarification. Members will be up-dated on this matter. It is noted that, should it be concluded that the proposed would encroach, it would be possible to revise the plans in order to avoid encroachment.

14 Moran Road

No. 14 Moran Road is oriented at a right-angle to the application dwelling. The kitchen, located to the rear of the property, has a dual aspect with 1 No. window on the ground-floor southern side elevation that looks out to the rear of the application site and 1 No. window on the western, rear elevation which looks out over the garden at the rear.

The existing minimum distance between the rear of the application dwelling and the side of No. 14 Moran Road is approx. 10m. It is also noted that the existing two-storey extension at No. 11 is not directly opposite the side elevation of No. 14. The proposed extension does not come any closer to No. 14 than the existing rear elevation of the application dwelling. The detached outbuilding in the rear garden of the application site abuts the boundary with No. 14 and is positioned between the rear garden of No. 14 and the rear elevation of the application dwelling.

Bearing the above points in mind it is considered that the proposed extension would retain a commensurate degree of space, light and privacy between the application dwelling and No. 14 Moran Road and therefore the proposed extension would comply with policies DC38 and DC3 of the Local Plan.

In summary the proposed extension has an acceptable degree of impact on the amenities of the occupants of neighbouring properties, subject to the recommended conditions being attached to any approval, and that the proposed adheres to policies DC43, DC38 and DC3 of the Local Plan.

Highways safety

The existing property has 3 No. bedrooms and an office/study in the loft that could be used as a bedroom. The proposed extension would provide 1 No. additional bedroom.

The proposed extension would result in a) the outbuilding to the rear not being accessible to use as a garage and b) the loss of the car parking space on the driveway to the side of the dwelling. However, the proposed extension includes a single internal garage and a condition could be attached to any approval requiring at least 1 No. additional parking space to be provided in the existing garden area at the front of the property. Thus, 2 No. off-street car parking spaces are considered to provide sufficient car parking space within the site. On-street parking is also available in the area and the site is within

close proximity to bus routes on Oxford Road. Bearing these points in mind it is considered that there are no highways safety issues arising from the application and that the proposed complies with policy DC6.

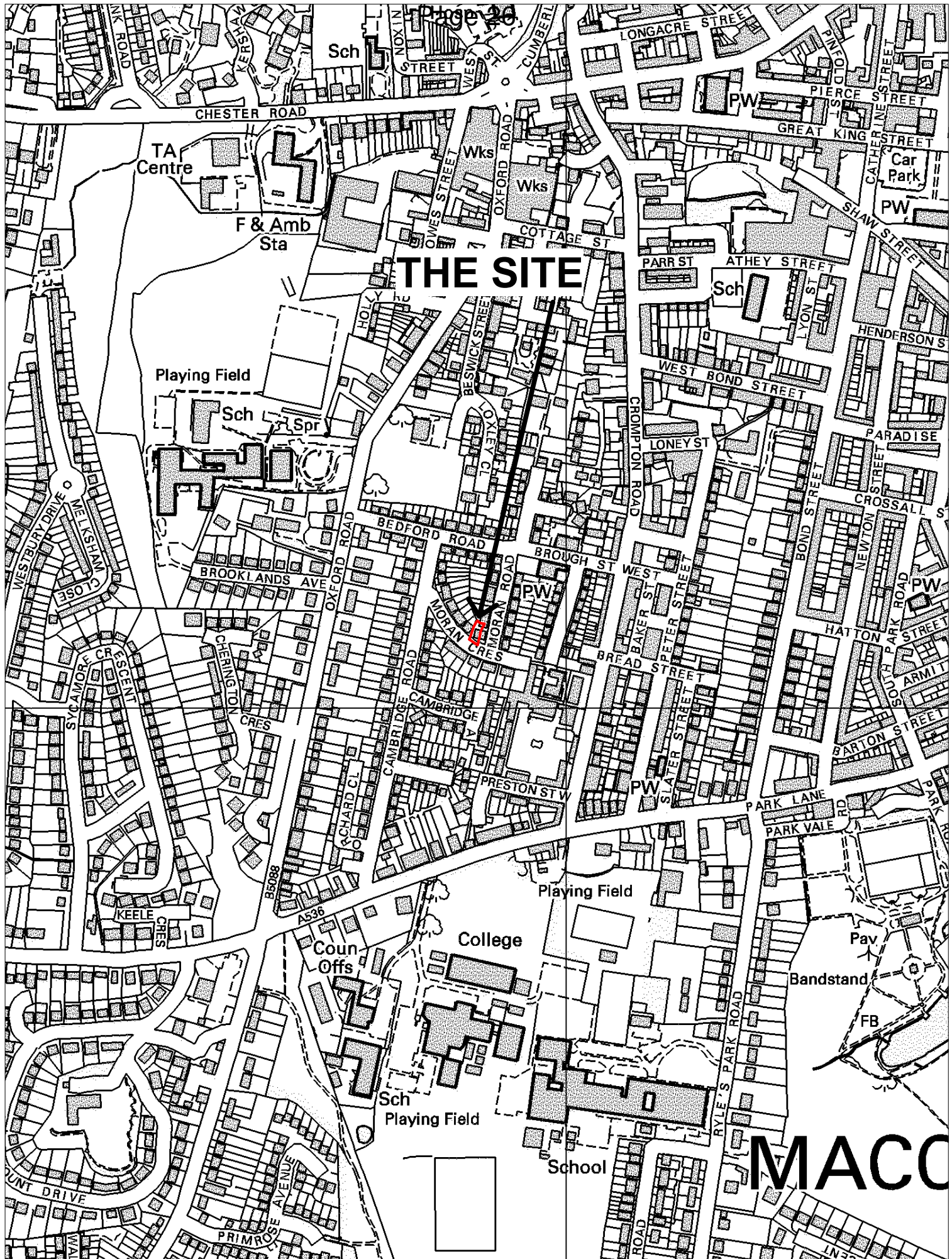
CONCLUSIONS AND REASON(S) FOR THE DECISION

All the objections have been borne in mind and the issues raised have been addressed above. It is considered that the proposed extension adheres with all relevant Development Plan policies. The objections put forward regarding reductions in light, privacy and overbearing impact have been fully considered, however the extension will be acceptable in respect of all of these matters and will not result in any significant harm to living conditions of the neighbours. Subject to clarification that the proposed extension will not encroach beyond the submitted site edge red, the development is recommended for approval, subject to conditions.

Application for **Householder**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02HP - Provision of car parking (scheme to be submitted)
4. A06HP - Use of garage / carport
5. A04EX - Materials to match existing
6. A06GR - No windows to be inserted
7. Obscure glazing to specific windows
8. Restricted opening of shower room window



11, MORAN CRESCENT, MACCLESFIELD, SK11 8JJ

NGR: 390,900m - 373,080m

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2011.



Application No: 10/4353M
Location: ONE OAK, ONE OAK LANE, WILMSLOW, CHESHIRE, SK9 2BL
Proposal: REPLACEMENT DWELLING

For Andrew Russell

Registered 02-Dec-2010
Policy Item No
Grid Reference 386613 381124

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Whether the proposed development comprises inappropriate development in the Green Belt and whether very special circumstances have been advanced that outweigh the harm. Impact on neighbouring amenity, the character and appearance of the surrounding area, nature conservation, the existing trees and highway safety

Date Report Prepared: 27th January 2011

REASON FOR REPORT

The application was called-in to committee by Cllr Crockatt as One Oak Lane residents are concerned about the replacement of the existing house. It was commissioned by a descendent of Bradshaw of railway timetable fame; it is 100 years old approx in the Arts and Crafts style; and the house gave its name to the street. It is considered that the impact of a new design will completely change the area and destroy the traditions and heritage of it.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey L-shaped dwellinghouse located within the North Cheshire Green Belt. It is sited within a group of houses that comprise large detached and semi-detached dwellings set within large plots. Each of the houses in the group are distinctly different from one-another and comprise a range of ages with some older properties being replaced by modern substitutes.

DETAILS OF PROPOSAL

Full planning permission is sought to erect a replacement dwellinghouse. This application differs from another application on the agenda (10/2905M) in that the basement has been excluded.

RELEVANT HISTORY

09/1165M Demolition of existing garage and kitchen area and extension to the east side of the property to incorporate new kitchen, garage and master bedroom. Conservatory also proposed to the south side of the building

Approved with conditions 01/07/2009

POLICIES

Regional Spatial Strategy

DP1	Spatial Principles
DP4	Making the Best Use of Existing Resources and Infrastructure
DP7	Promote Environmental Quality
EM1(B)	Integrated Enhancement and Protection of the Region's Environmental Assets: Natural Environment
EM1(D)	Integrated Enhancement and Protection of the Region's Environmental Assets: Trees, Woodlands and Forests

Local Plan Policy

NE11	Nature Conservation
BE1	Design Guidance
DC1	New Build
DC3	Amenity
DC6	Circulation and Access
DC8	Landscaping
DC9	Tree Protection
DC38	Space, Light and Privacy
DC41	Infill Housing Development or Redevelopment
H1	Phasing Policy
H2	Environmental Quality in Housing Developments

Other Material Considerations

PPS1	Delivering Sustainable Development
PPS3	Housing

CONSIDERATIONS (External to Planning)

Highways: No objection subject to an informative

Environmental Health: No objection subject to conditions and an informative

OTHER REPRESENTATIONS

Two letters have been received from a neighbour and The Wilmslow Trust that object to the application on the grounds that the demolition of the existing dwellinghouse would be contrary to policy BE2 as it is a commendable example of an Arts and Crafts design; it would have the potential to remove views from the Bollin Valley; the replacement dwellinghouse would be materially larger; a previous appeal decision outlined that previously approved extensions of a similar size should not in themselves automatically justify a materially larger dwelling; the demolition of the dwellinghouse would affect the character of the lane; the replacement house is less interesting; the lane cannot cope with heavy traffic.

Members should note that the consultation period does not expire until 2nd February.

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design & Access Statement, a Bat Report, a Tree Protection Plan and a Landscaping Layout drawing were submitted with the planning application.

OFFICER APPRAISAL

Green Belt Policy

Replacement dwellings may be an exception to the categories of inappropriate development in the Green Belt, so long as the replacement dwelling is not materially larger than the dwelling it replaces. The Local Plan does not contain a saved policy that defines “materially larger” or expands further on the advice within PPG2. Case law has established the factors that should be considered when assessing what is “materially larger”. It includes a comparative assessment of the scale of the proposed dwelling against the existing dwelling on the site. This includes matters of floorspace, footprint, height, massing, volume, design and position on the plot. Any or a combination of such factors could contribute towards a dwelling being materially larger than the existing dwelling. Floorspace will normally be a key factor in this assessment. The general intention is that the new building should be similar in scale to that which it replaces.

If a replacement dwelling is considered to be materially larger than the dwelling it replaces then it must be considered as inappropriate development for which there is a presumption against. Inappropriate development should not be permitted, except in very special circumstances. Very special circumstances will only exist if the harm by reason of inappropriateness and any additional harm is clearly outweighed by other considerations.

Is the dwelling materially larger than the dwelling it replaces?

The applicant has provided figures for the floorspace and footprint of the replacement dwellinghouse and the existing dwellinghouse within their Planning, Design and Access Statement. Using the applicant's figures, the replacement dwelling would equate to a 41% and 51% increase respectively. The applicant then goes on to compare these figures to the extant permission for extensions and concludes that the replacement dwelling would not be materially larger. However this is not the correct way of assessing whether a dwelling is materially larger; it is solely a comparison between the existing and proposed dwellings.

The Case Officer has undertaken her own assessment of the proposed dwelling and whilst she concurs with the applicant's footprint calculation, she disagrees with the applicant's floorspace calculation. However this may be due to differences in how the first floor is calculated given that a number of areas are not usable floorspace. The Case Officer's findings are:

	Existing House	Replacement Dwelling
Floorspace (m ²)	473	677 (43%)
Footprint (m ²)	244	342 (40%)
Eaves Height (m)	5.15	5.1

Ridge Height (m)	8.55	8.65
------------------	------	------

Taking into account all of these factors, the proposed dwelling is materially larger than the dwelling it replaces. The proposed replacement dwelling is therefore inappropriate development in the Green Belt.

The applicant has submitted an appeal decision which they state concludes at paragraph 9 that a floor space increase of 43% was not considered materially larger by a Planning Inspector. However the decision notice has to be read as a whole and paragraphs 6 and 8 outline that the proposed dwellinghouse had a smaller footprint, had a reduced width and depth and only a marginal increase in volume. Taking all of the measurements together (not just the floorspace) the Planning Inspector concluded that the dwellinghouse was not materially larger. As can be seen in the table above, a similar conclusion cannot be accepted in this instance.

Assessment of any additional harm

It is not considered that the proposal conflicts with any of the listed purposes of including land in the Green Belt.

The proposed dwellinghouse would be more compact than the existing dwelling with a narrower width and depth and therefore the visual impact of the dwelling when viewed from the Bollin Valley would be reduced. However the footprint and floorspace of the proposed dwelling are greater than the existing dwelling and its overall bulk would increase on the plot, particularly above the existing attached garage. Therefore it is considered that the replacement house would result in a reduction in the openness of the Green Belt, albeit relatively limited. As openness is the most important attribute of the Green Belt, this issue carries a good degree of weight.

Assessment of other considerations

Whilst the applicant maintains that the proposed dwellinghouse does not comprise inappropriate development, in the event that the Council disagrees, the applicant has put forward the fallback permission of application 09/1165M as a very special circumstance to justify the grant of planning permission.

The fallback permission of application 09/1165M relates to a variety of extensions to the existing dwellinghouse. The application is extant and is a genuine fallback option. Whilst the approved extensions could be implemented it is the opinion of the applicant that the demolition and replacement of the property would be quicker, more cost effective and would deliver a more sustainable and energy efficient home.

The Case Officer has compared the extant extensions to the proposed replacement dwellinghouse and the results are summarised below:

	Extant Extensions (09/1165M)	Replacement Dwelling
Floorspace (m ²)	814 (72%)	677 (43%)
Footprint (m ²)	413 (69%)	342 (40%)

Eaves Height (m)	5.15	5.1
Ridge Height (m)	8.5	8.65

The table above demonstrates that the proposed replacement dwellinghouse would have a smaller footprint and floorspace to the extant extensions scheme and would have a similar eaves and ridge height. In addition, the width and depth of the proposed dwelling would be less than the extant extensions scheme and the area above the existing/proposed garaging would have a reduced height and bulk. The existing dwellinghouse also has its permitted development rights intact.

The extant permission is a relevant material consideration. If planning permission 09/1165M was built out, the effect of the development on the Green Belt, in terms of visual amenity and openness, would have significantly more impact than this proposal. This can be considered, on its own, to be sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm that would arise from this particular proposal. This is considered to amount to a very special circumstance sufficient to permit the development.

Due regard has been given to the comments received in representations relating to inappropriate development in the green belt and 'materially larger,' however each application should be determined on its own merits.

The Council must be mindful of incremental additions that could cause cumulative harm to the openness of the Green Belt and therefore due to the inappropriate nature of the development, it is considered reasonable and necessary to remove permitted development rights for extensions and outbuildings in this case in order to protect the openness of the Green Belt and character of the countryside.

Design

The existing dwellinghouse comprises a two-storey four bedroom detached dwellinghouse with an attached double garage that is of an Arts and Crafts design. It has an unusual shape and is rendered with rosemary tiles. Comments have been received outlining the history of the dwellinghouse and an objection against demolishing the building. The Design Officer has assessed the application and notes that the building contributes to local distinctiveness; local interest in terms of its historical association; and considers that it positively contributes to the character and appearance of the area. It should be noted however that the building is not listed, does not feature on the Local List of Historic Buildings, nor is it located within a Conservation Area. The Design Officer also comments that it is unlikely to be a serious contender for listing by English Heritage. The dwellinghouse is not highly visible from the street scene due to its location at the end of the lane and therefore it is not considered to make a significant contribution to the character of the street scene. Whilst visible from the Bollin Valley, it is partially screened by existing mature trees and the unusual plan form cannot be distinguished. Whilst the loss of the existing building would be unfortunate, it is not considered there is any policy reason to refuse its demolition.

The replacement dwellinghouse would be sited on a similar part of the application site and would comprise a two-storey five bedroom L-shaped dwelling. The dwelling would be rendered and have a tiled roof. A triple garage would be attached to the northern elevation and living accommodation would be positioned within the roof above. The dwelling would be contemporary in design and have large glazed windows. It would not be highly visible from the street scene due to its location at the end of the lane and the visual impact of the dwelling from the Bollin Valley would be reduced as the dwelling would be more compact on the site. The surrounding area comprises detached dwellinghouses of a variety of designs, materials and ages and therefore a contemporary design is not considered to be out-of-character with the surrounding area. For these reasons it is considered that the design of the replacement dwelling would comply with policies BE1 and DC1 of the Local Plan.

Amenity

The application site is located in a group of dwellings within the North Cheshire Green Belt. Detached dwellings are sited to the north, west and east of the application site. The replacement dwelling would be sited further away from the dwellinghouse to the west ('Oak Lodge') than the existing dwellinghouse and no principle habitable windows would be located in the elevations that would face towards this property. In order to maintain privacy it is considered that the first floor secondary side window in the Master Bedroom be obscure glazed. A first floor balcony would be attached to the rear elevation however only oblique views along the rear garden would be gained and any view would be partially obstructed by the existing trees located along the boundary.

The neighbouring property to the east of the application site ('Hollies End') is sited over 30 metres from the boundary and a number of trees are located along the boundaries. Whilst habitable windows would be positioned at both ground and first floor levels within the eastern elevation of the replacement house, they would exceed the separation distance outlined in policy DC38 of the Local Plan and habitable windows within the existing dwellinghouse have a similar outlook.

'Swallows Ridge' is located to the north of the application site. The proposed replacement dwelling would be sited marginally closer to this property than the exiting dwelling (by 0.2m), however over 40 metres would separate the properties (in excess of the separation distances outlined in policy DC38); a number of trees are located along the shared boundary; and the elevation of the replacement house closest to the shared boundary would not contain any windows.

The property to the north-west of the application site comprises 'Saffron Breck'. This property is angled on its plot and is sited over 30 metres from the existing dwellinghouse. The proposed dwelling has been designed so that the windows would face in a north-south, east-west direction and therefore no

window would have a direct view towards this property, resulting in an improvement on the existing situation.

For the reasons outlined above it is considered that the proposed dwelling would not have a detrimental effect on the amenity of the neighbouring properties and in some instances would offer an improved relationship. For these reasons it is considered that the proposed dwellinghouse would comply with policies DC3 and DC38 of the Local Plan.

The Environmental Health Division has assessed the application and has recommended that construction and demolition times be restricted in order to protect neighbouring amenity given the scale of the development and the proximity to neighbouring dwellings.

Highways

The proposed dwellinghouse would utilise the existing access onto One Oak Lane. An existing attached double garage would be replaced with an attached triple garage and an existing parking/turning area would be retained. The Strategic Highways Manager has raised no objection to the proposed development subject to an informative regarding any works to the public highway. One Oak Lane is a narrow road and therefore it is recommended that conditions be attached requiring information to be submitted in respect of the parking of contractor's vehicles, the delivering of materials etc and for the proposed garaging to be restricted to the parking of motor vehicles. A condition to control mud and debris on the highway is also recommended. Subject to such conditions and an informative the proposed development is considered to comply with policy DC6 of the Local Plan.

Ecology

The application is supported by an acceptable ecological survey undertaken by a suitably qualified and experienced consultant. No evidence of bats was recorded and consequently the proposed development is unlikely to have an adverse impact upon this species group. The proposed development is therefore considered to comply with policy NE11 of the Local Plan.

Trees

The application site contains a number of trees. The Forestry Officer has assessed the submitted Tree Protection Plan and whilst it is generally acceptable he has asked that further investigations are undertaken to a Red Oak in order to gauge the extent of active decay and its structural integrity. Subject to tree retention and tree protection conditions no objection is raised. For these reasons the proposed development is considered to comply with policy DC9 of the Local Plan

Landscape

The Landscape Officer has assessed the application and considers that the proposed development is acceptable from a landscape perspective. The landscape layout drawing is generally acceptable however landscape conditions are recommended requiring the submission of further hard and soft landscape details including boundary treatments, particularly the proposed

entrance gates and piers. The proposed development is therefore considered to comply with policy DC8 of the Local Plan.

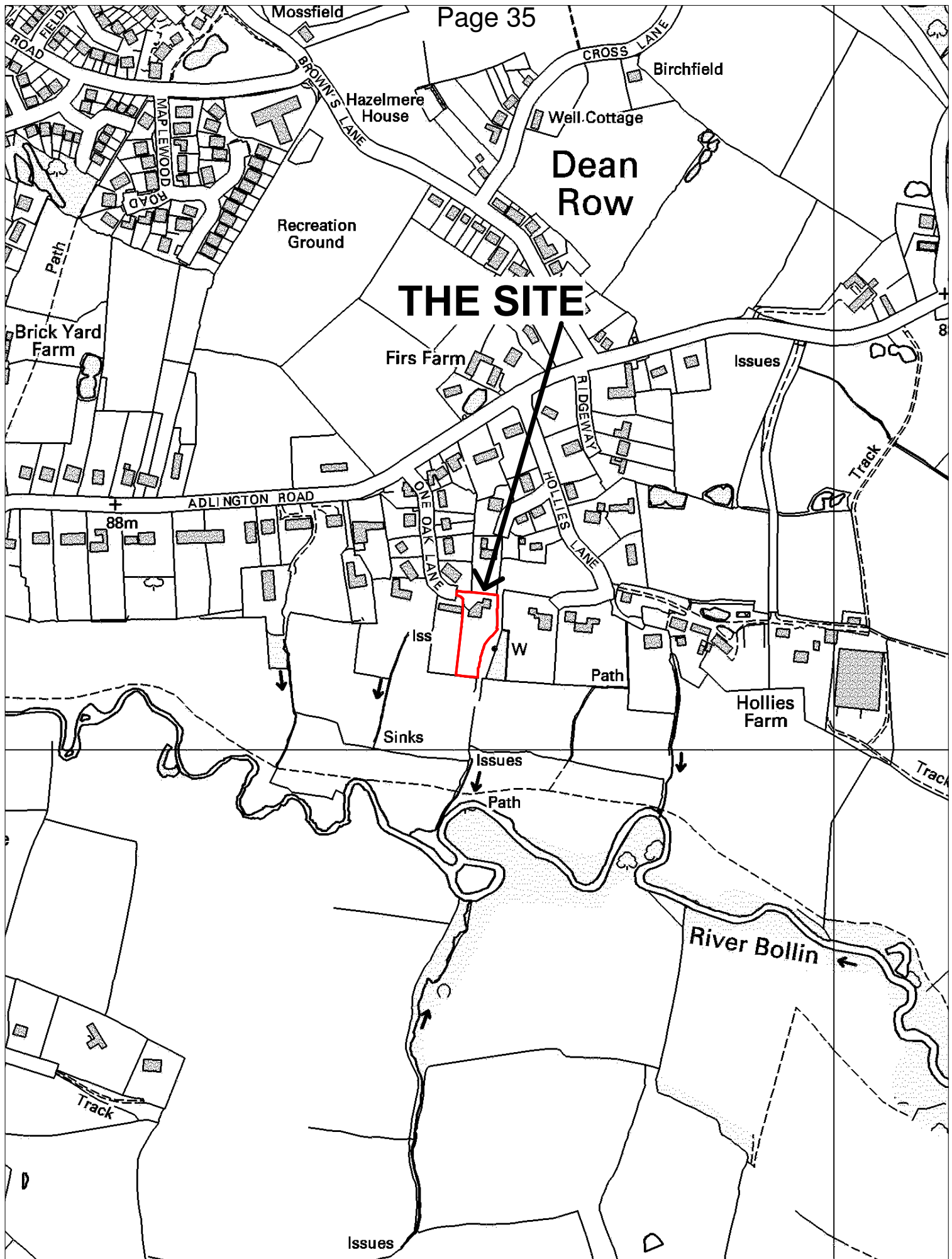
CONCLUSIONS AND REASON(S) FOR THE DECISION

The replacement dwellinghouse is considered to comprise inappropriate development in the Green Belt however very special circumstances have been demonstrated that outweigh the harm. Whilst the existing building may have some historical importance it is not listed, locally listed or located within a conservation area therefore there is no policy reason to prevent its demolition. The proposed development is not considered to be detrimental to the character or appearance of the street scene, the amenity of neighbouring properties, the existing trees, nature conservation, highway safety or the views from the Bollin Valley. The proposed replacement dwellinghouse is therefore considered to comply with the relevant policies in the Macclesfield Borough Local Plan and is therefore recommended for approval.

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01TR - Tree retention
4. A02TR - Tree protection
5. A22GR - Protection from noise during construction (hours of construction)
6. A32HA - Submission of construction method statement
7. A06HP - Use of garage / carport
8. A01GR - Removal of permitted development rights
9. A01LS - Landscaping - submission of details
10. A12LS - Landscaping to include details of boundary treatment
11. A04LS - Landscaping (implementation)
12. A30HA - Protection of highway from mud and debris
13. A25GR - Obscure glazing requirement
14. A01AP - Development in accord with approved plans



10/4353M ONE OAK, ONE OAK LANE, WILMSLOW, CHESHIRE, SK9 2BL
 NGR: 386,610m - 381,140m

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2011.

#

This page is intentionally left blank

Application No: 10/2905M
Location: ONE OAK, ONE OAK LANE, WILMSLOW, SK9 2BL
Proposal: DEMOLITION OF EXISTING HOUSE AND ERECTION OF NEW DWELLING

For MR ANDREW RUSSELL

Registered 25-Aug-2010
Policy Item No
Grid Reference 386613 381124

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Whether the proposed development comprises inappropriate development in the Green Belt and whether very special circumstances have been advanced that outweigh the harm. Impact on neighbouring amenity, the character and appearance of the surrounding area, nature conservation, the existing trees and highway safety

Date Report Prepared: 27th January 2011

REASON FOR REPORT

The application was called-in to committee by Cllr Crockatt as One Oak Lane residents are concerned about the replacement of the existing house. It was commissioned by a descendent of Bradshaw of railway timetable fame; it is 100 years old approx in the Arts and Crafts style; and the house gave its name to the street. It is considered that the impact of a new design will completely change the area and destroy the traditions and heritage of it.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey L-shaped dwellinghouse located within the North Cheshire Green Belt. It is sited within a group of houses that comprise large detached and semi-detached dwellings set within large plots. Each of the houses in the group are distinctly different from one-another and comprise a range of ages with some older properties being replaced by modern substitutes.

DETAILS OF PROPOSAL

Full planning permission is sought to erect a replacement dwellinghouse. This application differs from another application on the agenda (10/4353M) in that it includes a basement.

RELEVANT HISTORY

09/1165M Demolition of existing garage and kitchen area and extension to the east side of the property to incorporate new kitchen, garage

and master bedroom. Conservatory also proposed to the south side of the building
Approved with conditions 01/07/2009

POLICIES

Regional Spatial Strategy

DP1	Spatial Principles
DP4	Making the Best Use of Existing Resources and Infrastructure
DP7	Promote Environmental Quality
EM1(B)	Integrated Enhancement and Protection of the Region's Environmental Assets: Natural Environment
EM1(D)	Integrated Enhancement and Protection of the Region's Environmental Assets: Trees, Woodlands and Forests

Local Plan Policy

NE11	Nature Conservation
BE1	Design Guidance
DC1	New Build
DC3	Amenity
DC6	Circulation and Access
DC8	Landscaping
DC9	Tree Protection
DC38	Space, Light and Privacy
DC41	Infill Housing Development or Redevelopment
H1	Phasing Policy
H2	Environmental Quality in Housing Developments

Other Material Considerations

PPS1	Delivering Sustainable Development
PPS3	Housing

CONSIDERATIONS (External to Planning)

Highways: No objection subject to an informative

Environmental Health: No objection subject to conditions and an informative

OTHER REPRESENTATIONS

Eight letters have been received, six from neighbouring residents and The Wilmslow Trust and two from objectors residing outside the borough. The main concerns raised include on objection to the demolition of the existing dwellinghouse as it is a commendable example of an Arts and Crafts design; it would have the potential to remove views from the Bollin Valley; the replacement dwellinghouse would be materially larger; a previous appeal decision outlined that previously approved extensions of a similar size should not in themselves automatically justify a materially larger dwelling; the demolition of the dwellinghouse would affect the character of the lane; the replacement house is less interesting; the lane cannot cope with more heavy traffic; damage to the private road, construction/contractors vehicles cause mud, noise and inconvenience; the entrance to the property provides the only turning space for vehicles so parking in this area would cause an obstruction;

question whether the proposed development enhances local character; consider that the replacement dwelling would not reflect local character, add to the vitality of the area, or contribute to a rich environment; the site location plan does not accurately show the site's boundary, it encroaches into the neighbour's land.

One resident also requested that should permission be granted that conditions are attached requiring no alterations to existing established boundaries and there are no flush or protruding west facing windows above first floor level.

Members should note that due to receiving amended plans, neighbours have been reconsulted and therefore the consultation period does not expire until 8th February.

APPLICANT'S SUPPORTING INFORMATION

A Planning, Design & Access Statement, a Bat Report, a Tree Protection Plan and a Landscaping Layout drawing were submitted with the planning application.

OFFICER APPRAISAL

Members should note that this application has been on hold pending the Council's decision in respect of replacement dwellings in the Green Belt following the Feather Judicial Review. Following the decision, revised plans were received by the Local Planning Authority that altered the basement from that which was originally submitted. The basement previously extended beyond the footprint of the dwellinghouse and had glazing to one elevation, however the revised plans indicate that the size of the basement has been reduced, it is now contained beneath the footprint of the dwelling and it is completely subterranean.

Green Belt Policy

Replacement dwellings may be an exception to the categories of inappropriate development in the Green Belt, so long as the replacement dwelling is not materially larger than the dwelling it replaces. The Local Plan does not contain a saved policy that defines "materially larger" or expands further on the advice within PPG2. Case law has established the factors that should be considered when assessing what is "materially larger". It includes a comparative assessment of scale of the proposed dwelling against the existing dwelling on the site. This includes matters of floorspace, footprint, height, massing, volume, design and position on the plot. Any or a combination of such factors could contribute towards a dwelling being materially larger than the existing dwelling. Floorspace will normally be a key factor in this assessment. The general intention is that the new building should be similar in scale to that which it replaces.

If a replacement dwelling is considered to be materially larger than the dwelling it replaces then it must be considered as inappropriate development for which there is a presumption against. Inappropriate development should not be permitted, except in very special circumstances. Very special

circumstances will only exist if the harm by reason of inappropriateness and any additional harm is clearly outweighed by other considerations.

Is the dwelling materially larger than the dwelling it replaces?

The applicant has provided figures for the floorspace and footprint of the replacement dwellinghouse and the existing dwellinghouse within their Planning, Design and Access Statement. Using the applicant's figures, the replacement dwelling (excluding the basement) would equate to a 41% and 51% increase respectively and the basement would result in an additional 172m². The applicant then goes on to compare these figures to the extant permission for extensions; outlines that the basement is subterranean; and concludes that the replacement dwelling would not be materially larger. However this is not the correct way of assessing whether a dwelling is materially larger; it is solely a comparison between the existing and proposed dwellings.

The assessment of the floorspace calculation differs slightly from the applicant's floorspace calculation; this may be due to differences in how the first floor is calculated given that a number of areas are not usable floorspace. Our calculations are:

	Existing House	Dwelling with Basement (10/2905M)
Floorspace (m ²)	473	Above ground: 688 (45%) All: 884 (87%)
Footprint (m ²)	244	346 (42%)
Eaves Height (m)	5.15	5.1
Ridge Height (m)	8.55	8.65

Taking into account all of these factors, the proposed dwelling is materially larger than the dwelling it replaces. The proposed replacement dwelling is therefore inappropriate development in the Green Belt.

The applicant has submitted an appeal decision which they state concludes at paragraph 9 that a floor space increase of 43% was not considered materially larger by a Planning Inspector. However the decision notice has to be read as a whole and paragraphs 6 and 8 outline that the proposed dwellinghouse had a smaller footprint, had a reduced width and depth and only a marginal increase in volume. Taking all of the measurements together (not just the floorspace) the Planning Inspector concluded that the dwellinghouse was not materially larger. As can be seen in the table above, a similar conclusion cannot be accepted in this instance.

Assessment of any additional harm

It is not considered that the proposal conflicts with any of the listed purposes of including land in the Green Belt.

The proposed dwellinghouse would be more compact than the existing dwelling with a narrower width and depth and therefore the visual impact of the dwelling when viewed from the Bollin Valley would be reduced and a large proportion of the new dwelling (196m²) would be contained within the basement, which is entirely concealed beneath ground level. However the footprint and floorspace of the proposed dwelling are greater than the existing dwelling and its overall bulk would increase on the plot, particularly above the existing attached garage. Therefore it is considered that the replacement house would contribute to a reduction in the openness of the Green Belt. Whilst this impact would be relatively limited, openness is the most important characteristic of the Green Belt and therefore a good degree of weight should be attached to this.

Assessment of other considerations

Whilst the applicant maintains that the proposed dwellinghouse does not comprise inappropriate development, in the event that the Council disagrees, the applicant has put forward the fallback permission of application 09/1165M as a very special circumstance to justify the grant of planning permission.

The fallback permission of application 09/1165M relates to a variety of extensions to the existing dwellinghouse. The application is extant and is a genuine fallback option. Whilst the approved extensions could be implemented it is the opinion of the applicant that the demolition and replacement of the property would be quicker, more cost effective and would deliver a more sustainable and energy efficient home.

The Case Officer has compared the extant extensions to the proposed replacement dwellinghouse and the results are summarised below:

	Extant Extensions (09/1165M)	Replacement Dwelling
Floorspace (m ²)	814 (72%)	Above ground: 688 (45%) All: 884 (87%)
Footprint (m ²)	413 (69%)	346 (42%)
Eaves Height (m)	5.15	5.1
Ridge Height (m)	8.5	8.65

The table above demonstrates that the proposed replacement dwellinghouse *above ground* would have a smaller footprint and floorspace than the extant extensions scheme and would have a similar eaves and ridge height. A large proportion of the additional floorspace (196m²) would be totally enclosed and would not affect the above ground massing of the building. In addition, the width and depth of the proposed dwelling would be less than the extant extensions scheme and the area above the existing/proposed garaging would have a reduced height and bulk. The floorspace of the replacement dwelling would result in a small increase (70m²) above the extant extensions even

when the basement is included in the calculations. The existing dwellinghouse also has its permitted development rights intact.

The extant permission is a relevant material consideration. If planning permission 09/1165M was built out, the effect of the development on the Green Belt, in terms of visual amenity and openness, would have significantly more impact than this proposal. This can be considered, on its own, to be sufficient to clearly outweigh the harm to the Green Belt by reason of inappropriateness and the other identified harm to openness that would arise from this particular proposal. This is considered to amount to a very special circumstance sufficient to permit the development.

Due regard has been given to the comments received in representations relating to inappropriate development in the Green Belt and 'materially larger,' however each application should be determined on its own merits.

The Council must be mindful of incremental additions that could cause cumulative harm to the openness of the Green Belt and therefore due to the inappropriate nature of the development, it is considered reasonable and necessary to remove permitted development rights for extensions and outbuildings in this case in order to protect the openness of the Green Belt and character of the countryside.

Design

The existing dwellinghouse comprises a two-storey four bedroom detached dwellinghouse with an attached double garage that is of an Arts and Crafts design. It has an unusual shape and is rendered with rosemary tiles. Comments have been received outlining the history of the dwellinghouse and a presumption against demolishing the building. The Design Officer has assessed the application and notes that the building contributes to local distinctiveness; local interest in terms of its historical association; and considers that it positively contributes to the character and appearance of the area. It should be noted however that the building is not listed, does not feature on the Local List of Historic Buildings, nor is it located within a Conservation Area. The Design Officer also comments that it is unlikely to be a serious contender for listing by English Heritage. The dwellinghouse is not highly visible from the street scene due to its location at the end of the lane and therefore it is not considered to make a significant contribution to the character of the street scene. Whilst visible from the Bollin Valley, it is partially screened by existing mature trees and the unusual plan form cannot be distinguished. Whilst the loss of the existing building would be unfortunate, it is not considered there is any policy reason to refuse its demolition.

The replacement dwellinghouse would be sited on a similar part of the application site and would comprise a two-storey five bedroom L-shaped dwelling. The dwelling would be rendered and have a tiled roof. A triple garage would be attached to the northern elevation and living accommodation would be positioned within the roof above. A basement would be contained beneath part of the replacement dwelling that would contain a swimming pool, gym, plant room, steam room and changing room. The dwelling would be

contemporary in design and have large glazed windows. It would not be highly visible from the street scene due to its location at the end of the lane and the visual impact of the dwelling from the Bollin Valley would be reduced as the dwelling would be more compact in design. The surrounding area comprises detached dwellinghouses of a variety of designs, materials and ages and therefore a contemporary design is not considered to be out-of-character with the surrounding area. For these reasons it is considered that the design of the replacement dwelling would comply with policies BE1 and DC1 of the Local Plan.

Amenity

The application site is located in a group of dwellings within the North Cheshire Green Belt. Detached dwellings are sited to the north, west and east of the application site. The replacement dwelling would be sited further away from the dwellinghouse to the west ('Oak Lodge') than the existing dwellinghouse and no principle habitable windows would be located in the elevations that would face towards this property. In order to maintain privacy it is considered that the first floor secondary window in the Master Bedroom should be obscure glazed. A first floor balcony would be attached to the rear elevation however only oblique views along the rear garden would be gained and any view would be partially obstructed by the existing trees located along the boundary.

The neighbouring property to the east of the application site ('Hollies End') is sited over 30 metres from the boundary and a number of trees are located along the boundaries. Whilst habitable windows would be positioned within the eastern elevation at both ground and first floor levels of the replacement house, habitable windows are positioned in the eastern elevation of the existing house and they would exceed the separation distance outlined in policy DC38 of the Local Plan.

'Swallows Ridge' is located to the north of the application site. The proposed replacement dwelling would be sited marginally closer to this property than the exiting dwelling (by 0.2m), however over 40 metres would separate the properties (in excess of the separation distance outlined in policy DC38); a number of trees are located along the shared boundary; and the elevation of the replacement house closest to the shared boundary would not contain any windows.

The property to the north-west of the application site comprises 'Saffron Breck'. This property is angled on its plot and is sited over 30 metres from the existing dwellinghouse. The proposed dwelling has been designed so that the windows would face in a north-south, east-west direction and therefore no window would have a direct view towards this property, resulting in an improvement on the existing situation.

For the reasons outlined above it is considered that the proposed dwelling would not have a detrimental effect on the amenity of the neighbouring properties and in some instances offers an improved relationship. For these

reasons it is considered that the proposed dwellinghouse would comply with policies DC3 and DC38 of the Local Plan.

The Environmental Health Division has assessed the application and has recommended that construction and demolition times be restricted in order to protect neighbouring amenity given the scale of the development and the proximity to neighbouring dwellings.

Highways

The proposed dwellinghouse would utilise the existing access onto One Oak Lane. An existing attached double garage would be replaced with an attached triple garage and an existing parking/turning area would be retained. The Strategic Highways Manager has raised no objection to the proposed development subject to an informative regarding any works to the public highway. One Oak Lane is a narrow road and therefore it is recommended that conditions be attached requiring information to be submitted in respect of the parking of contractor's vehicles, the delivering of materials etc and for the proposed garaging to be restricted to the parking of motor vehicles. A condition to control mud and debris on the highway is also recommended. Subject to such conditions and an informative the proposed development is considered to comply with policy DC6 of the Local Plan.

Ecology

The application is supported by an acceptable ecological survey undertaken by a suitably qualified and experienced consultant. No evidence of bats was recorded and consequently the proposed development is unlikely to have an adverse impact upon this species group. The proposed development is therefore considered to comply with policy NE11 of the Local Plan.

Trees

The application site contains a number of trees. The Forestry Officer has assessed the submitted Tree Protection Plan and whilst it is generally acceptable he has asked that further investigations are undertaken to a Red Oak in order to gauge the extent of active decay and its structural integrity. Subject to tree retention and tree protection conditions no objection is raised. For these reasons the proposed development is considered to comply with policy DC9 of the Local Plan

Landscape

The Landscape Officer has assessed the application and considers that the proposed development is acceptable from a landscape perspective. The landscape layout drawing is generally acceptable however landscape conditions are recommended requiring the submission of further hard and soft landscape details including boundary treatments, particularly the proposed entrance gates and piers. The proposed development is therefore considered to comply with policy DC8 of the Local Plan.

Other Material Considerations

A neighbour has expressed concern that the site edged red encroaches into their garden however from examining aerial photography of the site it is considered that the red edge accurately depicts the boundary between the two properties.

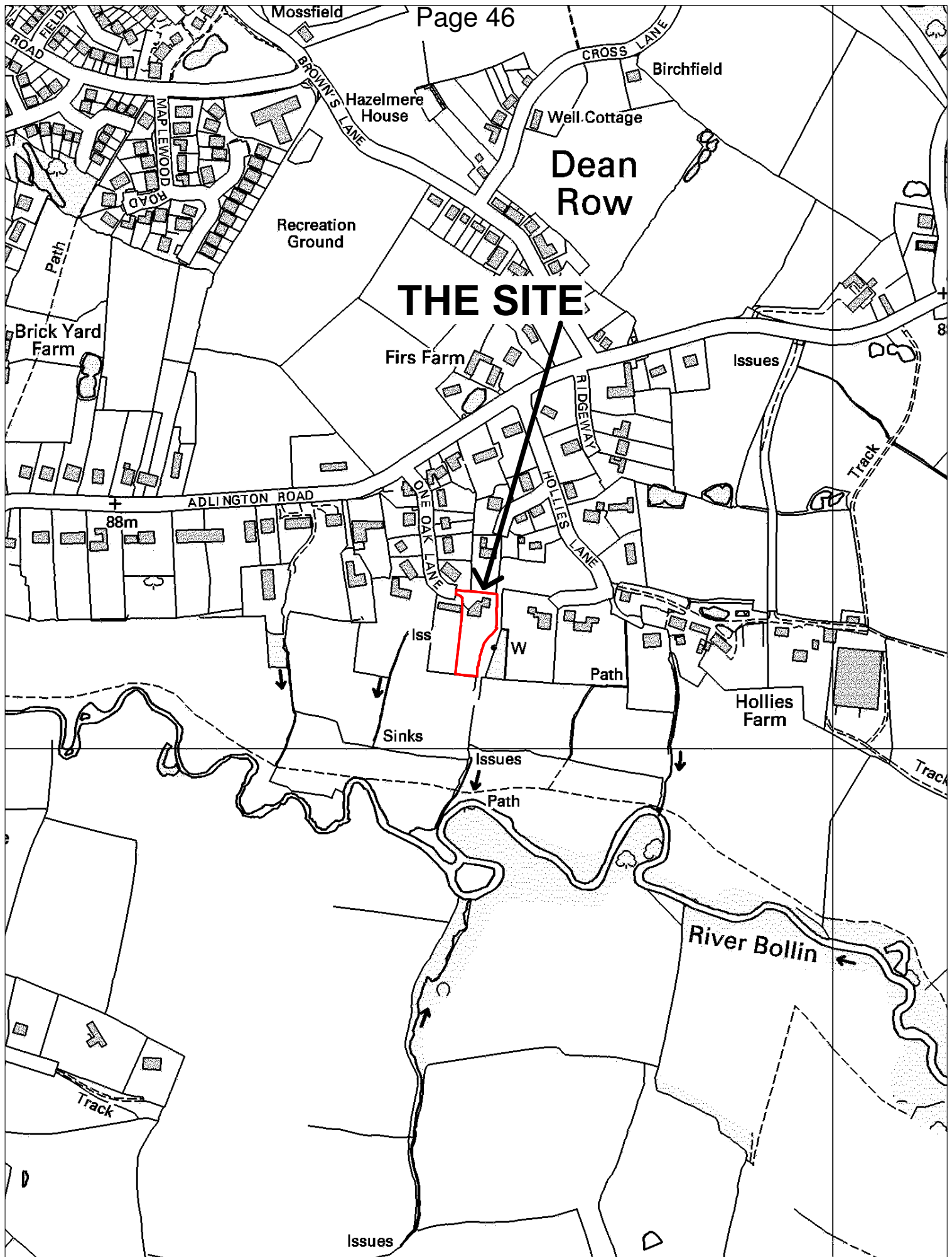
CONCLUSIONS AND REASON(S) FOR THE DECISION

The replacement dwellinghouse is considered to comprise inappropriate development in the Green Belt however very special circumstances have been demonstrated that outweigh the harm. Whilst the existing building may have some historical importance, it is not listed, locally listed or within a conservation area therefore there is no policy reason to prevent its demolition. The proposed development is not considered to be detrimental to the character or appearance of the street scene, the amenity of neighbouring properties, the existing trees, nature conservation, highway safety or the views from the Bollin Valley. The proposed replacement dwellinghouse is therefore considered to comply with the relevant policies in the Macclesfield Borough Local Plan and is therefore recommended for approval.

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01TR - Tree retention
4. A02TR - Tree protection
5. A22GR - Protection from noise during construction (hours of construction)
6. A32HA - Submission of construction method statement
7. A06HP - Use of garage / carport
8. A01GR - Removal of permitted development rights
9. A01LS - Landscaping - submission of details
10. A12LS - Landscaping to include details of boundary treatment
11. A04LS - Landscaping (implementation)
12. A30HA - Protection of highway from mud and debris
13. A25GR - Obscure glazing requirement
14. A01AP - Development in accord with approved plans



THE SITE

10/2905M ONE OAK, ONE OAK LANE, WILMSLOW, CHESHIRE, SK9 2BL
 NGR: 386,610m - 381,140m

Reproduced from the Ordnance Survey map with the permission of HMSO.
 © Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2011.

#

NORTHERN PLANNING COMMITTEE

Date of Meeting: 9 February 2011

**Report of: Deborah Ackerley Principal Planning Officer (Enforcement)
Cheshire East Borough Council.**

Title: Update Report on Planning Enforcement Performance

1.0 Purpose of Report

- 1.1** To inform Members of the details of existing live Enforcement Notices/enforcement action carrying on from the last update report put before Members of the Strategic Planning Board on 23 December 2009.
- 1.2** Table 1 of this report details all existing cases where Notices have or are due to be issued or where legal action is pending or has been through the courts since the last report.
- 1.3** Table 2 details the number of enforcement enquiries received since the last report; the number of cases closed; and the numbers and type of Notices issued. It also details the team's performance as per the Local Performance Indicators set out in the Council's adopted Enforcement Protocol i.e. numbers of site visits undertaken within the prescribed timescales.

2.0 Performance Reporting

- 2.1** Enforcement Officers currently have to work using four different enforcement computer data bases inherited from the legacy authorities. Given the apparent vagaries of the Oracle data base and licensing arrangements it appears not to be possible for each officer to have access to all systems. Consequently this significantly hinders cross borough working and officers, in the main, are restricted to dealing with cases within their legacy authority boundaries.
- 2.2** This, accompanied with the loss of a member of the team, has resulted in extreme pressure being placed on already limited resources. However, every effort is being made to respond to complaints in accordance with the timescales set out in the adopted Enforcement Protocol.
- 2.3** Progress is being made on the transition to the Swift computer system. This should allow greater cross borough working and allow for more detailed statistical reports to be put before Members.

- 2.4** It is anticipated that the Swift system should be in use for enforcement early in the New Year.

3.0 Future Reporting Procedures

- 3.1** It was previously recommended that an update report be presented to the Strategic Planning Board on a quarterly basis. On reflection it is suggested that a bi-annual report would be more appropriate taking into account the timescale for appeals to be decided and matters to progress through the courts. It is clear from Table 1 that the majority of Enforcement Notices issued result in an appeal. The appeal process, on average takes approximately 6 months. A further point worthy of note is that the compliance period of many notices is greater than 3 months.

4.0 Recommendation

- 4.1** That Members receive this report and also confirm the proposed future reporting procedures as recommended in paragraph 3.1 above.

For further information:

*Portfolio Holder: Jamie Macrae
Officer: Deborah Ackerley
Tel: No. 01279 537441*

Table 1: Planning Enforcement Notices - Cheshire East Borough Council

Site Address	Breach	Type of Notice	Current Status
Land at Carr Lane, Chorley	Steel structure clad in blue corrugated sheeting	Enforcement Notice	Enforcement Notice served. Appeal dismissed. High Court challenge to appeal decision dismissed. Planning Permission 02/2280P granted subject to conditions for retention of building with new facing and roofing materials. Appeal against imposition of conditions in relation to the timing of implementation allowed. Legal proceedings against non compliance with Enforcement Notice deferred to allow for implementation of planning permission 02/2280P. Planning permission expired on 08/01/2008. Direct Action to demolish the building now being considered.
Land at Carr Lane, Chorley	(1) Hardstanding (2) Use of land for stationing of caravan and Portacabins for residential and non agricultural storage	Enforcement Notice	Enforcement Notice served. Appeal dismissed. No compliance. Prosecution commenced but withdrawn due to legal advice regarding nature of respondents defence. Opportunity for any successful legal action is dependant on change in owner's financial circumstances.
Lindow End Smithy, Edge View Lane, Chorley	Erection of building	Enforcement Notice	Enforcement Notice served. Appeal dismissed. Building demolished and concrete slab removed. CASE CLOSED.
Styal Moss Nursery, Moss Lane, Styal	Unauthorised use of land for airport parking	Enforcement Notice	Enforcement Notice served. Appeal lodged 12/10/06. Public Local Inquiry held 12 and 13 February 2008. Appeal dismissed 10/03/08. Successful High Court challenge 2009. Awaiting date for appeal to be re-heard.
Lode Hill, Altrincham Road, Styal, Wilmslow	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice served. Appeal lodged 12/02/08. Appeal part allowed and part dismissed (use allowed to continue, but hardstanding to be removed). Planning Inspectorate made typing error in their formal Decision Letter which may result in the Council being unable to pursue compliance. Legal advice being sought.
Lindow End Smithy, Edge View Lane, Chorley	Change of use of land from industrial to residential including the siting of residential caravans, greenhouses, shed, meter housing and other domestic paraphernalia	Enforcement Notice	Enforcement Notice served. Appeal lodged 08/04/08. Appeal Dismissed 07/01/09, Notice upheld. Notice complied with. CASE CLOSED.
Croker Farm, Sutton	Unauthorised building	Enforcement Notice	Continued non-compliance with Enforcement Notice. Two prosecutions for non-compliance. On each occasion owner fined £250 and ordered to pay £250 costs. Planning application to retain as replacement dwelling refused. Appeal lodged and dismissed. Considering further prosecution but this will not secure removal of the building.
Deans Farm, Congleton Road, Gawsworth	Formation of hardstanding and storage of caravans	Enforcement Notice	Caravans removed several years ago but a small area of hardstanding remained. Enforcement Notice was aimed at caravan storage use, with hardstanding being a secondary issue. It is no longer expedient to pursue the removal of the hardstanding. CASE CLOSED.

1 Putty Row, Macclesfield Road, Eaton	Erection of front porch, boundary wall, railings and gates	Enforcement Notice	Enforcement Notice served. No appeal. Partial compliance with Notice. Porch not removed. Decision required as to whether to pursue removal of porch through legal proceedings.
Hollands Nursery, Maley Pole Farm, Congleton Road, Gawsorth	Breach of planning condition that required removal of building	Breach of Condition Notice	Breach of Condition Notice served (no right of appeal). Not complied with. Legal Department instructed to commence prosecution, but property was about to change hands which would have made prosecution no longer possible. Sale was never completed. Planning application 10/1711M approve July 2010 for redevelopment of the site for Lodge Park which will regularise the breach. Site unoccupied as Nursery has closed down.
Robins Cob, Fanshawe Lane, Henbury	Unauthorised detached garage and extension to dwelling	2 x Enforcement Notices	Two Enforcement Notices Served (Notice A - Garage and Notice B - Extensions). Appeals Lodged against both Notices. Inspector upheld Notice A and quashed Notice B. Time for compliance with Notice A extended to 12 months. Notice A complied with. CASE CLOSED.
Jarmans Farm, Over Alderley	Unauthorised boundary wall	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal dismissed. No compliance. Negotiations ongoing in relation to acceptable modifications before further planning application submitted.
3 Georges Road West, Poynton	Unauthorised erection of two storey side extension	Enforcement Notice	Enforcement Notice served. Appeal lodged 3/12/2007. Appeal dismissed 31/03/08. Notice not complied with. Owners successfully prosecuted 26/08/09. Enforcement Notice substantially complied with. CASE CLOSED.
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice served. Appeal lodged 27/05/08. Appeal dismissed 13/05/09. No ground a) appeal lodged and so planning merits not dealt with. Subsequently submitted planning application to retain development but was refused on 07/05/10. Owner has stated his intention to appeal. Appeal deadline in 07/11/10. Legal advice being sought regarding legal action for non compliance with Enforcement Notice.
Stable Cottage, Mereside Road, Mere	Unauthorised single storey link extension	Enforcement Notice	Enforcement Notice has been complied with. CASE CLOSED
Crabtree Farm, Crabtree Lane, High Legh	Unauthorised change of use of land, formation of ménage and erection of buildings	Enforcement Notice	Enforcement Notice served. Appeal part dismissed and part allowed. Planning permission 08/1575P granted in 2008 for a modified version of one of the buildings and part of hardstanding. Enforcement Notice has been complied with. CASE CLOSED
Breach Cottage, Breach House Lane, Mobberley	Construction of an unauthorised building	Enforcement Notice	Enforcement Notice served. Appeal lodged 05/12/07. Appeal dismissed and Notice upheld in relation to the building that was the subject of the Enforcement Notice, however planning permission granted for the building as it existed as the time of the Public Inquiry (the building was reduced in size shortly before Public Inquiry). The Council was challenging the appeal decision in the High Court, but later withdrew proceedings. CASE CLOSED.
Maple Farm, Paddock Hill, Mobberley	Construction of an unauthorised building	Enforcement Notice	Enforcement Notice served. Appeal lodged 21/12/07. Appeal dismissed 08/01/09. Compliance due 08/04/09. Modified building granted planning permission on 23/12/09. CASE CLOSED.
1 Pear tree Cottage, Paddock Hill, Mobberley	Construction of unauthorised building	Enforcement Notice	Enforcement Notice served. Appeal lodged 28/12/2007. Appeal allowed 05/01/2009. Notice quashed. CASE CLOSED
Mere End Cottage, Mereside Road,	Unauthorised erection of	Enforcement Notice	Enforcement Notice served. Appeal lodged 29/04/08. Appeal part allowed

Mere, Knutsford	dwellinghouse and detached garage		part dismissed February 2009 – Garage allowed to remain but dwelling to be demolished. Planning permission granted in March 2009 for modified dwelling. Planning permission 09/2837M requesting amendments to previously approved scheme submitted September 2009 but still awaiting determination. Dwelling remains unoccupied.
Land at Spinks Lane, Pickmere	Unauthorised MCU of land for agricultural use to the siting of residential and touring caravans etc	Enforcement Notice	Notice served 31/03/0. Appeal Lodged 29/04/09. Appeal dismissed 16/11/09. Compliance due 11/03/11.
Land of Prestbury Road, Macclesfield	Unauthorised shipping container, hardstanding and fencing	Enforcement Notice	Notice served 07/07/09, Appeal Lodged 28/07/09. Appeal dismissed 16/11/09. Compliance Due Date 16/05/2010. Enforcement Notice mostly complied with, full compliance expected shortly.
White Peak Alpaca Farm, Paddock Hill, Mobberley	Unauthorised erection of a dwelling and laying of hardstanding	Enforcement Notice	Notice served 10/12/09. Appeal lodged 04/01/10. Appeal dismissed 16/07/10. Compliance due 16/07/11.
Fairview, Stannylands Road, Wilmslow	Unauthorised airport parking	Enforcement Notice	Notice being drafted
Rose Cottages, 51 Moss Lane, Styal	Unauthorised airport parking	Enforcement Notice	Notice being drafted
Newhall Farm, Stocks Lane, Over Peover	Unauthorised use of land for helicopter and erection of hanger with landing pad	Enforcement Notice	Notice being drafted
PSS Nursery, 9 Lees Lane, Newton, Macclesfield	Unauthorised change of use of land from nursery to garden centre with café and erection of associated buildings	Enforcement Notice	Notice being drafted
Land off Groby Road, Crewe	Unauthorised skip hire	Enforcement Notice	Lawful Use application for use of site for operation of skip hire (Ref P04/1614) was refused 31/03/05. Correspondence from owner regarding the submission of a further Lawful Use application. In December 07 an appeal against the refusal of the lawful use application was received. Appeal Inquiry was scheduled for 23/09/08 but the appeal was withdrawn. An application for lawful use in respect of a smaller area of land has been received and is under consideration.
Plum Tree Moorings, Nantwich Road, Wrenbury Heath	Unauthorised change of use to permanent moorings and unauthorised engineering works – construction of retaining wall	Enforcement Notice	Appeal made against Notice. Appeal hearing held 28/06/08. Appeal dismissed and Notice upheld. 12 months given within which to comply with the Notice. Correspondence with the Planning Inspectorate for clarification on decision. Residential use has ceased. Ongoing negotiations with regards to an amended scheme for the retaining wall.
39 Welsh Row, Nantwich	Unauthorised alterations to a listed building	Enforcement Notice	Appeal made against Notice. Inspector dismissed Appeal and upheld Notice. 2 months given within which to comply with the Notice. Site visit on 20/12/07 shows Notice not complied with. Matter passed to Legal Services. Legal In dialogue with the owner. Date for compliance extended to 6 th February 2009. Notice has been complied with. CASE CLOSED

4 Bridge House Farm, Baddington Lane, Nantwich	Unauthorised extension	Enforcement Notice	Appeal lodged. Planning Inspector upheld the notice and extended the date for compliance to 23/02/08. Planning permission granted for a smaller extension to be implemented within 1 year therefore, applicant had until 07/03/09 to implement the permission. Permission now implemented. CASE CLOSED
Land off Waldrons Lane, Coppenhall, Crewe	Unauthorised engineering works – track and parking	Enforcement Notice	Planning application was refused; a 2 nd application was also refused. An appeal against the Enforcement Notice was part allowed (access track Chapel Lane and glass houses) and part dismissed mobile home and access track from Waldron Lane). Further visit required to check compliance.
Haycroft Farm, Peckforton Hall Lane, Spurstow	Unauthorised operational development and engineering works	Enforcement Notice	Appeal dismissed. The Enforcement Notice is not currently being complied with; however there has been a recent, positive, meeting with the owners' representative.
Land at Swallow Farm, Elton Lane, Winterley	Unauthorised siting of mobile home unit and wooden structure	Enforcement Notice	A Planning application has been submitted for residential occupation on site and the application refused in September 2009. Occupier has moved from the site. Notice complied with. CASE CLOSED
Oakhanger Equestrian Centre, Oakhanger	Unauthorised repairs/adaptations to motor vehicles	Enforcement Notice	Appeal lodged to be dealt with by written representation. Appeal dismissed and notice upheld. Further complaints regarding noise disturbance have been received although recent site visits have not revealed any evidence of the notice being breached. This remains under investigation.
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works and siting of 3 caravans	Temporary Stop Notice	Temporary Stop Notice expired
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans.	Stop Notice	
Land at Wybunbury Lane, Stapeley	Unauthorised engineering works, change of use from agricultural to residential and siting of 3 caravans.	Enforcement Notice	Appeal upheld and planning permission granted subject to conditions. Conditions complied with. CASE CLOSED
153 Wistaston Road, Crewe	Construction of railings on single storey extension	Enforcement Notice	Notice Served 25/06/09. Notice took effect: 29/07/09. Notice partially complied with, subject to receipt of an application for the construction of first floor railings around roof of single storey extension. Site visit/re-assessment to be undertaken.
Land at Sunnyside Farm, Peckforton Hall Lane, Spurstow	Unauthorised formation of concrete base and erection of wooden stable thereon	Enforcement Notice	Notice issued and served 30/11/09. Notice took effect on 28/12/09. Three months given to remove stable and base and leveling and seeding of footprint to match immediately surrounding land. Notice complied with. CASE CLOSED.
New Start Park, Wettenhall Road, Poole	Unauthorised change of use from agricultural to a mixed use for agriculture and a caravan park.	2 x Temporary Stop Notices Enforcement Notice Drafted	Issued December 2009. Injunction issued December 2009 to prevent further caravans being brought onto the site. Planning application refused. Appeal lodged. Further planning application submitted. Enforcement Notice drafted and currently with Legal Services.
Horseshoe Farm, Warmingham Lane, Warmingham	Unauthorised change of use from keeping horses to a mixed	Enforcement Notice	The enforcement appeal was dismissed and planning permission granted with conditions, the conditions have not been complied with therefore the

	use for the keeping of horses/stationing of caravans/mobile homes and associated works and structures		expediency of further enforcement action in relation the breach of conditions is to be considered alongside the failure to meet the requirements of the enforcement notice in relation to land outside the red line of the application. However, a further planning application for an extension to the site previously permitted on appeal was submitted and refused. Negotiations ongoing with regards to submission of a further application for the site.
Oakotis Heath Road, Sandbach	Unauthorised stationing of caravans and unauthorised creation of hard standing.	Enforcement Notice	Enforcement Notices were issued against both breaches of planning control and the period for compliance has now lapsed. Further action is therefore now anticipated, this will take the form of prosecution in the Magistrates Court in the first instance a report has been prepared seeking the relevant authority in February 2009, in September additional information was requested via the Head of Planning and Policy, this was provided at the end of September, that report remains with the Head of Planning and Policy. One caravan, hardstanding and amenity building remain on site, further report produced seeking authority to prosecute along with witness statement, all currently with Legal Services. Summons issued by Court first hearing due in September.
Owls Hoot, Blackden Lane, Goostrey	Unauthorised erection of a dwelling, double garage and boundary wall, gate piers and gates.	Enforcement Notice	Separate Enforcement Notices have been issued in relation to the dwelling, garage and boundary walls each Notice requires demolition of the structure detailed. An appeal was lodged only that Notice which relates to the dwelling, the appeal was dismissed and the notice, which requires demolition of the dwelling, was due to be demolished by 23/11/09 the remaining Notices should also have been complied with. An application for a replacement dwelling approved. Officers in contact with site owners regarding demolition of existing unauthorised dwelling.
Ye Old Kings Arms, Congleton	Unauthorised works to a listed building	N/A	The property is a grade II listed building and the exterior of the premises has been painted without the necessary listed building consent, i.e. the plaster in fill panels and the timber. Criminal investigations were undertaken and three people were interviewed under caution. Appropriate remedial works to the building were explored to ensure the integrity of the building was not further compromised. A Listed Building Enforcement Notice was issued on 11/11/09. Notice has now been complied with. CASE CLOSED.
56 Crewe Road, Alsager	Take-away premises operating outside its permitted hours	Enforcement Notice	Appeal against the Enforcement Notice dismissed on 9 th June 2009. The Notice has not been complied with and a report was sent to the Director of Places on 24 September 2009 seeking authority to prosecute, confirmation of authority is still awaited at the time this report is being prepared. Evidence is now likely to be out of date, further investigation required to ascertain whether Notice is still being breached.
30 Lime Close, Sandbach	Unauthorised erection of a front dormer window	Enforcement Notice	The Notice was appealed and the appeal dismissed. The requirements of the Notice have not been met and a report is to be produced considering appropriate further action.
4 Model Cottages, Cranage	unauthorised change of use of residential premises to a mixed	Enforcement Notice	The Notice was appealed and the appeal was heard at a Public Inquiry in 2008. The appeal was dismissed, however, the appellant applied for judicial

	residential and commercial use		review, the appellant did not attend the hearing and leave to appeal was not granted. Owners and occupier of property successfully prosecuted for failure to comply with Notice. Further ad hoc visits will be carried out to ensure continued compliance with the Notice.
28 Kendal Court, Congleton	property which has been allowed to fall into a state of disrepair so much so that it is considered to have an adverse impact on the visual amenity of the area.	S215 Notice	A S215 (Untidy Site) Notice has been issued and was due for compliance by the end of February 2009. The requirements of the notice have not been met; the owner was convicted of failing to comply with the Notice in Crewe Magistrates Court. A further report is to be prepared considering the expediency of carrying out works in default.
4 Nidderdale Close, Congleton	Unauthorised raised decking	Enforcement Notice	Retrospective planning permission has been refused for raised decking and an enforcement notice has been issued. Appeals against both the refusal of planning permission and the enforcement notice were dismissed. The Notice has not been complied with in full however it is anticipated that a further application for amended scheme approved. CASE CLOSED
Land North of Pedley Lane, Timbersbrook	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Enforcement Notice issued and appealed. Appeal dismissed 3007/10. Compliance due 30 March 2011.
School Farmhouse, Walnut Tree Lane, Bradwall	Unauthorised outbuilding in cartilage of listed building	Enforcement Notice	Planning permission refused, Notice drafted, amended retrospective application refused. Building allowed on appeal. CASE CLOSED
86 Crewe Road, Alsager	Non-compliance with hours of operation condition	Enforcement Notice	Enforcement Notice due for compliance mid December 09, further monitoring to take place to ascertain compliance.
Betchton Cottage Farm	Unauthorised change of use from agricultural land to use in association with a skip hire business and laying of hardcore	Enforcement Notice	Enforcement Notice drafted, refusal of planning permission appealed, appeal upheld and planning permission granted. CASE CLOSED
Beechcroft, Newcastle Road, Smallwood	Unauthorised change of use for residential property to a mixed residential and commercial use.	Enforcement Notice	Notice issued 05/02/10 and due for compliance 19/09/10.
Land at Corner of Twemlow Lane, Cranage	Unauthorised change of use of land from agricultural use to a mixed agricultural and domestic storage use.	Enforcement Notice	Notice drafted

Thimsworra, Dragons Lane, Moston	Unauthorised change of use of land from agricultural use to a mixed agricultural and residential use	Enforcement Notice	Notice drafted
Boundary Villa Farm, Boundary Lane, Congleton	Unauthorised change of use of use of agricultural land to residential garden	Enforcement Notice	Notice drafted
Oakleigh, Childs Lane, Brownlow	Unauthorised construction of an out building	Enforcement Notice	Notice Drafted
Boars Head Hotel, Middlewich	Unauthorised building	Enforcement Notice	Notice drafted
Silver Birches New Platt Lane, Cranage	Unauthorised felling of protected trees	Prosecution	Summons Issued initial court date 17 September 2010.
Land at Halith Cottage, Higher Poynton	Importation and Deposit of Waste	Enforcement Notice	Notice served. Appeal dismissed. Failure to comply with steps of Notice for removal of waste. Prosecution is being considered.
Whittakers Green Farm Composting Site, Hunsterston	Unauthorised waste transfer station	Enforcement Notice	Notice upheld at appeal. Currently awaiting notification of appeal to the High Court

This page is intentionally left blank

Table 2

Period covering 1st December 2009 – 14th August 2010.

Total Number of cases received	603
Cases closed	400
Site visits undertaken with Protocol Timescales	92%

Type of Notice	No. Issued
Planning Contravention Notice	20
Breach of Condition Notice	0
Enforcement Notice	2
Injunction	2
Temporary Stop Notice	2
Stop Notice	0
S215 (Untidy Site) Notice	0
Convictions	3

This page is intentionally left blank

LIST OF APPEALS DETERMINED

Ref Number	Address	Description	Level of Decision Del/Cttee	Over turn Y/N	Rec and Decision	Appeal Decision
10/1421M	1-3 Brook Sreet, Macclesfield	Application To Vary The Hours Of Opening Of An A5 Hot Food Takeaway To 08.00 To 02.00 On Mondays To Thursdays, 08.00 To 04.00 On Fridays And Saturdays And 08.00 To 00.00 On Sundays	Delegated	n/a	Refused	Dismissed 14/11/2010
10/0374M	WILLOW BARN, KNUTSFORD ROAD, MOBBERLEY, WA16 7BE	CHANGE OF USE FROM AGRICULTURAL TO RECREATIONAL USE	Delegated	n/a	Refused	Dismissed 01/12/2010
10/0913M	LOWMEADE , 25 HOUGH LANE, WILMSLOW	Replacement Dwelling	Delegated	n/a	Refused	Allowed 09/12/2010
10/2682M	KEEPERS COTTAGE, CHEADLE LANE, PLUMLEY, WA16 9SW	DETACHED TRIPLE GARAGE WITH OFFICE ABOVE	Delegated	n/a	Refused	Allowed 09/12/2010
10/2758M	KEEPERS COTTAGE, CHEADLE LANE, PLUMLEY, WA16 9SW	DETACHED TRIPLE GARAGE WITH OFFICE ABOVE	Delegated	n/a	Refused	Allowed 21/12/2010
10/2874N	EATON HOUSE, SHEPPENHALL LANE, ASTON, CW5 8DE	Single Storey Bespoke Timber Framed Canopy to Rear of Property	Delegated	n/a	Refused	Dismissed 22/12/2010

This page is intentionally left blank