

Strategic Planning Board

Agenda

Date: Wednesday, 29th July, 2020

Time: 10.00 am

Venue: Virtual Meeting

How to Watch the Meeting

For anybody wishing to view the meeting live please click on the link below:

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Please note that members of the public are requested to check the Council's website the week the Strategic Planning Board 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 top of each report.

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and the recordings are uploaded to the Council's website.

Please Contact: Sarah Baxter on 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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 disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Previous Virtual Meeting (Pages 3 - 20)

To approve the minutes of the previous virtual meeting held on 24 June 2020 as a correct record.

4. Public Speaking-Virtual Meetings

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Strategic Planning Board
- The relevant Town/Parish Council

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 Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. 20/0246M-Approval of reserved matters, Appearance, Landscaping, Layout & Scale on outline planning app 15/4287M, for partial change of use and partial demolition of existing buildings and structures, including the change of use of Fence House into 27 apartments, and erection of 273 dwellings, landscaping, supporting infrastructure and means of access, The Kings School, Fence Avenue, Macclesfield for Mr Andrew Taylor, Barratt & David Wilson Homes North West and Homes (Pages 21 - 54)

To consider the above application.

6. Performance of the Planning Enforcement Service 2019-2020 (Pages 55 - 80)

To consider the above report.

7. Draft Houses in Multiple Occupation Supplementary Planning Document (Pages 81 - 136)

To consider the above report.

Membership: Councillors A Critchley, S Edgar, A Farrall, S Gardiner (Vice-Chairman), P Groves, S Hogben, M Hunter (Chairman), D Jefferay, R Moreton, P Redstone, J Weatherill and P Williams

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CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Strategic Planning Board**
held on Wednesday, 24th June, 2020

PRESENT

Councillor M Hunter (Chairman)
Councillor S Gardiner (Vice-Chairman)

Councillors A Critchley, S Edgar, A Farrall, P Groves, S Hogben, D Jefferay,
R Moreton, P Redstone, J Weatherill and P Williams

OFFICERS IN ATTENDANCE

Mr A Crowther (Team Leader-Major Applications), Ms S Dillon (Planning Lawyer), Mr P Hurdus (Highways Development Manager), Mr D Malcolm (Acting Head of Planning) and Miss E Williams (Principal Planning Officer)

1 APOLOGIES FOR ABSENCE

None.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 16/3829W, Councillor S Gardiner declared that he was a personal friend and colleague of Councillor J Clowes who was speaking on the application, however had not discussed the application with her.

In the interest of openness in respect of application 20/0901C, Councillor S Gardiner declared that he knew, by profession, Jon Suckley who was the agent for the applicant and who was speaking on the application, however he had not discussed the application nor had he made any comments.

In the interest of openness in respect of application 16/3829W, Councillor S Edgar declared that he was the Ward and Parish Councillor for the area.

In the interest of openness in respect of applications 19/3951W, 16/3829W and 20/0909C, Councillor S Edgar declared that he was the Chairman of the Public Rights of Way Committee who had been a consultee on the applications, however he had not discussed any of the applications.

In the interest of openness in respect of application 16/3829W, Councillor P Groves declared that he was a personal friend and colleague friend and colleague of Councillor J Clowes who was speaking on the application, however had not discussed the application with her.

In the interest of openness in respect of application 20/0901C, Councillor M Hunter declared that he was the Ward and Town Councillor for the area.

3 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes of the meeting held on 26 February 2020 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING-VIRTUAL MEETINGS

RESOLVED

That the public speaking procedure be noted.

5 19/3951W-SOUTH WESTERN EXTENSION TO SILICA SAND WORKINGS, ALONG WITH REVISIONS TO THE DEVELOPMENT PROGRAMME AND RESTORATION SCHEME APPROVED UNDER PERMISSION 09/2291W, ARCLID QUARRY, CONGLETON ROAD, ARCLID FOR MR DAVID ROBINSON, ARCHIBALD BATHGATE GROUP

Consideration was given to the above application.

(Mr Laverick attended the virtual meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to the Board, the application be approved subject to the completion of a Section 106 Agreement securing the following:-

- a) the provision of 10 year habitat management for the proposed north western and south western blocks in accordance with the detailed aftercare scheme required by this permission which will be implemented following completion of the 5 year statutory aftercare required by this permission; along with the continuation of the existing 15 year management on all other areas of the site as approved under 09/2291W;
- b) annual monitoring and reporting of protected and Cheshire BAP species during the 15 year aftercare and management plan period,
- c) Provision of scheme for permissive footpaths to include location, type, timescale to be agreed with LPA; and footpath maintenance and management during the 15 year aftercare and management plan period for any diverted routes
- d) The replacement of permission 09/2291W and the associated Section 106 Agreement with permission 19/3951W and its associated Section 106 Agreement.

And subject to the following conditions:-

1. development shall be carried out in accordance with all relevant conditions attached to 09/2291W except where superseded by this permission.

Reason: for the purposes of clarity

2. Commencement

The development hereby approved shall be commenced within 3 years from the date of this decision notice.

Reason: To comply with Section 91 of the Town and Country Planning Act and to enable the Local Planning Authority to set a commencement date for monitoring and triggering the timetable for the programme of other conditions, schemes and management plans. To enable the Local Planning Authority to observe and confirm commencement.

3. Approved Plans

The development hereby approved shall be carried out in full accordance with the approved plans, documents and schemes submitted unless modified by the conditions attached to this permission set out below. These are:

The Written Statement and Environmental Statement, including Figures and Appendices

Plan no. ABG/SWE/01 – Arclid Quarry Location Plan

Plan no. ABG/SWE/02 – Application Site

Plan no. ABG/SWE/03 – Site Environs

Plan no. ABG/SWE/04 – Location and Summary of Boreholes

Plan no. ABG/SWE/05 – Outline Working Scheme

Plan no. ABG/SWE/06 – Diversions of Footpaths & Electricity Lines

Plan no. ABG/SWE/07a – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07b – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07c – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07d – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07e – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07f – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07g – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07h – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07i – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/08 – Restoration Masterplan

Plan no. ABG/SWE/09 – Restoration Masterplan: Cross Sections

Plan no. ABG/SWE/10 – Cross Section from Arclid Farm Cottage and Arclid Shire Barns

Plan no. ABG/SWE/12 – Recreational Users Plan

South Arclid Quarry: South Western Extension Ecological Impact Assessment. (ERAP (Consultant Ecologists) Ltd, July 2019). Document reference: 2018-151.

Technical Appendix 1: Extended Phase 1 Habitat Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019)

Technical Appendix 2: Brown Hare Survey 2018 to 2019 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 3: Aquatic Invertebrate Survey at Pond 6 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 4: Licensed Bat Survey and Assessment: Trees (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 5: Bat Activity Transects and Static Surveys (ERAP (Consultant Ecologists) Ltd, July 2019)

Technical Appendix 6: Non-breeding and Wintering Bird Surveys 2018-2019 (ERAP (Consultant Ecologists) Ltd, June 2019)

Technical Appendix 7: Confidential Addendum: Badger Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019)

Arboricultural Impact Assessment. Treetec, Version 5 dated: 5th April 2019

South Arclid Quarry, South Western Extension, near Sandbach, Cheshire. Restoration Details (Bright and Associates). Dated July 2019.

Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations. (Ref: 2443 BSS Arclid \ FIG 22 NEW BH).

Restoration Masterplan with Ecological Annotations (Figure 3 (Revision A) dated 16th January 2020. Ref. ERAP ref. 2018-151).

Written Statement. Technical Appendix 4: Contaminated Land.

Written Statement: Appendix 5 – Restoration Scheme (narrative) including Soils Balance Table.

Arclid Quarry South Western Extension. Soils and Agricultural Assessment Report.

Environmental Statement Section 7: Noise Assessment. (Vibroch Limited. Document reference: R19/10133/4/AP).

Environmental Statement Section 8: Air Quality Assessment. (Vibroch Limited. Document reference: R19.10134/5/AG).

Reason: To define the details and schemes which are approved for the avoidance of doubt and to assist compliance and monitoring of the development.

4. Duration / Cessation of Mineral Working

The winning and working of minerals from South Arclid shall cease no later than 31st December 2041. All buildings, roads, plant, machinery and other

structures used in connection with this development hereby approved shall be removed within a twelve month period following this date, or within 12 months of the permanent cessation of mineral extraction at South Arclid, whichever is the sooner and the restoration works, as required under condition 29, shall be completed accordingly.

Reason: To define the life of the development and to ensure the site is restored at the earliest opportunity.

5. Hours of Working and Plant Maintenance

The hours of operation for the winning and working of mineral including processing, loading and dispatch shall be 07:00 to 18:00 Monday to Friday and 08:00 to 13:00 Saturdays. There shall be no working or operational development on Sundays or Bank and Public Holidays. Site maintenance and emergency repairs shall only be permitted outside of these hours in accordance with condition 20 of this permission.

Reason: To limit the impact on the residential amenity.

6. Access

No vehicles, except cars and maintenance vehicles, shall enter or leave South Arclid via Hemmingshaw Lane other than between the following times:

07:00 – 18:00 Mondays to Fridays

08:00 – 13:30 Saturdays

Reason: To ensure that access to and from the site is only at the locations which were identified in the planning application. To limit the impact on the residential amenity and in the interests of highway safety.

7. Movement of Topsoil

The movement of excess topsoil derived from topsoil stripping hereby permitted shall be restricted to between April and October (inclusive). The associated Heavy Goods Vehicle movements shall not exceed 5 in and 5 out (10 movements) per day on Mondays to Fridays, and 3 in and 3 out (6 movements) on Saturdays, with no movements of soils on Sundays or Public Holidays unless otherwise agreed in writing by the Mineral Planning Authority.

Reason: To limit the impact on the residential amenity and in the interests of highway safety.

8. Working Operations

Sand shall only leave South Arclid by way of the existing pipeline between South Arclid and North Arclid; each location defined as shown on Plan no. ABG/SWE/01 – Arclid Quarry Location Plan.

Reason: To limit the impact upon residential amenity and safeguard the character of the area.

9. Soils Handling

Soils shall be stripped, handled, stored and placed in accordance with Arclid Quarry South Western Extension: Soils and Agricultural Assessment Report, Chapter 8: Mitigation Measures and Appendix 2: Soil Handling. All soil handling operations shall take place when soils are in a condition which does not compromise the structure of the soil. Soil handling techniques shall be used to minimise compaction of soils, including avoiding running heavy vehicles over soils, as set out within the MAFF Good Practice Guide for Handling Soils Sheet 1: Soil Stripping with Excavators and Dump Trucks.

Reason: To safeguard the integrity of soils structure as a growing medium and to ensure successful restoration of the mineral working site for agricultural, woodland and wildlife conservation use.

10. Phased Working and Restoration

All mineral extraction operations and progressive restoration shall take place in accordance with the phased working as set out in the approved plans:

Plan no. ABG/SWE/07a – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07b – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07c – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07d – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07e – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07f – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07g – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07h – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/07i – Programme of Working and Progressive Restoration

Plan no. ABG/SWE/08 – Restoration Masterplan

Reason: To ensure that the site is worked in the manner as set out in the Planning Statement and Environmental Statement. In the interests of residential amenity, progressive working and restoration.

11. Annual Progress and Review Meeting and Report

Within 3 months following the commencement of development, an inaugural meeting during initial site preparation works for the South Western Extension and thereafter an annual progress and review meeting and report of progress and works to be carried out in the following year

shall be undertaken and the reports submitted to the mineral planning authority for written approval within one month from the date each meeting takes place. The meetings and reports shall continue annually until the completion of the Landscape and Ecological Management Plan (as set out in condition 19) and aftercare period (as set out in condition 30). The review shall set out any unplanned alterations or mitigation works to the operations, the programme of restoration, planting and aftercare works, and timescales.

Reason: To assist compliance and monitoring of the development with the planning permission and to provide a mechanism for non-material alterations which may arise as operations progress to ensure a high-quality restoration and aftercare is carried out.

12. Noise Limits

Noise from South Arclid shall not exceed 55dBA LAeq 1 hour as measured free-field at a minimum of 3.5m from any reflecting surface other than the ground at any noise sensitive residential property. For a period not exceeding 8 weeks in any given calendar year, the noise limit shall not exceed 70dBA LAeq 1 hour as measured free-field at a minimum of 3.5m from any reflecting surface other than the ground at any noise sensitive residential property to allow soils stripping, soils storage, landscaping and restoration works to take place.

Reason: To reduce the impacts of noise from the site and to safeguard amenity.

13. Noise Monitoring

Within twelve months of the date of this permission an updated noise monitoring scheme for South Arclid shall be submitted to and approved in writing by the Mineral Planning Authority. The scheme shall include provision for the number and location of noise monitoring points, the frequency of monitoring, information to be collected and the submission of results to the Minerals Planning Authority. The development shall subsequently be carried out in accordance with the approved noise monitoring scheme throughout the life of the development.

Reason: To minimise environmental impact and to safeguard the amenities of residents in the local area.

14. Dust Management

The best available techniques, including measures identified in Section 3.0 and Appendix 3 of the submitted Air Quality Assessment (document reference: R19.10134/5/AG), shall be used at all times to ensure that dust emissions and propagation is minimised. Such measures shall include:

- a) the control of vehicle speeds;
- b) ensuring compaction, grading and maintenance of haul roads;
- c) minimising soil stripping to the area required for mineral production during the following 12 months;
- d) fitting vehicles with upswept exhausts wherever appropriate;

- e) minimising the drop height when loading materials;
- f) avoiding overloading of transfer plant, thus reducing spillages;
- g) enclosing processing plant where a dry process is used, where practicable;
- h) regular maintenance of plant and machinery in accordance with the manufacturers specification;
- i) the seeding of all soil and overburden mounds as soon as practically possible following their construction
- j) regular spraying of stockpiles and site haul roads wherever appropriate.

Reason: To reduce the impacts of dust disturbance from the site and to safeguard amenity.

15. Archaeological Mitigation Strategy

No development shall take place within the South Western Extension Area until the applicant has secured the implementation of a programme of archaeological investigation, observation and recording in accordance with a Written Scheme of Investigation (WSI) which has been submitted to the Mineral Planning Authority. The scheme shall include undisturbed areas of the Application Site previously subject to a WSI and shall include a watching brief during topsoil stripping. The approved development shall be carried out in strict accordance with the approved scheme.

Reason: In the interest of proportionately investigating, understanding and recording the archaeological significance of any artefacts discovered as a consequence of the approved development.

16. Contaminated Land

If, during the course of development, contamination not previously identified is found to be present, no further works shall be undertaken in the affected area and the contamination shall be reported to the Mineral Planning Authority as soon as reasonably practicable (but within a maximum of 5 days from the find). Prior to further works being carried out in the identified area, a further assessment shall be made and appropriate remediation implemented in accordance with a scheme also agreed in writing by the Mineral Planning Authority.

Reason: To ensure the development is suitable for its end use and the wider environment and does not create undue risks to site users or neighbours during the course of the development.

17. Lighting Scheme

Prior to the installation of any new or replacement permanent external lighting at South Arclid, details of the proposed lighting scheme should be submitted to the Local Planning Authority. The scheme should include details of the:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type and power;

- Mounting height, orientation direction and beam angle;
- Type of control gear.

Reason: In the interest of wildlife conservation, environmental protection and residential amenity.

18. No tree works, ground clearance or soil stripping shall take place in the South Western Extension Area until a Tree Protection Scheme and Arboricultural Method Statement has been submitted and approved by the Mineral Planning Authority.

The details shall include:

- All tree protection monitoring and site supervision by a suitably qualified tree specialist (where arboricultural expertise is required), including stages at which actions and monitoring will be reported to the Mineral Planning Authority,
- Details of the precise location of the 'no dig' surfacing for the diverted footpaths / utility infrastructure and the mineral extraction area,
- A site specific 'no dig' design for the surfacing of any diverted public rights of way and utility infrastructure within tree and hedgerow root protection areas including an illustrative cross-section drawing.

The development thereafter shall be implemented in strict accordance with the approved details.

Reason: To protect and enhance landscape character and ecological interests.

19. Landscape and Ecological Management Plan

No ground clearance, tree works or soil stripping shall take place within the South Western Extension Area until a Landscape and Ecological Management Plan (LEMP) addressing landscape and biodiversity protection, enhancement and management during the extraction of silica sand hereby permitted shall be submitted to the Mineral Planning Authority. The issues which shall be addressed in the LEMP include:

- i. Measures to be taken to protect habitat and species present on site as identified in the South Western Extension Ecological Impact Assessment by ERAP Consultant Ecologists Ltd [ref: 2018-151];
- ii. Details of Habitat Creation as shown on the approved drawing: Plan no. ABG/SWE/08 – Restoration Masterplan, comprising phasing and method statements for the creation, establishment and aftercare management of each habitat type to include:
 - a. Islands
 - b. Trees and hedgerows
 - c. Ponds
 - d. Sand martin banks
 - e. Wetland habitats including shallows/reedbeds and smaller ponds
 - f. Lowland meadows
 - g. Installation of bat and bird boxes (including barn owl).

- h. Creation of gently sloping banks (1:20) in the vicinity of the proposed wetland
- i. Habitat creation areas
- j. Habitat for Yellow Wagtail
- iii. A timetable detailing:
 - a. The carrying out of all habitat protection and creation measures,
 - b. The implementation of habitat and species management for the duration of silica sand extraction hereby permitted,
 - c. The duration of the subsequent aftercare period for each habitat created and timescales for the completion,
 - d. Details of the annual review and update of the LEMP.

The development shall be carried out in accordance with the approved LEMP including any revisions as agreed in writing by the Mineral Planning Authority thereafter.

Reason: To protect and enhance landscape character and ecological interests.

20. Plant and Machinery

All plant and machinery shall be maintained in good working order to minimise unnecessary noise.

Reason: In the interest of residential amenity.

21. Site Maintenance and Emergency Repairs

Site maintenance and essential repairs are permitted outside of the operational hours. No repairs or maintenance which is capable of generating reasonable complaint due to noise such as from drilling, hammering, power tools, impact driver or running motors or engines, shall take place between the night-time hours 23:00 to 06:00 hours.

Reason: In the interest of residential amenity and the safe operation of the site.

22. Groundwater Monitoring 1

No extraction of sand shall commence from the South Western Extension boreholes hereby permitted until 2019/01, 2019/02, and BH P11R as shown on Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations (Ref: 2443 BSS Arclid \ FIG 22 NEW BH) shall be drilled, replaced or deepened as appropriate.

Reason: To allow for the monitoring and protection of groundwater.

23. Groundwater Monitoring 2

No extraction of sand shall commence from the South Western Extension hereby approved, until the groundwater level recording in the locations as shown on Hydrogeological Impact Assessment & Flood Risk Assessment: Figure 22: Proposed New Monitoring Locations (Ref: 2443

BSS Arclid \ FIG 22 NEW BH) has commenced. The monitoring undertaken shall:

- i) Record groundwater levels within each borehole shown on Figure 22,
- ii) Record the water level in, and the location of, each quarry sump at the same intervals as the groundwater level monitoring,
- iii) Record the quantity of water removed from each sump identified at iii) during the preceding month,
- iv) Record the location water was transferred to.

All recorded levels, locations and abstractions shall be included in an annual monitoring report. The groundwater monitoring scheme shall be maintained for the duration of the permitted operations.

Reason: To allow for the monitoring and protection of groundwater.

24. Storage of Materials Harmful to Water Quality

Any facilities for the storage of oil, fuels or chemicals shall be sited on impervious bund walls. The volume of the bunded compound should be at least 110% of the total tank capacity. If there is multiple tankage, the compound should be at least equivalent to the capacity of the largest tank or the combined capacity of interconnected tanks, plus 10%. At filled points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund.

Reason: To prevent adversely affecting watercourses passing through or outside the site.

25. Protection of Bats

Trees T6, T7, T10 and T18 as identified in Technical Appendix 4: Licensed Bat Survey and Assessment: Trees (ERAP (Consultant Ecologists) Ltd, June 2019) Bat Survey and Assessment of Tree' shall not be removed until a bat survey has been undertaken and submitted to the Mineral Planning Authority for approval. The submission shall record any evidence of roosting bats and include appropriate mitigation and compensation measures.

Reason: To safeguard biodiversity.

26. Protection of Newts

The development hereby approved shall be undertaken in accordance with the great crested newt mitigation detailed in paragraphs 5.6.4 – 5.6.6 of the Technical Appendix 1: Extended Phase 1 Habitat Survey and Assessment (ERAP (Consultant Ecologists) Ltd, July 2019), unless varied by licence granted by Natural England.

Reason: To safeguard biodiversity.

27. Protection of Badgers

Prior to the commencement of works within each Phase (as detailed at condition 8 of this planning permission), a survey relevant to working within that phase for the presence of badgers on the site and surrounding suitable habitat, with associated mitigation/compensation measures, shall be submitted to the Mineral Planning Authority. Site works shall be carried out in complete accordance with approved measures.

Reason: To safeguard biodiversity.

28. Vegetation Clearance

No trees or hedgerows shall be removed within the bird nesting season (1st March to 31st August inclusive), unless the site is surveyed for nesting birds by a qualified ecologist prior to their removal. If nesting birds are found, a scheme to protect nesting birds shall be submitted to the Local Planning Authority. The development shall thereafter only be carried out in accordance with the approved scheme.

Reason: To avoid harm to nesting birds during the bird breeding season.

29. Restoration Scheme

The site shall be restored in accordance with the approved restoration plan (Plan no. ABG/SWE/08 – Restoration Masterplan) and in accordance with details agreed subject to the approved Landscape and Ecological Management Plan (condition 18).

Reason: To ensure the site is satisfactorily restored and to avoid endangering the safe operation of aircraft through the attraction of birds.

30. Final Aftercare Scheme

Aftercare shall be carried out for a period of five years following the completion of restoration in each phase. The aftercare shall be carried out in accordance with a detailed aftercare scheme which shall be submitted to and approved in writing by the Mineral Planning Authority, six months prior to the completion of restoration works in each phase or as otherwise agreed in writing with the MPA.

Additionally, no later than the 31st December 2040 or within 6 months of the permanent cessation of the silica sand extraction hereby approved, whichever occurs sooner, a detailed scheme of management for a maximum duration of 10 years following on from the five year aftercare period shall be submitted to the Mineral Planning Authority. The scheme shall account for the phasing of the approved development and address actions outstanding from the LEMP (condition 19), provide for annual inspections and the carrying out of any necessary remedial measures, including the replacement of any planting failures, cultivating, fertilising, seeding, watering, drainage and other treatment of the land. An annual report of the aftercare works shall be forwarded to the Mineral Planning

Authority no later than the 31st March during each year of the aftercare period.

Reason: To ensure the positive restoration and aftercare of the site to delivery environmental enhancement.

31. Inspection of Planning Permission

From commencement of development until the cessation of mineral extraction a copy of this permission, including all documents approved and agreed in accordance with this permission, shall always be available for inspection at the site office during normal hours.

Reason: For the avoidance of doubt and to ensure that the development is carried out in accordance with the approved documents.

32. The development shall be carried out in accordance with all relevant conditions attached to 09/2291W except where superseded by this permission

Reason: for the purposes of clarity.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Acting Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

Should this application be the subject of an appeal, authority be delegated to the Head of Planning in consultation with the Chairman (or in their absence Vice Chairman) of the Strategic Planning Board to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

6 **16/3829W-IMPROVEMENT OF LAND VIA REMOVAL OF PREVIOUSLY DEPOSITED ASH/CLINKER, AND RESTORATION TO AGRICULTURAL AND EQUESTRIAN AFTER USE VIA IMPORTATION AND PLACEMENT OF INERT AND SOIL-FORMING MATERIAL (INCLUDING ANCILLARY WORKS), CASEY LANE STABLES, CASEY LANE, BASFORD, CHESHIRE FOR MR BARRIE GARRATT**

Consideration was given to the above application.

(Councillor J Clowes, the neighbouring Ward Councillor and Parish Councillor J Cornell, representing Weston and Basford Parish Council attended the virtual meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. Significant areas of land within the application site lie within the limits of land subject to HS2 Safeguarding Directions. The proposed development would therefore prejudice the ability to deliver and operate HS2 Phase 2a and is therefore contrary to the requirements of Policy CO 2 (Enabling Business Growth through Transport and Infrastructure) of the Cheshire East Local Plan Strategy.
2. Several of the ecological reports submitted with the application are now out of date and cannot be relied upon to support the application. Insufficient information is therefore available relating to protected species and habitats in order to assess adequately the impact of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies, in particular Policy SE 3 (Biodiversity & Geodiversity) of the Cheshire East Local Plan Strategy, Policies 12 (Impact of Development Proposals) and 17 (Natural Environment) of the Cheshire Replacement Waste Local Plan and Policies NE.5 (Nature Conservation & Habitats) and NE.9 (Protected Species) of the Crewe and Nantwich Replacement Local Plan and other material considerations.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in their absence the Vice Chairman) of Strategic Planning Board, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(During consideration of the application, Councillor R Moreton left the meeting and did not return. Prior to consideration of the following application, the virtual meeting was adjourned for a short break).

- 7 **20/0901C-PART FULL/PART OUTLINE APPLICATION PROPOSING: 1: FULL PLANNING APPLICATION FOR AN EMPLOYMENT DEVELOPMENT (USE CLASS B2 & B8 WITH ANCILLARY USE CLASS B1 FLOORSFACE), AND SECURITY GATEHOUSE AND WEIGHBRIDGE, THE PROVISION OF ASSOCIATED INFRASTRUCTURE, INCLUDING A SUBSTATION, PLANT, PUMPING STATION, SERVICE YARDS, CAR AND HGV PARKING, CYCLE AND WASTE STORAGE, LANDSCAPING, ECOLOGICAL ENHANCEMENT AREA, DRAINAGE ATTENUATION, ACCESS FROM ERF WAY AND RE-ALIGNMENT OF THE RIVER CROCO TRIBUTARY. 2: OUTLINE PLANNING APPLICATION FOR AN EMPLOYMENT DEVELOPMENT (USE CLASS B2 & B8 WITH ANCILLARY USE CLASS B1 FLOORSFACE) WITH ALL DETAILED MATTERS EXCEPT FOR ACCESS RESERVED FOR FUTURE DETERMINATION, PHASE 4B**

**AND 1B MAGNITUDE,, OFF ERF WAY, MIDDLEWICH FOR
MAGNITUDE LAND LLP & SWIZZELS MATLOW LTD**

Consideration was given to the above application.

(Jon Suckley, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

RESOLVED

That the application be delegated to the Head of Planning in consultation with the Chairman and Vice Chairman of the Strategic Planning Board to approve subject to resolving the objections from the Environment Agency; receipt of comments from the Lead Local Flood Authority (LLFA); clarification of the electrical charging provision requirements and meeting policy SE9 on renewable energy provision and subject to the completion of a S106 Agreement securing the following:-

Highways - Contribute to the Middlewich Eastern Bypass or A54 Corridor/Leadsmithy Street corridor improvements based on a payment of £30 per sq m GIA to be paid in four instalments prior to occupation of:-

- Plot 4B phase 1;
- Plot 4B phase 2
- Plot 4B phase 3; and
- Plot 1B

And Ecology – Biodiversity offset payment as follows:-

Prior to the commencement of development a scheme for offsetting biodiversity impacts on the site shall be submitted to and approved by the local planning authority. The proposed offsetting scheme shall include:

- Details of the offset requirements of the development in accordance with the current Defra biodiversity metric, which has been calculated to comprise 8.5 units conservation credits of grassland;
- The identification of a receptor site or sites which generate a minimum 8.5 units available conservation credits;
- The provision of evidence of arrangements that secures the delivery of the offsetting scheme;
- A management and monitoring plan (which shall include for the provision and maintenance of such offsetting measures for a period of not less than 25 years from commencement of development)

And subject to the following conditions:-

FULL APPLICATION:

1. 3 Year start date
2. Approved plans/documents

3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination
15. Foul and surface water on separate systems
16. Surface water drainage
17. Tree felling under supervision (Bats)
18. Lighting (Amenity & Bats)
19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan
23. PROW Management scheme

OUTLINE APPLICATION:

1. Outline timescales
2. Approved plans/documents
3. Materials
4. Landscaping
5. Landscape maintenance
6. Arboricultural Impact Assessment
7. Tree Retention/Protection
8. Levels
9. Electric vehicle infrastructure
10. Ultra-Low Emission Boiler(s)
11. Importation of soils
12. Contaminated land assessment (Phase II)
13. Contaminated land verification report
14. Measures to deal with unexpected contamination
15. Foul and surface water on separate systems
16. Surface water drainage
17. Tree felling under supervision (Bats)
18. Lighting (Amenity & Bats)
19. Updated Otter survey
20. Bird nesting season
21. Ecological mitigation measures
22. 25 Year habitat management plan
23. PROW Management scheme

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add conditions/informatives/planning obligations or

reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

The meeting commenced at 10.00 am and concluded at 1.56 pm

Councillor M Hunter (Chairman)

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Application No: 20/0246M

Location: THE KINGS SCHOOL, FENCE AVENUE, MACCLESFIELD, CHESHIRE, SK10 1LT

Proposal: Approval of reserved matters, Appearance, Landscaping, Layout & Scale on outline planning app 15/4287M, for partial change of use and partial demolition of existing buildings and structures, including the change of use of Fence House into 27 apartments, and erection of 273 dwellings, landscaping, supporting infrastructure and means of access.

Applicant: Mr Andrew Taylor, Barratt & David Wilson Homes North West and Homes England

Expiry Date: 27-May-2020

SUMMARY

The site forms the strategic allocation LPS 14 contained within the Cheshire East Local Plan. The application proposes to provide 300 residential units, comprising the re-use of Fence House the main former school building, the development of 273 dwellings which includes the erection of 4 apartment blocks.

Outline planning consent was granted in 2017 for the erection of up to 300 units. The proposal includes a total of 300 units. The design is considered to be of a very high quality, providing a good mix of dwelling types, tenures and sizes. The development provides 30% affordable housing provision which goes over and above the 10% secured as part of the outline application and the Section 106 agreement. The application will provide much needed housing in a sustainable location on the edge of Macclesfield town, with good connectivity to the town of Macclesfield by a variety of modes.

The access is located opposite Victoria Park, a large area of public open space.

The proposal itself provides for SUDs provision, play areas, footway and cycleway connections both to and within the site and provides dwellings in line with the allocation, demonstrating an efficient use of land.

The re-use of the historic Fence House school building providing accommodation will retain the façade of the site along Fence Avenue. The design and landscaping of the site are considered to be acceptable.

The requirements of the strategic allocation are considered to be met.

The proposed development is required to ensure a sustainable residential development locally and within Cheshire East.

The proposal does include tree losses; however it is considered that on balance the amount of mitigation proposed through additional significant tree planting compensates for the losses.

Further ecological surveys are required with regard to bats, to ascertain whether protected species will be negatively affected by the development and in particular the loss of existing buildings and a tree with bat roost potential. An update on this matter will be provided to members.

It is considered that the proposed development accords with the policies in the development plan and the National Planning Policy Framework.

For the reasons mentioned the application is recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions

PROPOSAL

The application is for the approval of reserved matters, Appearance, Landscaping, Layout and Scale on outline planning application 15/4287M, for partial change of use and partial demolition of existing buildings and structures, including the change of use of Fence House into 27 apartments, and erection of 273 dwellings providing a total of 300 units, landscaping, supporting infrastructure and means of access.

The site is accessed from Fence Avenue to the west of the site in line with the current school entrance, with two points of vehicular access. The site is broken up into zones with the apartments to the south, and higher density development to the centre of the site, where the density disperses to the peripheries of the site. A large amount of landscaping currently on the site is to be retained which is incorporated into the design with significant belts of woodland. Part of the development knits into Lyme Grove to the south of the site by continuing the residential development along the residential street to the east, which terminates at the recently completed apartments, known as The Bridges.

Large areas of the site remain free of development particularly the area to the east of the site which was required by the outline planning permission to remain as such, along with areas to the north and west.

The design of the proposed development focuses around a main loop with areas of development projecting from it. A focal point of the proposed development is the main street which runs from east to west. The street is proposed to be a mixed use area, with growing areas for residents and a shared surface. Vehicles are not able to travel the full length of the street therefore it cannot be used as thoroughfare for vehicles. However pedestrians and cyclists can pass the full length of the street. Access to dwellings for vehicles is from access points to the north and south of the street.

The application proposes 20 house types:

- Formby – located on the main core/loop of the site, 3 storey, 4 bedroom semi-detached dwelling with integral garage.
- Bayswater – located on the main core/loop of the site and different elevation treatment version located on green lanes and central street, 2.5 storey dwelling, 4 bedrooms.
- Drummond – located on the main core/loop and different elevational treatment version located on green lanes and central street, and for woodland edge, detached, 2 storey dwelling, 4 bedrooms.
- Exeter – located on woodland edge, 2 storey dwelling, 4 bedrooms.
- Winstone – located on woodland edge, detached 2 storey dwelling, 4 bedrooms.
- Meriden – located on woodland edge, detached 2 storey dwelling, 4 bedrooms with integral garage.
- Shenton – located on woodland edge, detached 2 storey dwelling, 4 bedrooms.
- Avondale – located on main core/loop and woodland edge, detached 2 storey dwelling, 4 bedrooms.
- Hertford – located on main core/loop and different elevational treatment on green lanes/central street, 2.5 storey dwelling, 4 bedrooms.
- Henley – located on woodland edge, 2 storey dwelling, 5 bedrooms.
- Manning – located on woodland edge, 2 storey dwellings, 5 bedrooms.
- Wincham – apartment with 3 garage spaces at ground floor, 2 storey living accommodation at first floor, located on green lanes and central street, two bedrooms.
- Chichester Chirwell – 3 storey apartment block, located on main core/loop, each building contains 6 x 2 bedroom apartments, 2 per floor.
- Fairway – two storey dwelling, dual aspect house type, located on the main core/loop 3 bedrooms.
- Greenwood – three storey town house, located on green lanes/central street and alternative elevational treatment on main core/loop, semi-detached 3 bedroom.
- Kennett – 2.5 storey terrace, located on Green Lanes/Central Street, alternative elevational treatment on main core/loop, 3 bedrooms.
- Hadley – 2 storey detached, located on woodland edge, 3 bedrooms.
- SH50 – 2 storey terrace, located on main core/loop and alternative elevational treatment on green lanes and central street, 2 bedroom.
- SH52 – 2 storey terrace, located on green lanes and central street and alternative elevational treatment on main core/loop, 3 bedroom.
- SH55 – 2 storey semi-detached, located on main core/loop, 3 bedroom.
- Girls' School Building– Lower ground floor, 4 apartments, 1x1bed, 2x2bed, 1x3bed.
- Girls' School Building – Upper ground floor, 3 apartments, 1xbed, 1x2bed, 1x3bed.
- Girls' School Building – First floor, 3 apartments, 1x1bed, 1x2bed, 1x3bed.

The breakdown of mix across all tenures is:

8 x 1 bed
76 x 2 bed
108 x 3 bed
101 x 4 bed
7 x 5 bed

The house types are dispersed across the site in terms of size and tenure, with four affordable tenures aside from market units. The scheme proposes 90 affordable units comprising 2 and 3 bedroom units.

The scheme proposes four character areas, with a higher density central loop area, the green lanes branching off the loop and woodland edges beyond, particularly to the northeast of the site.

The character areas are; the Core/Loop which goes around the main loop road around the site; the Lanes which is in a number of areas across the site and are linear in character; the Green Spine, which is the central street running east to west through the development and; the Woodland Edge which comprises mainly detached properties around the periphery of the site.

The site includes the retention of large areas of woodland, there will be a LEAP located to the south east corner of the loop road, which has a footpath connection to the south and to the canal bridge. The path then continues to the east and around the perimeter of the site which will be suitable for bicycles. A balancing pond will be located to the west of the site which is an existing wooded steep valley. A small formal park will be located in the east/central area of the site, with paths and planting, in addition to a small formal park opposite the LEAP on the loop road.

There is no formal cycleway provision proposed along pavements around the site. However access for bicycles is allowed for throughout the site.

SITE DESCRIPTION

The application site is the King's School girls' school located off Fence Avenue in Macclesfield. The site has two main access points which are located either side of the main school building (annotated on the plans accompanying the application as 'Fence House' - a commercial building along Fence Avenue also shares the same name) located to the front of the site on Fence Avenue. There are currently two car parking areas serving the site either side of 'Fence House'.

The site covers an area of 21.3ha and includes school buildings and playing fields to the west and centre of the site. Agricultural land surrounds the site to the north and east. The Macclesfield Canal - which for the majority is shielded by woodland from the site - curtails part of the site along the southern edge. Along the southern edge a block of apartments has been recently completed this building sits at a higher level than the site and overlooks it.

There are dwellings along Fence Avenue to the west separated by a belt of land. Fence Avenue Industrial Estate is to the northwest. The northernmost point of the site is a rectangular shaped piece of land which is not proposed for development, this bounds further residential development to the north.

To the north and northeast of the site a large area of land around 100m in depth separates the site from residential development to the north. The eastern boundary of the site partially runs alongside the canal.

The site has varied topography and certain areas are proposed to be free from development as a result of this. There are heavily wooded areas of the site in particular along the southern boundary, a belt running north/south to the east of the site and to the north.

The site also has plateaus in the centre which are currently used as playing pitches, which provides reasonable conditions for development without having to manipulate the topography extensively.

RELEVANT HISTORY

The King's School Fence Avenue Girls School site has outline planning permission for up to 300 units.

15/4287M, Outline application for partial change of use and partial demolition of existing buildings and structures, residential development for up to 300 units, landscaping, supporting infrastructure and means of access, Approved subject to S106 agreement 23.01.2017

There is an extensive history of extensions and alterations in association with the school.

RELEVANT PLANNING POLICY

Cheshire East Local Plan Strategy 2010-2030 July 2017

Site LPS 14 – Land East of Fence Avenue, Macclesfield
MP1 Presumption in favour of sustainable development
PG1 Overall Development Strategy
PG2 Settlement hierarchy
PG6 Spatial Distribution of Development
SD1 Sustainable Development in Cheshire East
SD2 Sustainable Development Principles
IN1 Infrastructure
IN2 Developer contributions
SC3 Health and Well-Being
SC4 Residential Mix
SC5 Affordable Homes
SE1 Design
SE3 Biodiversity and geodiversity
SE4 The Landscape
SE5 Trees, Hedgerows and Woodland
SE6 Green Infrastructure
SE7 The Historic Environment
SE8 Renewable and Low Carbon Energy
SE9 Energy Efficient Development
SE12 Pollution, Land contamination and land Instability
SE13 Flood risk and water management
CO1 Sustainable Travel and Transport
CO4 Travel plans and transport assessments

Requirements for LPS 14

The development of Land East of Fence Avenue over the Local Plan Strategy period will be achieved through:

1. The delivery of around 250 new homes, including the sensitive conversion of the main school building to apartments; development will focus on the school curtilage (which includes the sports fields);
2. Incorporation of green infrastructure throughout the site, to include an appropriate level of open space provision; an area adjacent to the canal shall be retained as open space encompassing land either side of the Smyth's Bridge; this will retain some of the naturalised setting, including the belt of tree planting to the west of the bridge (in order to minimise impact on the conservation area and landscape designation area);
3. Improvement of existing and provision of new pedestrian and cycle links to existing residential areas, shops, schools and health facilities; in particular, improvements to the canal towpath; Local Plan Strategy Sites and Strategic Locations
4. On site provision, or where appropriate, relevant contributions towards highways and transport, education, health, open space and community facilities; and
5. Attention to the quality of landscaping and the design of the new built development, including a sensitive approach to density, massing and height.

Site Specific Principles of Development

- a. Public realm provision must play a critical part of any proposals, reflecting the green credentials of the site. These spaces will need to be safe and secure and appropriately managed.
- b. Proposals should retain the main school building which faces onto Fence Avenue.
- c. Green infrastructure provision should be prioritised throughout the site. It must connect with the town centre by providing links to the bottom of Hurdsfield Road and Fence Avenue to link to Victoria Park and also to the eastern edge of the site which provides connectivity with the wider Green Belt and open countryside. Existing trees and hedgerows should be retained where possible as these make a valuable contribution to the character of the area, and its relationship with surrounding land uses. The scale and design of new development therefore needs to reflect the urban fringe character at the edges of the site and green infrastructure also needs to permeate from the edges into the main body of the site.
- d. The Macclesfield Canal, which frames the southern portion of the site, provides an excellent opportunity for improved permeability and connectivity with any proposed development and also for enhancement of the public right of way. The development provides the opportunity to enhance the usability of the canal and connectivity of the site to it through connection to the towpath via Smyth's Bridge, bringing it back into positive use.
- e. The Local Plan Strategy site is expected to provide affordable housing in line with the policy requirements set out in Policy SC 5 'Affordable Homes';
- f. Transport improvements as determined through any future transport study.
- g. Retention (or replacement) and enhancement of playing fields and sporting facilities are required as part of the development. The retention and/or replacement of the indoor and outdoor sports facilities should be in accordance with the findings of an adopted, up to date and robust needs assessment.
- h. The setting of the Church of the Holy Trinity should be protected by excluding the elevated land directly opposite the church from development (i.e. retaining it as open green space/pasture) and maintaining the quality and density of landscaping on the eastern edge of

the site, including retention of existing tree belts and hedges. The identifiable tree line along the eastern edge of the site should be strengthened by additional planting to form a strong Green Belt boundary.

i. Any application would need to be supported by a full ecological appraisal, including a detailed botanical survey of the grassland habitats on site. Mitigation would be required to address any impacts on protected species. Any woodland, priority habitats or habitats of local wildlife

site quality on the site should be retained.

j. A minimum of a Phase 1 Preliminary Risk Assessment for contaminated land should be carried out to demonstrate that the site is, or could be made, suitable for use should it be found to be contaminated. Further work, including a site investigation, may be required at a pre-planning stage, depending on the nature of the site.

The Macclesfield Borough Local Plan (2004) is the relevant plan in relation to this site with the following saved policies considered relevant:

Policy RT5: Open Space Standards

Policy RT6: Recreation/Open Space Provision

Policy RT7: Cycleways, Bridleways and Footpaths

Policy DC3: Amenity

Policy DC6: Circulation and Access

Policy DC7: Car Parking

Policy DC8: Landscaping

Policy DC9: Tree Protection

Policy DC13: Noise

Policy DC14: Noise

Policy DC15: Provision of Facilities

Policy DC17: Water Resources

Policy DC38: Residential – Space, Light and Privacy

Policy DC40: Residential – Children’s Play/ Amenity Space

Policy DC63: Contaminated Land

Policy DC64: Floodlighting

Policy NE14: Natural habitats

Policy NE11: Protection and enhancement of nature conservation interests

Policy NE17: Nature Conservation in Major Developments

Neighbourhood Plan – There is no neighbourhood plan in place for Macclesfield

Other policy documents:

Cheshire East Design Guide

National Policy:

The National Planning Policy Framework

National Planning Practice Guidance

CONSULTATIONS (External to planning)

Natural England – No objections to amended plans. Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites or landscapes.

Housing – No objection. This application is meeting that required by the S106 for the outline permission and is also meeting the rental need for 1 and 2 bedroom dwellings.

The locations of the affordable units are located adequately on the site as the rented units are in one block. The other affordable units are intermediate dwellings and will be sold to those who cannot buy on the open market. This pepper potting is acceptable to Housing.

Sport England - The proposed development does not fall within either our statutory remit (Statutory Instrument 2015/595), or non-statutory remit (National Planning Policy Guidance (PPG) Par. 003 Ref. ID: 37-003-20140306), therefore Sport England has not provided a detailed response in this case. No further comments on amended plans.

United Utilities – Objections to drainage strategy submitted, as the drawings did not show out fall of surface water. Detailed amended drainage plans submitted. Awaiting UU comments on drainage plans.

Cheshire Archaeology - Fence House or The Fence, the former residence of Thomas Brocklehurst (which probably dates from the mid-late 18th century) would appear from the 1870s Ordnance Survey mapping to have lain just within the limits of the site, between the southern end of the School building and no. 24 Fence Avenue, in an area that has not been built on but landscaped and used for car parking. Such land-use does not necessarily require significant excavation and there is therefore a potential that structural remains associated with the House might survive, particularly if the house was cellared, although this has not been discussed in the report.

Aerial Photographs from the 1940s also clearly show a structure, thought to be that also depicted on the 1849 Tithe map & 1870s Ordnance Survey, to the rear of 14-26 Lansdowne Street, within the limits of the current application. Although not in an area currently identified for development, if groundworks are needed for landscaping or other land improvement for this area, they might have the potential to encounter surviving below-ground remains.

No objections subject to condition.

Public Rights of Way Team - The property is adjacent to public footpath Macclesfield no. 34 as recorded on the Definitive Map held at this office (working copy extract enclosed). It appears unlikely, however, that the proposal would affect the public right of way, as the path is on the south side of the adjacent canal. No objection subject to advice note relating to developer's obligations.

Highways – No objection. The comments are considered in detail in the main body of the report.

Environmental Protection – No objections subject to conditions.

Environment Agency – No comments received to initial or amended plan consultation.

Canal and River Trust - Note, the Trust did not provide comments at the outline stage on this application.

The offside (non-towpath) of the Macclesfield Canal forms the southern boundary of the application site and the canal is carried on an embankment. The canal corridor is also within a conservation area and there is a listed bridge no.36 adjacent to the site. There is a culvert (no.34) under the canal approximately 50m to the east of the listed bridge. The proposed perimeter path and landscaping may encroach onto Trust land around culvert 34. Therefore an informative relating to works to protect the canal is required.

VIEWS OF THE TOWN COUNCIL

Macclesfield Town Council - The committee commented that they are pleased to note the following inclusions in the application:

- i. The proportion and distribution of affordable housing in the development;
- ii. The sympathetic design and use of materials;
- iii. Environmental improvements;
- iv. The installation of EV charging points.

The committee sought clarification of the installation of a sprinkler system in the apartment block.

REPRESENTATIONS

Macclesfield Civic Society – comments on original scheme

1. From the amended layout plan it does look possible to provide for public transport access to the site. If the Hurdsfield Circular service was re-routed along Fence Avenue it could enter and leave the site by the loop road arrangement. Clearly this would necessitate the provision of one or two bus stops within the site and the layout would require some adjustment to facilitate this.

2. We note and welcome the distribution of the affordable housing and tenure types through the site.

3. The materials distribution plan allows for a variety of finishes. We would however query the use of white render on dwellings at the rural edge of the site as the visual impact could be softened by the use of a recessive materials palette. Dark grey roof cladding throughout the development is welcomed.

4. The landscape strategy appears appropriate in principle but we reiterate our earlier comments regarding implementation within the scheme.

Neighbour Comments

30 letters have been received with regard to the application, a second consultation exercise took place on 2nd July with regard to the amended plans received on that date.

Comments relating to the following matters have been received:

- Increase in traffic
- Destruction of habitat
- Pollution
- Noise pollution from the development
- Pollution from water run-off
- Increase in people walking around the area
- The buildings will affect the views across the site
- Impact on The Bridges through proximity of the apartments
- Trees will not screen the Bridges from the apartment blocks
- Discrepancies in AIA and arboricultural report
- Building will overshadow The Bridges
- Loss of privacy for residents of The Bridges
- The affordable housing is not dispersed throughout the development
- Proposal will affect the canal conservation area
- The need for new houses is not as pressing as when outline was approved.
- The proposal lacks imagination and uses existing design catalogue and adherence to lowest permissible standards.
- 8 year build plan, requirement for the Council to restrict development in line with the phasing plan to protect farmland in earlier phases.
- If part of the site is not developed it should be returned to Green Belt
- No renewable energy
- The length of build will mean properties are out of date before they are built.
- Concerns regarding flooding and SUDS features.
- High levels of tree removal proposed
- Concerns over cycle path safety
- Concerns over properties along Lime Grove not having enough space between them.
- Parking issues along Fence Avenue will be exacerbated.
- Poor connectivity
- Poor layout
- Security issues due to footpath connection to Fence Avenue Industrial Estate
- No noise impact assessment (comments received prior to submission on NIA)
- Insular development with poor connectivity
- No provision for extra school places
- Unreasonably low amount of affordable housing
- Pleased that Lime Grove will be a no-through road
- Pleased that there appears to be access to the canal from the site
- Pleased that there will be a toddler play park and a larger play space
- Welcome the fact that the valley behind Fence Avenue is not suitable for housing. Further detail required on how this will be treated (these comments were in relation to initial plans)
- Concerns over levels
- Concerns over separation distances in Lime Grove
- Variance in layout compared to outline scheme
- Solar power should be considered
- Designs will not match surrounding properties

APPLICANT'S SUPPORTING INFORMATION

- Canalside Study Area
- Statement of Community Involvement
- Ground Investigation Report
- Flood Risk Assessment Sept 2015
- Design and Access Statement
- Travel Plan
- Arboricultural Impact Assessment
- Landscape Strategy Document
- Noise Assessment
- Affordable Housing Statement
- Sustainability Statement

APPRAISAL

Key Issues

- Principle of development
- Highways/Accessibility
- Design
- Housing
- Heritage Assets
- Landscape Impact
- Trees
- Ecology
- Amenity
- Air Quality
- Contaminated Land
- Flood Risk
- Representations
- Conclusions
- Recommendation

Principle of development

The site is located within Macclesfield to the east of the town centre, with Higher Fence Road to the east of the site. The site forms the entirety of LPS 14 which is a strategic housing site allocated in the Cheshire East Local Plan Strategy, formally adopted in July 2017. The site was removed from the Green Belt as part of this allocation process.

The site received outline planning permission in 2017 through application 15/4287M for partial change of use and partial demolition of existing buildings and structures, residential development for up to 300 units, landscaping, supporting infrastructure and means of access.

This application is for the reserved matters of Appearance, Landscaping Layout and Scale and proposes 300 units including the conversion of the existing Fence House building. Access was agreed at the outline stage and the access points remain as originally proposed.

The principle of development has therefore been accepted and the purpose of this application is to agree the detail of the scheme, which will provide the site with a full detailed planning consent.

LPS 14 states sets out the site specific requirements for the development which are summarised out below:

- Public realm provision
- Retention of the main school building
- Green Infrastructure throughout the site and connectivity. Retention of existing trees and hedgerows where possible
- Connectivity to the canal via Smyth's bridge
- To provide affordable housing in accordance with policy SC5
- Transport improvements
- Retention or replacement of indoor and outdoor sports facilities
- Protection of the setting of Church of the Holy Trinity.
- Full ecological appraisal, priority habitats to be retained.
- Contaminated land risk assessment.

The matters above were considered at outline stage and planning consent granted on the basis that the proposal was not contrary to policy.

The details of all relevant technical matters are discussed within the report.

It is considered that the proposals put forward meet the requirements of policy LPS 14.

The development is bound by the terms of the Section 106 agreement which secured the following:

- Affordable housing provision
- Local Equipped Area of play (LEAP)
- Education contribution
- Open Space contribution and management

Highways/Accessibility

This is a reserved matters application for 273 dwelling and 27 apartments, the access details having been approved on the outline application.

There is one main vehicular point of access to the site from Fence Avenue and an emergency only access to Lime Grove on the southern boundary of the site. A secondary access is provided to serve Fence House and a limited number of residential units, this is also from Fence Avenue.

The main access is a 5.5m loop road with 2m footways on each side this is sufficient width to serve the development. There is no segregated footway/cycleway provided around the loop road, this is acceptable as traffic speeds will be low due to the traffic calming measures that are provided and cyclists can use the main carriageway.

Following the submission of amended plans, the mass of car parking spaces for the apartments have been broken up to some extent and is now a better design that can be accepted in regard to highways. The dwellings and apartments have sufficient car parking provision of a minimum of two spaces per dwelling. The apartments have one space per unit and there is one visitor bay. There is sufficient on street parking along with proposed visitor bays.

Overall, the highway design submitted is acceptable with sufficient road widths and turning facilities provided in the cul-de-sacs. The proposed widths of the private drives have been clarified and are of an acceptable standard to serve as access to the individual dwellings.

Through the submission of amended plans details have been provided on the pedestrian/cycle footways within the site and also the external linkages to the site and it is now clear which routes are intended for pedestrians and cyclists within the site.

The PROW team has commented on the application and has raised no objections. The site is adjacent to public footpath Macclesfield no. 34 as recorded on the Definitive Map, however the proposal is not considered to have an impact on this right of way.

A connection is provided up to Smyth's Bridge, the bridge itself and the towpath connection are not located within the site boundary, however the opportunity has been provided for a future link to be made as required through the outline consent.

Through amended plans, the footpath connection through to the industrial estate to the northeast has been omitted, which addresses concerns regarding safety of pedestrians being encouraged to walk through this area.

The layout is acceptable and no objections are raised on highways grounds.

Housing

The Cheshire East Local Plan (CELP) and the Councils Interim Planning Statement: Affordable Housing (IPS) states in Settlements with a population of 3,000 or more the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

The CELP states in Policy SC5 justification paragraph 12.44, 'The Housing Development Study shows that there is the objectively-assessed need for affordable housing for a minimum of 7,100 dwellings over the plan period, which equates to an average of 355 dwellings per year as a minimum.' This is for the whole borough of Cheshire East.

The current number of those on the Cheshire Homechoice waiting list with Macclesfield as their first choice is 1425. This can be broken down to 799x 1 bedroom, 388x 2 bedroom, 166x 3 bedroom, 44x 4 bedroom and 28x 5 bedroom dwellings.

The desired target percentage for affordable housing for all allocated sites will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013. This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 300 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 90 dwellings to be provided as affordable dwellings.

Due to the circumstances regarding the outline application and a viability case put forward the Section 106 for the outline permission 15/4287M dated 23rd January 2017 required 10% as set out below:

No less than:

5.1 ten percent (10%) of the first two hundred and eighty (280) Dwellings shall be provided as Discounted Sale Dwellings; and

5.2 if the Development includes more than two hundred and eighty (280) Dwellings, thirty percent (30%) of the number of Dwellings provided in excess of two hundred and eighty (280) shall be provided as Social Rented Housing.

As per the S106, a minimum of 28 units should therefore be provided as Intermediate tenure and 6 units as Affordable/Social rent. A total of 34 units.

This application is meeting that requirement of the S106 for the outline permission and is also meeting the rental need for 1 and 2 bedroom dwellings.

Notwithstanding the requirements of the Section 106 agreement, as part of the submission an Affordable Housing Statement has been submitted which sets out the proposed provision of affordable housing, and the detail of the affordable housing offer for the development.

The site is owned by Homes England and they have agreed to increase the affordable provision to 30% for the site which provides an additional 56 affordable units in total; 30 units of affordable rent and 24 shared ownership with an additional 2 units for discount open market value.

Providing a total of 90 units, which is 56 units above the requirement of the Section 106 agreement. This is strongly supported, as the provision of 30% affordable housing on the site is fully in line with policy and goes above and beyond the requirements of the Section 106 agreement.

All Affordable Housing will need to be provided in line with policies SC 5 and if required SC 6 of the Cheshire East Local (CELP).

The delivery of the affordable housing will be carried out in accordance with the existing Section 106 agreement for the site and the Affordable Housing Statement.

The locations of the affordable units are located adequately on the site as the rented units are in one block. The other affordable units are intermediate dwellings and will be sold to those who cannot buy on the open market. This pepper potting is acceptable to the Housing Officer. Therefore no objections are raised with regard to affordable housing.

Policy SC4 of the Cheshire East Local Plan requires developments to provide a reasonable mix of housing types, tenures and sizes.

The full housing mix for the site is:

8 x 1 bed
76 x 2 bed
108 x 3 bed
101 x 4 bed
7 x 5 bed

The affordable mix for the site is:

	Dwelling Type	Size (sqft)	Size (sqm)	Social rent	Affordable Rent	Shared Ownership*	Discount to Open Market	Total
S106	2-Bed Apartment (Chichester GF)	681	63	1				1
	2-Bed Apartment (Cherwell (GF))	729	68	1				1
	2-Bed Apartment (Chichester FF/SF)	675	63	2				2
	2-Bed Apartment (Cherwell FF/SF)	723	67	2				2
	2- Bed House (SH50)	750	70				11	11
	3- Bed House (SH52)	926	86				11	11
	3- Bed House (SH55)	958	89				1	1
	3- Bed House (P382) Archford	830	77				3	3
	2- Bed Flat (P232) Belstead GF	635	59				1	1
	2- Bed Flat (P233) Easthorpe FF	792	74				1	1
Sub Total				6	0	0	28	34
Additional affordable units	2-Bed Apartment (Chichester GF)	681	63		5			5
	2-Bed Apartment (Cherwell GF)	729	68		5			5
	2-Bed Apartment (Chichester(FF/SF))	675	63		10			10
	2-Bed Apartment (Cherwell FF/SF)	723	67		10			10
	2-Bed House (SH50)	750	70			4		4
	3-Bed House (SH52)	926	86			20		20
	2- Bed House (SH50)	750	70				2	2
Sub Total				0	30	24	2	56
Total				6	30	24	30	90

Five housing tenures will be provided across the site:

Open Market dwellings, discounted Open Market properties, Shared Ownership, Affordable Rent and Social Rent.

This includes single storey and ground floor only accommodation within the apartment blocks.

It is considered that the proposed mix is acceptable by size, tenure and type. Therefore the proposal accords with policy SC4 of the CELPS.

Heritage Assets

The traditional Fence House building to the front of the site and the access points sit within the Buxton Road (Macclesfield) Conservation Area which was designated in 1990 and stretches along Fence Avenue along the eastern side to Buxton Road. The conversion of the historic school building is considered to be acceptable in principle and has been agreed at

outline stage. The proposed conversion of the building will not have an impact on the Conservation Area. Through the amendments to the scheme, a number of alterations have been made to the frontage of the building which was initially designated as car parking and is now proposed to be retained as a grassed area with a footpath going through it. The car parking arrangements have been improved along the access roads to the site and the landscaping has been enhanced.

It is required that the entrance pillars to the front of the site be retained and if required relocated to maintain the significance of the historic setting along Fence Avenue.

The site is also adjacent to the Macclesfield Canal Conservation Area in that the development site adjoins this along the south eastern edge.

It is considered that there is a sufficient buffer between the development and the canal, therefore the proposal will not negatively affect the heritage asset.

There is a requirement for the proposed development to not the affect the setting of the Church of the Holy Trinity. The proposed development works within the parameters of the outline application and therefore does not affect the setting of the church.

The Council's Conservation Officer and Cheshire Archaeology have raised no objections to the proposals.

The proposed development is therefore in accordance with policy SE7 of the Cheshire East Local Plan strategy.

Landscaping

As part of this reserved matters application Landscaping detail is to be agreed. The landscape scheme has been developed through lengthy discussions with the applicant's design team. The proposals comply with the design principles outlined in policy LPS14 and will provide an attractive setting for the development.

The landscape design approach is described in detail in the Landscape Strategy Document. This document also includes a visual appraisal of the development in which three agreed key viewpoints are considered. Viewpoint 1 from the Church of the Holy Trinity to the north demonstrates that the development should not be visible in the summer due to intervening vegetation whilst in the winter there will be glimpsed views that would change the semi-rural outlook to a minor adverse extent. Viewpoint 2 from the Canal Conservation Area to the east shows that new housing will be visible in the low part of the site that is currently playing fields. There will not be housing close to the Canal and the impact on the Conservation area will be minor adverse. Viewpoint 3 from the canal bridge on Higher Fence Road shows that the development will be largely screened with some rooftops glimpsed above the intervening woodland and the overall effect would be negligible. The visual appraisal is considered acceptable.

Large areas of natural, informal amenity space and mature woodland belts are retained and enhanced around the periphery of the site.

A wetland area with two SUDs features will be created in the north western area and a country park will be formed on the Green Belt land on the eastern side of the site next to the

canal. The tree belt to the west of Smyth's Bridge will also be retained to screen the development and protect the conservation area setting.

There is a footpath link from the main avenue and LEAP to Smyth's bridge which should eventually provide access to the towpath. The footpath path then passes through the country park and around the northern site boundary to the Wetland SUDs area providing a circular route around the site

Within the housing layout there are more formal amenity spaces including an attractive communal 'Green Street' with raised planters for edible plant growing, pergolas and decorative screens, seating areas and a toddler play space. A large LEAP is located to the south of the loop road and an ornamental pocket park forms a focal point near to the site entrance

The surfacing materials are generally of good quality and largely comply with the Design Guide.

The proposed boundary treatments are generally appropriate and comply with the Design Guide but further design and materials details are required.

The soft landscape proposals provide native planting in the informal peripheral areas and more ornamental species within the housing area. The detailed planting plans submitted to date are for the structural planting only and full details for all other planting and softworks will be required by condition.

Design

Policies SD2 and SE1 of the CELPS focus on design and require developments to contribute positively to an area's character and identity and are required to create or reinforce local distinctiveness.

A Building for Life 12 Assessment has been carried out by the Council's Urban Design Officer which has taken place following extensive discussions with the applicant's design team. A series of amendments have been submitted which have addressed the design concerns.

The BFL assessment looks at 12 criteria and given a score based on a traffic light system.

The assessment is set out below:

Integrating into the neighbourhood

1. Connections

The proposal is well connected within the existing infrastructure with pedestrian, cycle and vehicular routes. Links to the closest PROWs include FP34 which runs alongside the Macclesfield Canal, connecting to wider routes to the North and East.

There are clear and easy routes to adjacent existing development on Fence Avenue and footpath links to Lime Grove. Links over the canal have been included within the design to enable further connectivity in the future, pending external collaboration with adjacent owners.

The proposal is well designed with many routes through the site to enable maximum permeability through the proposal and to connect to the existing developments surrounding the site.

A green therefore is easily awarded.

2. Facilities and services

These matters were considered at outline stage and it can be seen that this site that lies close to the centre of Macclesfield where a full range of facilities and services can be accessed. There are shops, pubs, schools and local/national transport hubs, within easy walking distance of the site. In addition to Victoria Park, located adjacent to the site, there is also a LEAP provided on site and a wide range of usable areas of public open space. As a result of all of this a green light is readily awarded.

3. Public Transport

These matters were considered at outline stage and it was identified that the closest bus stops to the scheme are located on Buxton Road (A537), a short distance from the proposed site access. From services found there, access can be gained into Macclesfield town centre and to the National Rail station with its excellent services to Manchester and London. As a result a green light is awarded.

4. Meeting Local Housing Requirements

The proportion and range of affordable housing has been agreed by the Local Planning Authority as meeting the needs of the local housing requirements.

However, whilst these affordable units are pepper-potted across the development to a degree, there are in places clusters of up to 12 discounted and shared ownership homes and this is contrary to policy SC5 of CELPS (CEC, 2017i). Pepper potting shared ownership homes, where the type matches the open market types in styling and size contributes to the diverse mix and organic nature of a development. Further pepper potting throughout the site could be achieved here. Smaller clusters of 6-8 homes are more commonly acceptable amongst RPs.

As a result of this an amber light is awarded.

With regard to the pepper potting of the affordable units across the site, the arrangement has been accepted by housing officers as being suitable. Therefore it is not considered that refusal of the scheme could be justified on this basis. Further, the reasoning for the placement of some of the affordable units towards the front of the site based on timing of delivery and the order of proposed build, has been set out in the affordable housing statement which is accepted.

Creating a place

5. Character

It is acknowledged in Volume 2 of the Cheshire East Borough Design Guide (CEC, 2017ii, pp27-28) that standard house types can 'offer a positive alternative to bespoke units if re-elevated, detailed and where necessary amended to suit the location' as indeed they can.

Although it is encouraged in the design guide (house types, making them unique) to take elements of the local vernacular and contextual characteristics and detailing, it is also expected that these elements will be used in such a way as to provide a distinct and unique character to the new development.

A thorough local character study has been undertaken and the approach adopted has been successful in representing local character details and styling throughout the development.

The local architectural detailing and styling references have informed the character areas with a mix of traditional and more modern designs in different areas appropriate for the location. For example, a more traditional approach has been taken adjacent to the school to reference the historic asset.

A green is awarded here.

6. Working with the site and its context

The development and its concept use the topography to form the layout of the streets to great effect.

Areas of existing natural woodland and assets are retained and incorporated within the layout design with additional pockets of green infrastructure interspersed throughout the development.

The constraint of a culverted watercourse has been transformed into an asset and a unique feature of the site in the form of a semi pedestrianised garden street.

The site is bounded by the Macclesfield canal, and whilst not fully achieving the connection over this feature, the design has laid down provision to enable future connectivity to the adjacent existing developments, linking with leisure routes that will serve both communities.

This is awarded a green.

7. Creating well defined streets and spaces

There is a clear hierarchy leading from the main entrance into the site, through and to the woodland edges. This is illustrated by the street, boundary and architectural details to reinforce the hierarchy.

There are perimeter blocks with corner turning types that are enhanced by the layering of high quality boundary treatments and soft landscaping throughout the development.

The surface materials show compliance with the design guide's requirements in the majority of areas with the exception of locations where technical difficulties (gradients) have dictated that an alternative be utilised. Where this is the case, the material specified has reflected the spirit of the original material whilst providing a more compatible solution.

A green has been awarded here.

8. Easy to find your way around

With the hierarchy, looped main street, unique central street and features stationed at nodal points along the main circulation routes make the site highly legible.

Corner turning types have provided strong architectural features and designs to enable an increase in legibility across the site. This, in combination with feature buildings at nodal points throughout the layout, help to create easily recognisable unique spaces with which to navigate and orientate.

A green is awarded here.

Streets and homes

9. Streets for all

The loop road incorporates pinch points to calm traffic speeds and aid the pedestrian/cycle routes through the development. The material changes along routes also serve as a cue that the spaces belong as much to the pedestrian/cyclist as to the car.

At nodal points there are a number of pocket parks/green spaces which, combined with a change in surface material, denotes a public space that could be used for informal community social events.

The hierarchy is clearly identifiable with surface material changes denoting different character areas such as the central street, home zone type areas and edge of development bounding the countryside with a more organic feel.

The development is easily walkable with a number of recreational routes serving the residents with connections to adjacent assets such as the Macclesfield Canal and wider countryside walks.

A green is awarded here.

10. Car parking

A mix of parking solutions is encouraged by the Design Guide so that the street scene isn't dominated by vehicles.

The development has achieved a varied mix of parking solutions across the site. Additional visitor parking spaces have been provided within the street layout to accommodate expansion.

Parking courtyards have been well landscaped and are overlooked, providing adequate surveillance for security.

The parking court to the north side of the school provides a unique multifunctional community space under a canopy of trees that can be utilised by the residents for events throughout the year.

Typical parking details show that there is adequate room for circulation to rear of properties for practical purposes i.e. Bin storage.

There inevitably is some front of plot parking spaces dotted throughout the development but these are broken up into short runs with soft landscaping to soften the visual effect on the street scene and traffic calm. On balance this is considered acceptable and a green is awarded.

11. Public and private spaces

Houses have reasonably-sized rear gardens and some space to the front too which is well defined. Boundary treatments are considered and generally appropriate to the character areas.

There are useable pockets of accessible open space across the development and a well-appointed LEAP located adjacent to the central pedestrian street and main route.

However, the rear elevations of a number of the corner plots are open to view from the public spaces on street. An upgrade of these elevations to match the quality of the primary elevations would improve this aspect greatly.

On balance an amber light is awarded.

12. External storage and amenity space

As mentioned before, houses have reasonably-sized rear gardens, large enough to house the bin/recycling stores that are indicated in the application. These rear gardens have a clear external route to the front of the property for bin collection without the need to go through homes. There is also space for other storage including that of bicycles, especially useful for the houses without garages. There are details for the communal stores for the apartments, however, as there is no allocated space for any of these indicated within the design layout, only an amber light is awarded here.

Overall, the scheme is supportable and receives 9 green lights and 3 ambers.

The urban design officer has commented that there has been huge amount of work undertaken by the design team and CEC officers that has resulted in an outstanding proposed development. There are suggested actions from the BFL12 assessment which include the rear elevations of corner plots to reflect primary elevation quality, a layout to be provided for bin and cycle storage, and further pepper potting of shared ownership homes.

For the reasons mentioned at point 4 it is not considered that refusal could be justified in relation to pepper potting of the shared ownership properties.

Due to the level of support for the scheme it is considered that the scheme complies with the requirements of the Cheshire East design guide and policies SD2 and SE1 of the Cheshire East Local Plan.

Trees

The majority of the tree cover within the site are not currently protected by a Tree Preservation Order, however selected groups are protected by the Macclesfield Borough Council (Macclesfield- Lime Grove) TPO 2006 which provides protection for a group of Lombardy Poplar adjacent to Lime Grove and a mixed group of trees to the south of the site adjacent to the Macclesfield Canal.

The Buxton Road Conservation Area to the west and the Macclesfield Canal Conservation Area to the east of the site afford pre-emptive protection to trees over 75 mm diameter.

Condition 11 of the Outline approval requires the submission of an Arboricultural Impact Assessment (AIA) which has been provided in support of this application. The AIA has identified 60 individual trees, 49 groups of trees and 4 hedgerows. These have been assessed in terms of their quality and suitability for retention and categorised in accordance with BS5837:2012. A revised AIA (Revision C) was submitted to the Council on 10th March 2020.

The assessment identifies 60 individual trees and 49 groups of trees within and immediately adjacent to the site. The Tree Survey has assessed 7 individual trees and 5 groups as (A) high category trees; 21 individual trees and 14 groups as (B) moderate category and 27 individual trees and 27 groups as low (C) category. A further 5 individual trees and 3 groups have been identified as unsuitable for retention.

The proposed development will require the removal of 28 individual trees and 13 groups of trees and part removal of two further groups. The proposed losses comprise of 1 High (A) category tree, 8 moderate (B) category trees and 2 moderate (B) category groups, 17 low (C) category trees and 10 low (C) category groups, 2 individual trees and 1 group of trees have been identified as (U) category which are deemed unsuitable for retention irrespective of the development proposal.

Two High (A) category groups and 1 low (C) category group are also to be partially removed for the development.

The arboricultural officer had requested further information with regard to tree loss, incursion into root protection areas, levels and infrastructure (such as services) and has been in discussions with the applicant's arboricultural consultants prior to the amendments to the scheme being made.

The proposal includes the loss of two Lombardy Poplar trees located off Lime Grove due to the proposed layout. In practice the planting of small trees in front gardens will unlikely provide any significant continuity of tree cover and this will be determined by the contrasting needs of future residents. The Landscape Master Plan and Soft Landscape Proposals provide detail of proposed planting throughout the site, however there are no larger high canopy trees to be planted within the immediate vicinity of Lime Grove.

Revision D of the landscape plan shows the loss of tree T29 a Corsican pine which is a category A tree for a garage. Trees of high quality should be considered a priority for retention in development and there is little evidence of any overriding reason for its removal. There should therefore be sufficient scope to amend the layout design to incorporate this tree.

Part of two A category groups G18 and G49 are also proposed to be removed. These were also shown for removal in Revision C (but not recorded in my previous comments). The partial loss of G49 and an adjacent B category group G46) has been the subject of local resident concern and is identified as a group of significant landscape value in the AIA. The loss of these groups of trees is regrettable, however the landscape proposals do provide scope for partial mitigation for the loss of these trees across the site.

Revision D shows no major design changes and the majority of the group is to be removed.

It is considered therefore that notwithstanding the losses proposed on site which are regrettable, the amount of planting proposed does provide mitigation for the loss through the planting of 763 trees across the site with 65 extra heavy standards and 40 heavy standards.

A large amount of existing tree cover is to be retained therefore on balance the proposal is considered to be acceptable subject to conditions and the mitigation for losses proposed.

Ecology

A number of requirements from the outline application were set out by way of condition, for detail to be submitted as part of the reserved matters application.

Condition 19: Any reserved matters application for the site must include an updated badger survey and mitigation strategy.

An updated badger survey has been submitted. Badgers continue to be active on site. The proposed development will result in the loss of one minor sett and the potential disturbance of a second minor sett.

To avoid the risk of badgers being injured or disturbed during the works the applicant's consultant has proposed the closure the sett lost to the development under the terms of a Natural England license. A 20m buffer is proposed around the second sett to avoid any disturbance during the construction phase.

The January 2020 Phase One Habitat Survey has however identified a Badger 'Nest' in a hollow tree. This feature would appear likely to be lost as a result of the proposed development. It is advised that this feature receives legal protection in the same manner as a conventional sett. The badger mitigation strategy must therefore be amended to include proposals to address the loss of this feature.

Condition 20: Trees identified as having the potential to support roosting bats are to be retained.

A single tree with bat roost potential was identified on site during the ecological surveys undertaken to inform the outline application at this site (RSK September 2015). The tree, described as being a mature Oak, is shown at Target Note 7 on the Habitat Plan submitted with the outline. At the time the outline application was determined it was anticipated that this tree would be retained.

An arboricultural impact assessment has been submitted with this application. Based on the arboricultural officer's discussions with the applicant's consultant this appears to be Tree T42 as shown on the arb impact assessment. This tree is currently proposed for removal.

In accordance with the requirements of this condition it is advised that the proposals must be revised to allow the retention of this tree. If the Council considers conceding the loss of this tree then a detailed bat survey should be undertaken to establish the presence/absence of roosting bats and a report submitted prior to the determination of this application.

Condition 21: Any future reserved matters application to be supported by proposals for the incorporation of gaps for hedgehogs

Proposals as required under this condition have been included on the submitted Closed Boarding Fence detail (drawing reference EXT WKS 07).

Condition 22: Proposals for the erection of protective fencing around the retained woodland habitats to be supported must be submitted with any future reserved matters application.

Acceptable proposals for the fencing off of the two areas of priority woodland on site have been included with the submitted arboricultural impact assessment.

Hedgerows

Under the proposed layout a length of overgrown hedgerow would be lost. The vegetation is identified as Group 48 on the submitted arboricultural report.

This vegetation was shown as being retained under the illustrative masterplan submitted with the reserved matters application.

To avoid a loss of biodiversity associated with the removal of these habitats it is recommended that the layout plan be amended to include the retention of this feature. In addition there is also the loss of a second section of hedgerow that was anticipated at the time outline consent was granted.

If this loss of hedgerow is considered to be unavoidable then it is advised that sufficient replacement hedgerow planting must be provided to compensate for its loss. A total approximately 200m of hedgerow would be lost as a result of the proposed development.

Whilst it is difficult to measure exactly the extent of hedgerow lost or the length of new hedgerow planting as part of the proposed landscaping scheme. It however appears that broadly speaking longer length of new hedgerow is proposed in comparison with that lost. In order to ensure that the loss of biodiversity from the existing hedgerows is adequately compensated for a greater length of new hedgerow planting is required in respect to that lost. It suggested that the applicant be requested to provide accurate figures for the extent of hedgerow lost and new hedgerow provided to enable a more accurate assessment to be made of the acceptability of the proposed replacement hedgerow planting.

Country Park and biodiversity enhancements

Two areas are shown on the submitted landscape master plan as being retained with minimal intervention as a country park. The area adjacent to the canal provides an opportunity to deliver benefits for biodiversity if it was utilised for the purposes of species rich grassland creation. This would contribute to the objectives of local Plan Core Strategy Policy SE 3 (5) for all developments to aim to positively contribute to the conservation of biodiversity.

A method statement for the creation of the species rich grassland and associated management proposals is required by condition.

Provision of features for roosting bats and nesting birds

A strategy for the provision of features for nesting birds and roosting bats has been submitted in support of this application. The Cheshire East Design Guide requires features for nesting birds and bats to be provided on 30% of proposed dwellings. The Council's ecologist advises that the number must be increased to meet the requirements of the Cheshire East Design Guide, therefore the provision of features and their siting shall be secured by condition including their positioning on elevational drawings.

Roosting Bats

Bat surveys were undertaken to inform the outline application at this site. The main school building was found to have potential to support roosting bats, but no detailed bat surveys of this buildings were undertaken as the building was thought likely to be retained.

Based on the submitted layout plans it appears that the main historic school building would be retained, but the adjoining buildings would be removed.

The January 2020 Phase one survey refers to bat surveys being undertaken of the buildings however a report of these surveys has not been submitted in support of this application. The specification for further ecological works submitted by the applicant, which includes further bat activity surveys of the buildings, does however refer to bat roosts being present in the buildings on site. It is not clear at present which buildings support roosts and whether the roosts would be affected by the development proposals. It is therefore recommended that an updated bat survey/assessment be undertaken of the buildings to be removed as part of the proposed development to clarify their potential to support roosting bats.

Condition 25 attached to the outline permission at this site requires the submission of detailed lighting proposals. Lighting proposals have been submitted but these do not show the anticipated extent of light spill resulting from the scheme. It is therefore difficult to assess the ecological impacts of the proposed lighting. Therefore a condition requiring full lighting details is required as part of this permission.

Brown Hare

Records of this Priority species, which is a material consideration for planning, have been recorded within 2km of the application site. Whilst a specific survey for this species has not been undertaken no evidence of its presence has been observed during the surveys undertaken to date. The application site is isolated from the wider countryside by built development and the Macclesfield Canal which reduces the chances of this species occurring on site. The submitted phase One survey report includes precautionary measures to reduce the risk of Brown Hare being affected by the proposed development, if present. A condition is required with regard to Brown Hare.

Butterflies and Moths

The submitted Phase One Habitat Survey refers to records of a number of priority Moth and Butterfly species recorded within 2km of the application site. The proposed development may result in the loss of habitat for these species if they were present on site. The provision of species rich grassland would provide compensatory habitat for these species.

Nesting Birds

The January 2020 Phase One Habitat survey identifies potential habitat for breeding birds on site including those species considered to be priority species. No particularly important habitat for nesting birds was however identified during the determination of the outline application at this site.

Further information regarding outstanding survey information will be provided by way of an update to members.

Amenity

In order for the proposals to be acceptable, it is important that they do not have a detrimental impact on the amenities of existing residents and that the development is not located within an area which would harm the amenities of future residents, or the proposals would not cause undue harm by overlooking, loss of light or loss of privacy to neighbouring residents. The proposals generally have adequate separation distances across the site, in accordance with the Council's Design Guide.

The development of The Bridges a large apartment block to the south of the site is within close proximity to the site and is at a higher level. The westernmost apartment block has a separation distance of just 16m at the closest point. It is clear that there is not adequate screening at this point through tree cover and there will be direct overlooking. As a result of this, the scheme has been amended to omit all bedroom windows on the rear elevation. This removes the overlooking between facing habitable rooms. Concerns have been raised regarding the small kitchen windows on the rear of the westernmost apartment block. However there is an adequate separation distance of 22m at this point therefore it is not considered to be necessary to remove or require the windows to be obscure glazed.

With the above measure in place, it is considered that the proposals will not have a detrimental impact on the amenity of existing neighbours or future occupiers of the proposed development.

Air Quality

Policy SE12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality Strategy.

When assessing the impact of a development on Local Air Quality, the Council has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

As part of this reserved matters application the developer has submitted information relating to a travel plan and electric vehicle charging points. This information is deemed sufficient to satisfy the relevant conditions from the outline application (15/4287M).

Contaminated Land

Residential developments are a sensitive end use and could be affected by any contamination present or brought onto the site.

Conditions 16-18 on outline approval 15/4287M relate to contaminated land.

The following reports have been submitted in support of this application:

- o Ground Investigation Report, Betts Geo Consulting Engineers , reference: 17DWH011/GI, dated August 2017
- o Remediation Strategy, Smith Grant LLP, reference: R2859-R01-v2, dated March 2020.

The reports detail ground/site investigation works to date and provide an enabling phase remedial strategy with recommendations for further investigations post this. Therefore the wording of condition 16 will be amended to reflect details submitted.

The proposals accord with policies in the development plan and the NPPF.

Flood Risk

With regard to flood risk, the submission of a drainage scheme is required prior to commencement and this is secured via a condition on the outline planning consent at condition 6 which states the following:

6. No development should commence on site until such time as detailed proposals for disposal of surface water (including a scheme for the onsite storage and regulated discharge) have been submitted to and agreed in writing by Cheshire East Council both as Planning Authority and Lead Local Flood Authority (LLFA). The development shall be carried out in strict accordance with the approved scheme.

Drainage details have been submitted with this application, however at the time of writing this report additional information is required. In addition to this, during the course of the application the discharge of condition application for the drainage has been submitted to the Council and Lead Local Flood Authority for approval. Therefore it is considered that the issue of drainage has been adequately addressed through the condition on the outline consent and details are in the process of being agreed through that mechanism.

Further with regard to drainage, United Utilities requested a condition on the outline planning consent, which is to be incorporated into any drainage scheme which required the following:

5. This site must be drained on a total separate system with only foul drainage communicating with the public foul sewerage system. Surface water should discharge directly to soakaway/watercourse in accordance with the FRA submitted and agreed in writing by the Local Planning Authority.

The Canal and River trust has commented on the surface water drainage for the site. There should be some means of vehicle access to the culvert that runs through the site, e.g.

roadway, wide pedestrian path with moveable bollards etc. Landscaping should also not prevent access, i.e. planting of trees, and vegetation needs to be managed to maintain clear access. As the site is on the downstream side of the canal, culvert 34 would not carry drainage from the site. The downstream culvert would need to be of adequate capacity to take any additional site drainage and not cause the watercourse to back up towards the canal culvert in adverse conditions. The downstream culvert would also need to be cleaned and maintained to prevent blockages. The Canal and River Trust request that such maintenance is secured through the surface water drainage arrangements for the site.

Maintenance of culverts is matter that the Lead Local Flood Authority (CEC) consider when assessing drainage schemes, therefore this matter will be addressed through the aforementioned process.

Due to the drainage and surface water conditions in place it is concluded therefore that the proposals accord with policy SE13 of the CELPS and the NPPF.

Energy Efficiency

Policy SE9 of the CELPS states that the council will look favourably upon development seeks to achieve a high rating along schemes such as Building for Life for residential developments. This application has been assessed against the BfL standards and scores 9 greens and 3 ambers, therefore overall has a high rating.

Within large scale developments, new development should contribute to the development of a strategic district heating network. This outline application was approved prior to the adoption of the Cheshire East Local Plan Strategy, therefore the policy also in development was not formally adopted and had not been through the examination process. Therefore to request this at outline stage would not have been CIL compliant as it would have required conditions or a legal agreement to secure a district heating network. This type of requirement relates to the principle of development, therefore cannot be required at the reserved matters detail stage.

Policy SD2 of the CELPS sets out sustainable development principles and states that all development will be expected to at point viii. e. *Integrate or allow future integration of renewable energy technologies.*

No renewable energy technologies are proposed as part of the submission. The developer has provided a statement with regard to environmental sustainability. The scheme will apply the Energy Hierarchy which promotes a fabric first approach to reducing CO2 emissions as the first step. This reduces energy demand through passive and active design measures, the delivery of energy efficiency, then by generating on site low carbon renewable energy.

The developer in this case is adopting a fabric first approach, which means that CO2 savings are delivered for the lifetime of the building, through air tightness design to prevent heat losses in winter and heat gains in summer.

The layout has been designed to take advantage of solar gains through the positioning of the dwellings with the majority of dwellings orientated between southeast and southwest. The design of homes is to optimise natural daylight, and the construction using sustainable

materials. New homes will incorporate high performance glazing with appropriate U values to reduce heat loss.

The scheme will meet part L 2013 of building regulations. Therefore the applicant has stated that renewable or decentralised energy will not be required or provided due to other energy efficiency measures being made through the buildings themselves.

Through the outline planning application electric vehicle charging points were secured for all dwellings with dedicated off street parking along with a low emission travel plan which are positive environmental measures that will be incorporated into the scheme.

Renewable energy is however a policy requirement and does relate to design, which is being considered as part of this application. The policy does not set out a mandatory minimum requirement for renewable energy. The development whilst not delivering renewable energy on site, does employ energy efficiency measures through the construction of the development. Further environmental enhancements are proposed as part of the development which are as follows:

- The central street provides an opportunity for the provision of a central public open space. This includes community growing spaces, private and public gardens, seating and art. Ornamental lawns will include fruit trees, vegetables and productive shrub planting, along with nectar yielding plants and foraging opportunities for bats and small mammals.
- The Local Equipped Area of Play (LEAP) and Pocket park.
- Balancing features and swales provide blue and green infrastructure, with the opportunity for additional habitat creation and increased amenity. Planted swales are included within the site and add to surface water retention and slowing of run-off, incorporating diverse planting to increase net-biodiversity.
- Country park, the development is providing a country park area which will have public access to the east of the site. This is to be planted with species rich grassland to enhance the biodiversity of the site.
- Extensive tree planting will take place as part of the development.

It is considered that the environmental measures put in place along with the energy efficiency of the proposed dwellings, travel plan and electric vehicle charging points, make the scheme environmentally sustainable.

Whilst there will be no renewable energy provided, it is considered that the overall benefits of the scheme such as the environmental measures put in place and the provision of an additional 20% affordable housing on top of that already secured means that on balance the scheme is acceptable.

Representations

A number of representations have been received in relation to the application. Many of the objections have raised issues with highways matters, such as congestion, air quality as a result of vehicle pollution and the cycle way. These matters have been considered by the highways officer, environmental health officers, and urban design officer, and based on the information provided with the application they have no objections to the proposals.

Further objections have been raised in relation to matters which were considered at detail at the outline stage which relate to the principle of development which has been agreed.

The Canal and River Trust has commented on the application, which includes comments relating to Smyth's Bridge over the canal. This was identified as a potential connection from the site. The bridge is currently fenced off in the middle of the structure and is not suitable for use. The bridge is owned by the Canal and River Trust. The comments suggest that a survey of the bridge is required which would require a financial contribution in order to facilitate a link across to the tow path. The bridge does not fall within the applicant's ownership and as this was not requested at outline stage by the Trust was not secured via a section 106 agreement. The applicant has provided a link up to the bridge which does not preclude future connections, however at the present time a connection cannot be made without the bridge being brought back into use which would be the responsibility of the owners – the Canal and River Trust.

Objections relate to the design and layout of the site, the loss of trees and habitat. The outline planning consent and the submission here have dealt with matters of ecology and trees and the losses proposed are considered to be acceptable subject to mitigation. A number of significant amendments to the scheme have taken place and the design and layout of the site is considered to be of a very high quality as a result and is fully supported by the urban design officer.

Concerns have been raised over the placement of the affordable housing stock of varying tenures, this has been assessed by the Housing Officer and is deemed to be acceptable. There are clusters of Shared Ownership properties which are in groups that are larger than would usually be acceptable, however this on balance, when taking into account the whole scheme is acceptable.

There has been an objection from the adjacent industrial estate which relates to accessibility from the residential site and noise implications. Following the comments made, a noise impact assessment was submitted and the Environmental Protection Team has no objections to the development subject to conditions. In addition the footpath connection proposed through the industrial estate has been omitted thus alleviating concerns regarding safety and from the point of view of the objectors – security.

Concerns have been raised from a number of residents residing in The Bridges apartments. Throughout the application process, further information was sought to show the exact location of the existing building on plans, further amenity issues have been resolved through the loss of principal bedroom windows on the rear elevation of the apartments. It is not considered that the apartments will cause a loss of privacy or light to existing occupiers.

Comments relating to this scheme and its merits have been addressed in the main body of the report. Having considered all of the representations received including internal and external consultation responses, the material considerations raised have been addressed within the main body of the report.

Paragraph 11 of the NPPF states that development that accords with an up-to-date development plan should be approved without delay.

CONCLUSIONS

The site forms allocation LPS 14 contained within the Cheshire East Local Plan. The application proposes the provision of 300 residential units and meets the requirements of the allocation. The application has gone through a lengthy design process, from pre-application and through the evolution of this application. The design result is considered to be of a very high quality, providing a good mix of dwelling types, tenures and sizes. The development provides 30% affordable housing provision which goes over and above the 10% secured as part of the outline application and the Section 106 agreement. The application will provide much needed housing in a very sustainable location, with good connectivity to the town of Macclesfield by a variety of modes.

The proposed development utilises the existing topography and flora resulting in a development which will sit comfortably within the landscape.

The re-use of the historic Fence House school building providing accommodation will retain the façade of the site along Fence Avenue.

The proposal does include tree losses; however it is considered that on balance the amount of mitigation proposed through additional significant tree planting compensates for the losses.

Further ecological surveys are required with regard to bats, to ascertain whether protected species will be negatively affected by the development and in particular the loss of existing buildings and a tree with bat roost potential. An update on this matter will be provided to members.

It is considered that the proposed development accords with the policies in the development plan and the National Planning Policy Framework. Therefore the application is recommended for approval subject to conditions.

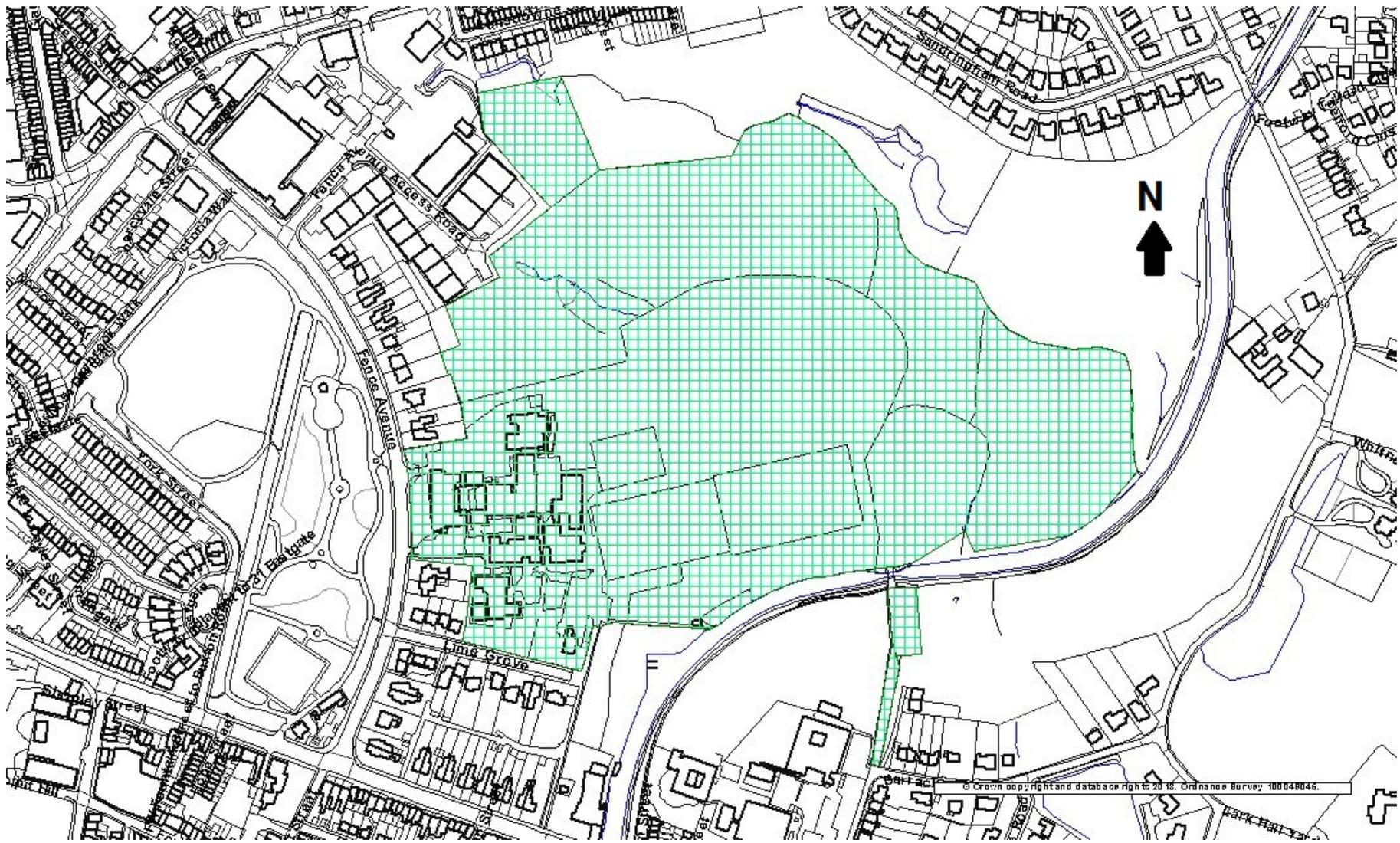
RECOMMENDATION

The application is recommended for approval subject to the following conditions:

1. Time Limit
2. Development in accord with approved plans
3. Remediation Strategy Approval
4. The development hereby approved shall be carried out in accordance with the Affordable housing statement received 04.03.2020
5. Archaeological written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.
6. Details of the reservation, storage and re-use of site soils
7. Details of levels along gravel perimeter path, details of vehicular maintenance access to SUDs area, details of regrading and contouring of the area between main Avenue, the LEAP and the canal.

8. Details of Hard Landscaping for the Green Street including street furniture, planters, sculptural screens, benches and bins.
9. Details of all Boundary Treatments including Fence Avenue Frontage
10. Details of Soft Landscaping (softworks ornamental planting, swales, gravel footpath, Green Street and swales).
11. Site soils management plan
12. Updated final Landscape Masterplan to be submitted to include all amendments
13. Landscape Phasing Plan to be submitted.
14. Landscape and Habitat Management Plan to include 25 year management plan for species rich grassland area
15. Landscaping details of earthworks
16. Surface materials (including social spaces) Samples to be approved prior to commencement of construction.
17. Materials (Roof and Elevational) Samples to be approved prior to commencement of construction.
18. Details of cycle storage for apartments
19. Details of bin storage (required at outline stage however full details not submitted)
20. Provision of features for bats and nesting birds
21. Updated badger mitigation strategy to be submitted to include proposals to mitigate the loss of the Badger Nest identified in the January 2020 Phase One Habitat Survey.
22. Nesting bird survey
23. Details of lighting to be submitted prior to installation
24. The proposed development to proceed in accordance with the recommendations to safeguard Brown Hare detailed in paragraph 5.26 of the submitted Phase One Habitat Survey prepared by CES dated January 2020.
25. Submission of a method statement for the creation of species rich grassland informed by the results of soil testing.
26. Safeguarding of nesting birds.
27. Implementation of protective fencing measures proposed by arb impact assessment.
28. Tree protection
29. Construction Specification/Method Statement 1 – Trees
30. Construction Specification/Method Statement 2 – Trees
31. Site supervision - Trees
32. Access available for use before occupation

In the event of any changes being needed to the wording of the Board's decision (such as to delete, vary or add Conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.





Working for a brighter future together

Strategic Planning Board

Date of Meeting: 29 July 2020

Report Title: Performance of the Planning Enforcement Service 2019-2020

Portfolio Holder: Councillor Toni Fox - Planning

Senior Officer: David Malcolm - Head of Planning

1.0 Report Summary

1.1 The purpose of this report is to provide the Strategic Planning Board with information relating to the activities and performance of the Council's planning enforcement service during the period 1st April 2019- 31st March 2020 including a status report on those cases where formal enforcement action has already been taken.

2.0 Recommendation

2.1 Members are requested to note the content of the report.

3.0 Reason for Recommendation

3.1 The information contained within the report is to update Members on performance only.

3.0 Background

3.1 Introduction

3.2 Members will be aware that there has not been a performance report for some time owing to various resourcing issues. However in the interim training has been provided on two occasions to Members in relation to enforcement during which some performance figures were provided.

3.3 Officers continue to strive to improve the service provided not only in terms of service delivery but also in accessibility to copies of notices online and an online enforcement register. It is anticipated that the new computer

system which is currently undergoing the procurement process will facilitate this. It should also allow for more in depth performance statistics to be provided to assist in performance management.

3.4 The overarching Council wide enforcement policy has recently been reviewed and updated. Service specific polices are also now under review, including the planning enforcement policy.

3.2 Report Format

3.3 The information contained in this report is divided into three sections:

3.4 Paragraphs 3.6 - 3.23 provide a summary of investigative activity and formal enforcement action undertaken during the financial year 1st April 2019- 31st March 2020.

3.5 Section 4 provides an update of those cases where formal enforcement action has been authorised and taken place.

Section 5 Advises on future reports

3.6 **Reported Information**

CHART 1

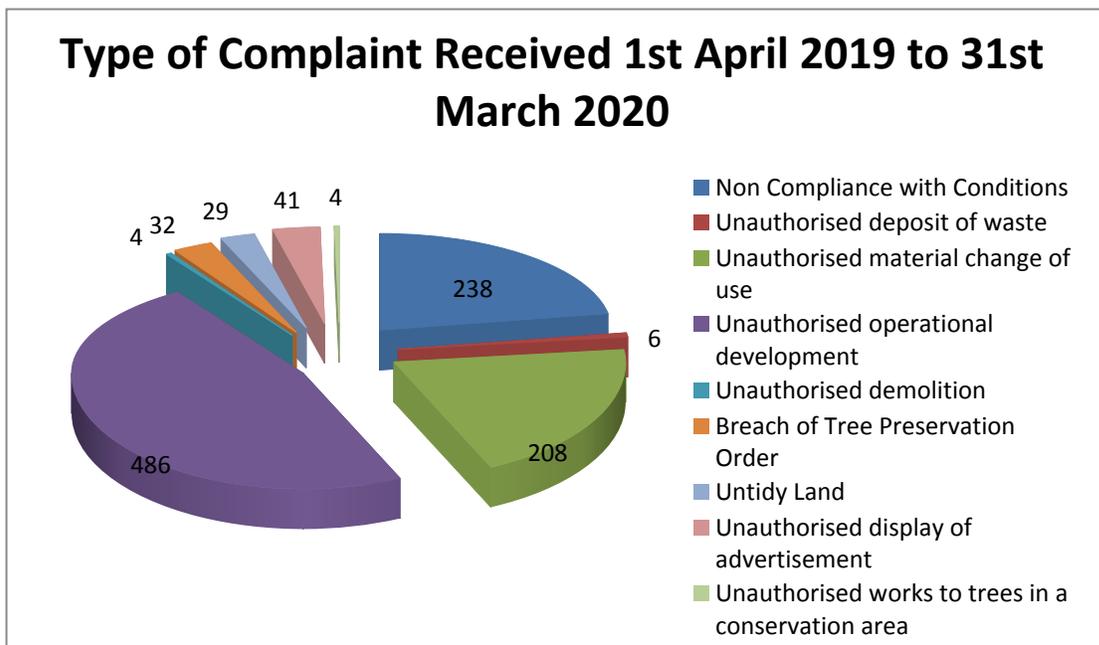
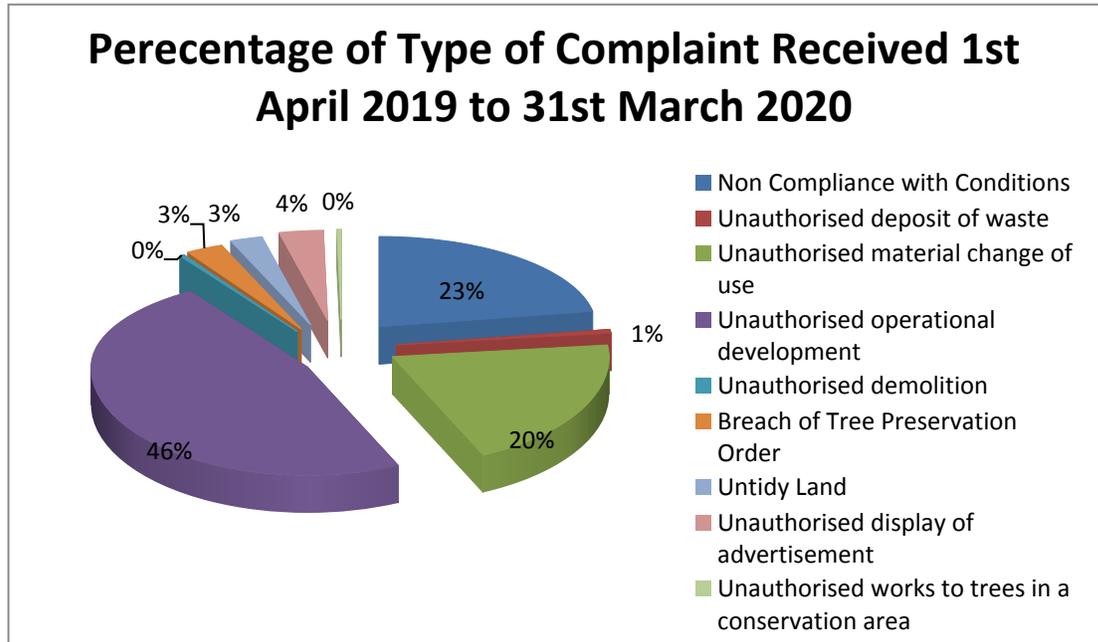


CHART 2



- 3.7 It is of interest to note that the highest proportion, 46%, of reported breaches relate to unauthorised operational development. However, of all reported breaches 59% did not equate to a breach of planning control. This can be explained in part by the type of development which can be carried out under permitted development rights. More recently these rights have been extended quite significantly which has resulted in landowners being able to carry out significant operational development or material changes of use without any requirement for permission from the Local Planning Authority (LPA). Where development falls within the tolerances of permitted development the LPA has no powers to act regardless of the impact it may have on landowners close by.
- 3.8 A total of 1,048 new cases were opened during the reporting period. During that period also a total of 977 cases were closed. This represents a high flow through of work during the 12 months reported. Of those cases 76% were closed within 6 weeks with 79% being closed with 8 weeks. This represents a swift resolution to the majority of reports where no breach has been identified. The reasons for closure are broken down in Charts 3 and 4 below.

CHART 3

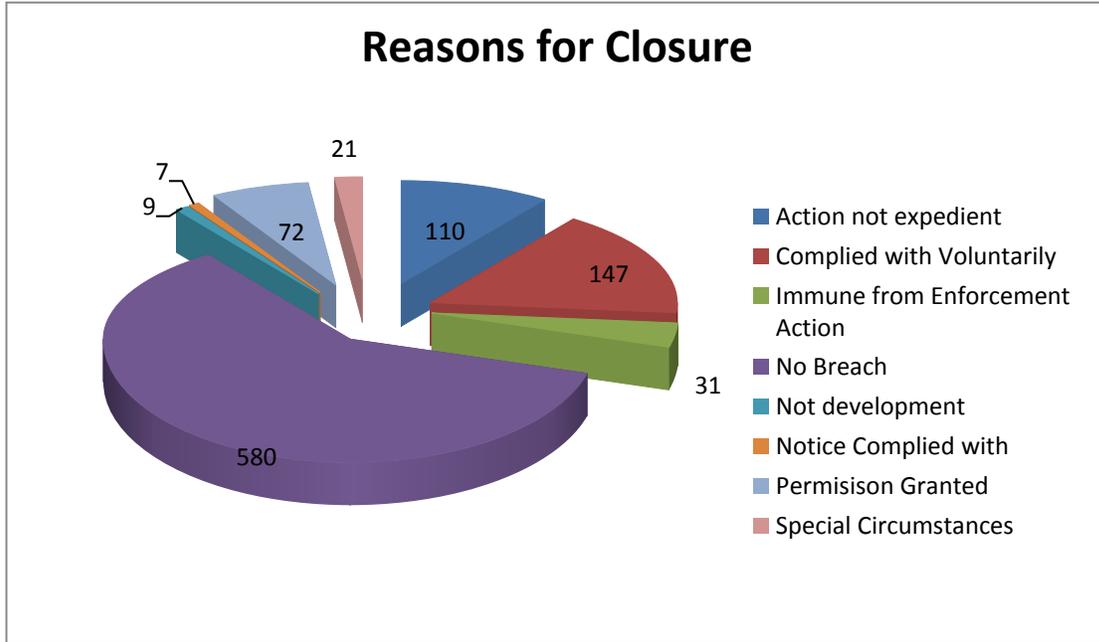
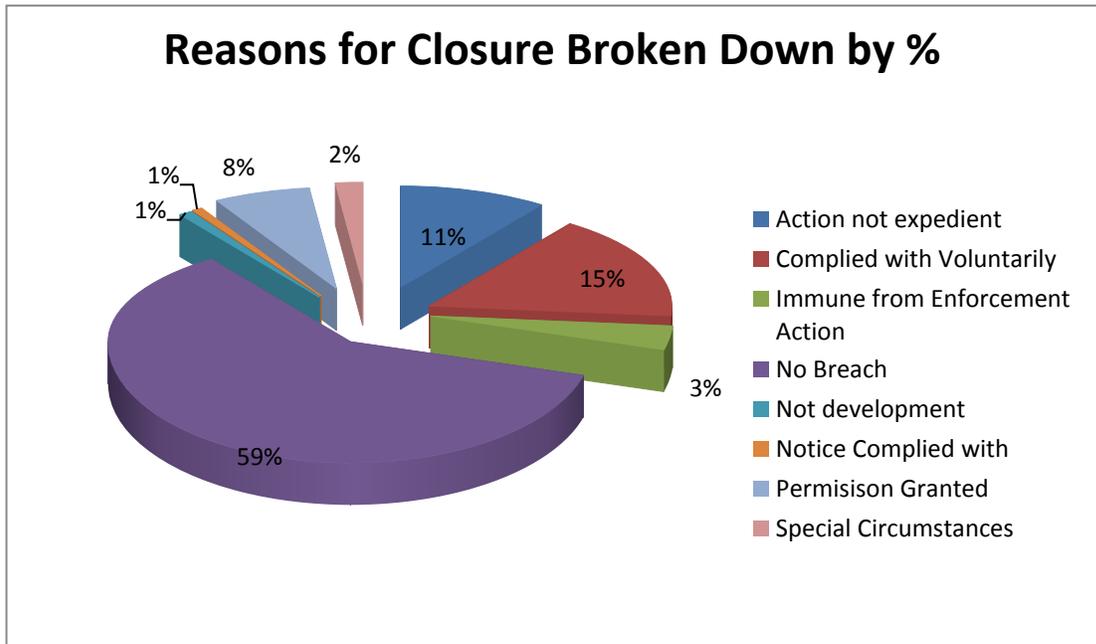


CHART 4



3.9 Enforcement cases receive an initial priority when they are received. This priority is based on the degree of harm likely to be caused by the alleged breach and determines the timescale within which officers endeavour to carry out their first visit. (It is not always necessary to carry out a site visit).

Priority 1 High – 1 working day

Where irreparable harm may result -Site visit within one working day

- Unauthorised works to listed buildings
- Unauthorised demolition in a Conservation Area
- Building work causing immediate and irreparable harm to an area of land which has special protection. i.e. something which could not be put right
- Building work causing serious danger to the public (This does not include unsafe working practices or parking of operatives or delivery vehicles on the highway these are matters for the Health and Safety Executive or the police respectively).
- Unauthorised works to or affecting trees covered by a Tree Preservation Order or in a Conservation Area.

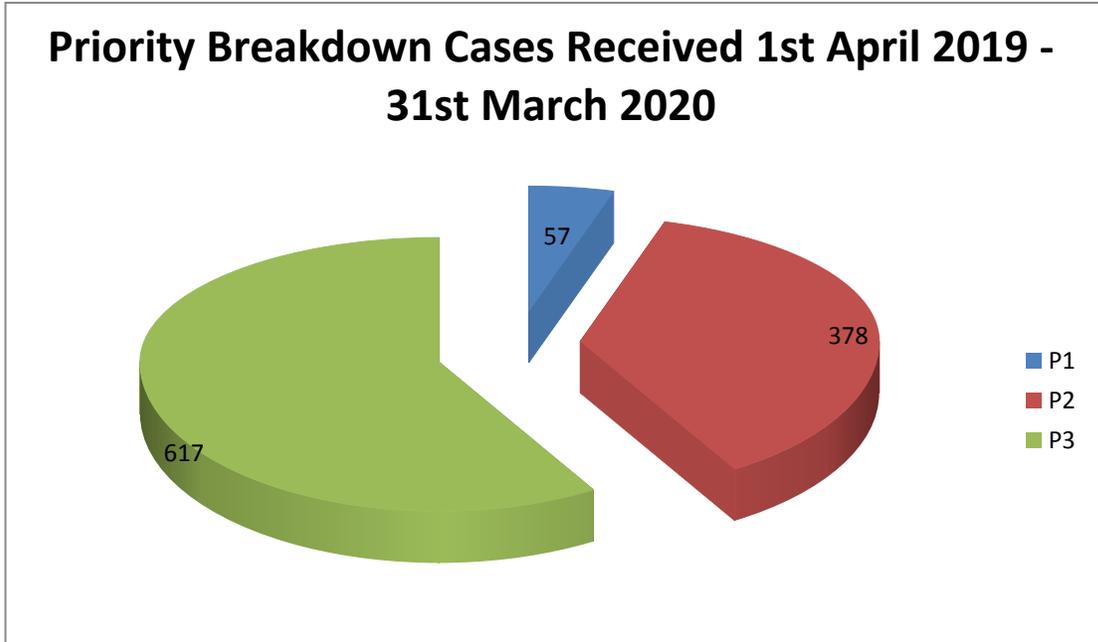
Priority 2 Medium – 5 working days

Where a significant level of harm may result – Site visit within 5 working days

- Building work already in progress
- Building work which is potentially immune from enforcement action within 6 Months (after a period of 4 years in relation to operational development and 10 years in relation to a material change of use).
- Building work causing serious harm to the character or appearance of an area or which may result in unacceptable noise or traffic generation or cause serious harm to the environment
- Breaches of condition/non compliance with approved plans which is causing serious harm e.g. as a result of noise and disturbance or where the change to the development is so significant as to be detrimental to it's appearance or result in a seriously detrimental effect on neighbouring properties (this does not include any perceived detriment to the value of nearby properties)
- Building work which represents a clear breach of planning policy and is unlikely to be granted planning permission.

Priority 3 Low – 15 working days

- Other building work which is complete
- Building work not causing significant harm to its surroundings or the environment
- Advertisements
- Breaches of condition/non compliance with approved plans causing no significant harm to the character or appearance of an area or which have no discernible impact
- Building work which is likely to be permitted development it does not need the permission of the LPA
- Minor domestic building work e.g. fences, small outbuildings, plus the erection of satellite dishes
- Untidy Land



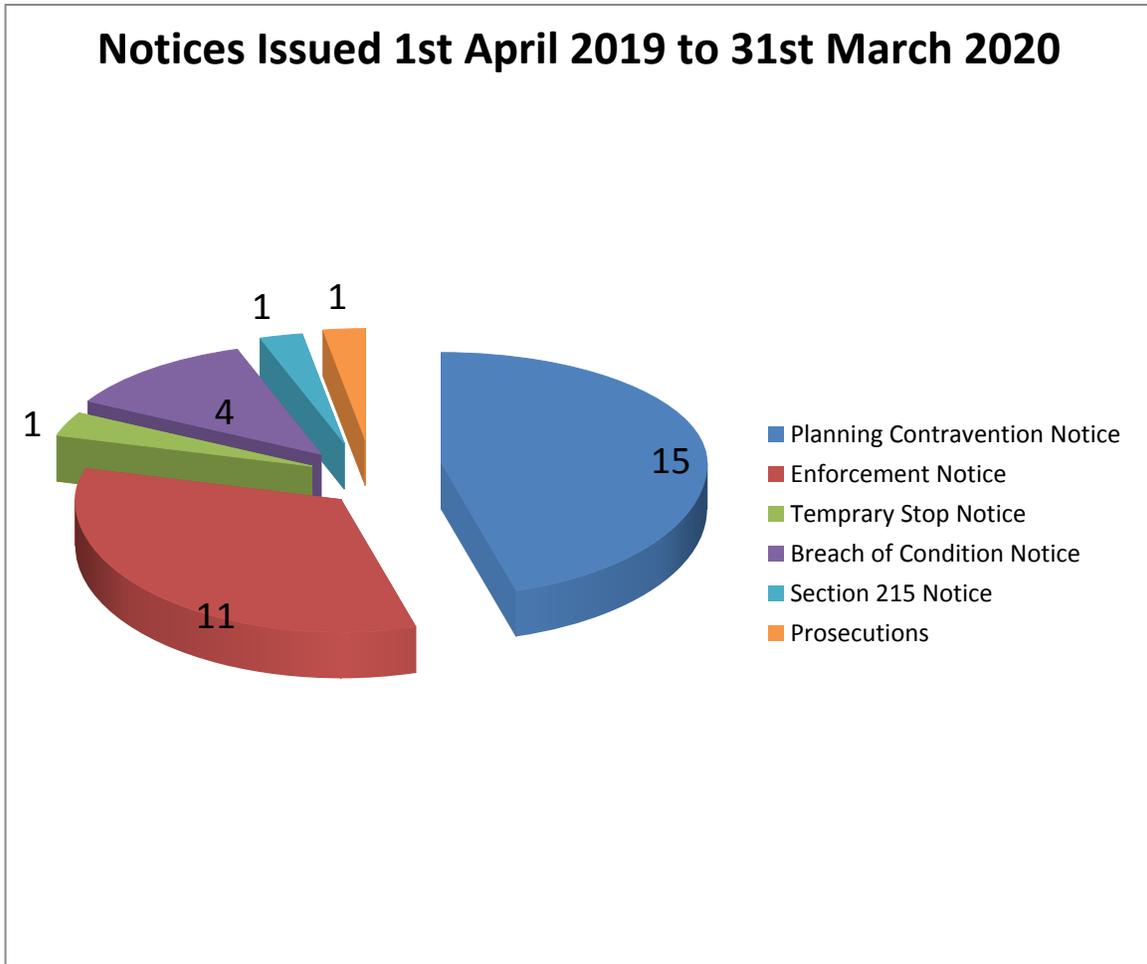
3.10 Service Improvement

3.11 In order to assist customers understanding of why their report has been allocated a particular priority the text in the above explanations has been embedded on the reverse of the standard acknowledgement letter. Details of the link to the current service specific enforcement policy has also been provided within the letter. The aim of the additional information is to further manage customer expectations of what the service can and cannot deliver.

3.12 NOTICES SERVED

3.13 A total of 33 notices have been served during the reporting period and Chart 5 breaks the notices down by type.

CHART 5

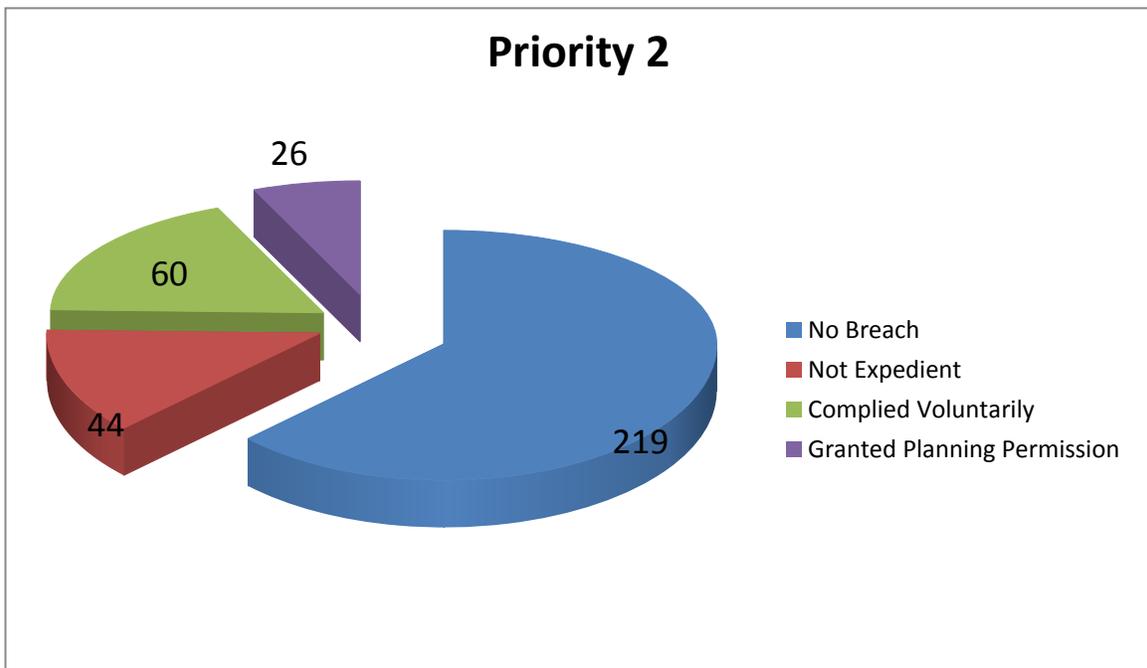
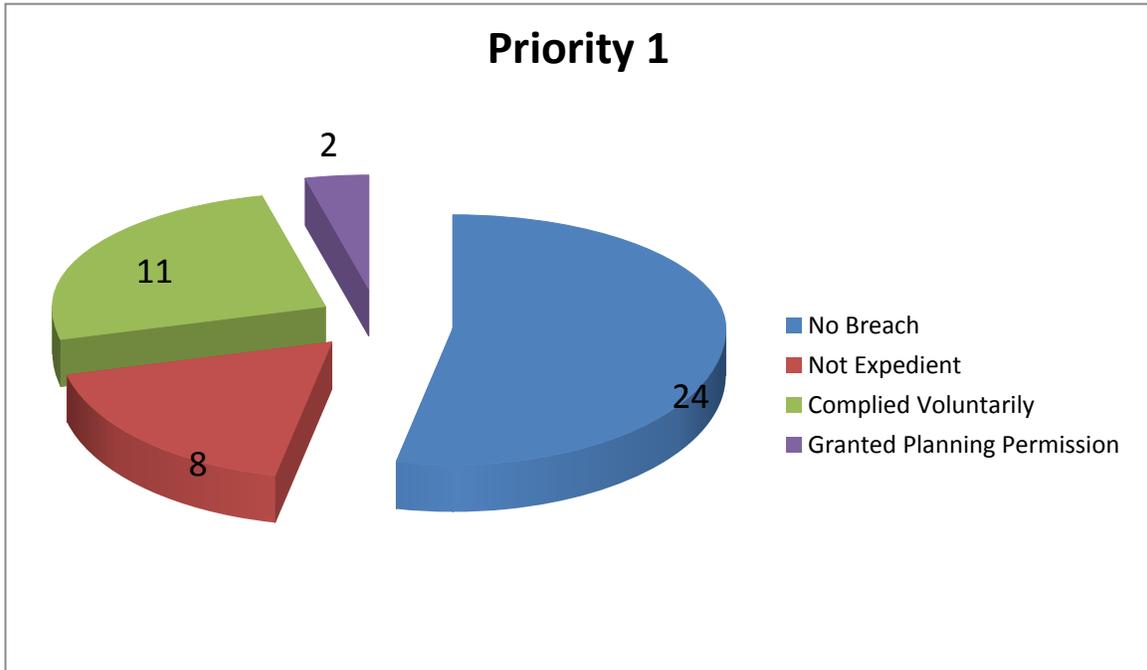


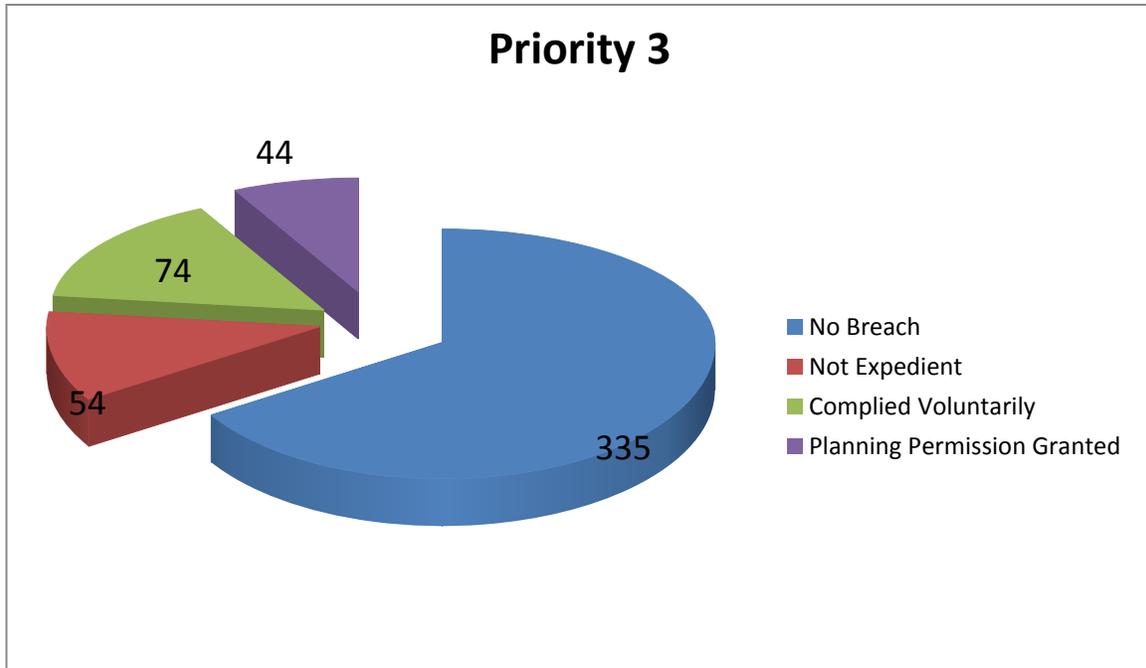
- 3.14 From a total of 11 enforcement notices issued 6 notices have been appealed or are currently the subject of an appeal. None of the appeals have yet been decided however one was withdrawn after the hearing had taken place. In these exceptional circumstances the Council has put in an application for an award of costs against the appellant. No decision has yet been received in relation to the cost application.
- 3.15 The current pandemic has resulted in and will continue to result in delays in decisions regarding enforcement appeals. For a period of time Inspectors were not carrying out any site visits. It appears that some are now being carried out but only where they relate to appeals being heard by way of written representations and where the visits can be unaccompanied. However this is a fluid situation.
- 3.16 It is likely that any enforcement appeal which is due to be determined by way of and Informal Hearing or Public Local Inquiry will encounter significant delays. This is due, not only because of ongoing social distancing requirements, but also because enforcement appeals were not included in the 2019 independent review of the length of time it takes to conclude

- appeal inquiries. They are not therefore included in the performance figures for PINS and it is likely that the majority of resources will continue to be directed to planning rather than enforcement appeals and that will apply to the clearing of the backlog building up as a result of the Covid-19 pandemic.
- 3.17 The impact of this being that the end to end enforcement process is likely to become more protracted. It is already a source of frustration to members of the public that where an appeal has been lodged and as a result an enforcement notice does not come into effect. A consequence of this being that an unauthorised material change of use can continue to operate unchallenged by the LPA or unauthorised operational development can remain resulting in the continuation of the resultant harm.
- 3.18 In order to make an assessment of the success rate of enforcement notices at appeal it is necessary to look back to the previous financial year 1st April 2018 to 31st March 2019. During that period out of the 27 notices issued 11 were enforcement notices (including one listed building enforcement notice). 6 Notices were subject to appeal. 5 decisions have been received, all 5 appeals were dismissed which represents an excellent success rate.
- 3.19 In order to sustain this impressive appeal record it is imperative that we continue to only issue enforcement notices where there is clear and demonstrable harm resulting and where the LPA can present a robust defense and would not be exposing itself to an award of costs. Notices cannot be issued purely on the basis that a landowner has failed to follow the correct procedure for obtaining planning permission. The issue of a notice cannot be used as a punitive act. Any decision to issue a notice must be based on sound planning reasons having regard to national and local planning policy and where development is clearly inappropriate and even with the imposition of conditions it could not be made acceptable.
- 3.20 It is acknowledged that many residents and Members become frustrated with the perceived lack of speed in progressing enforcement investigations. However, it is imperative that all investigations are thorough and any decisions made are based on sound evidence. Where possible the progress of cases is shared with Members and residents, however, for various reasons, including data protection or the risk of undermining the Council's case, it is not always possible to share information whilst an investigation is ongoing. In addition, and for reasons outlined above, there can be a period of the process where timeframes are outside the control of the LPA, this includes where matters are going through the courts.
- 3.21 There is a significant amount of work involved in the preparation of reports for authority to issue a notice/institute prosecution proceedings and appeal statements. This work is resource intensive, but becomes 'hidden/lost' work when formal enforcement action or legal proceedings are halted at a late stage where for example compliance is achieved voluntarily.

3.22 Reasons for Closure Broken Down By Priority

3.23 Of those cases which have been closed during the reporting period the following is a breakdown of the reasons for closure. You will note that in each priority by far the greatest proportion of cases closed were as a result of no breach being identified.





4.0 Update on Formal Enforcement Action Already Taken

4.1 Whilst the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, the Appendix attached to this report details the status of those cases where it was appropriate to take enforcement action and serve a formal Notice.

4.2 The Appendix contains 77 cases. A breakdown on the status of the 77 cases at 1st June 2020 is as follows

- 26 have already been closed
- 2 are the subject of active legal proceedings
- 7 have resulted in successful convictions
- 32 were the subject of appeals which were dismissed
- 5 are the subject of an appeal and a decision is awaited

The cases are listed in Ward order.

5.0 Future Reports

- 5.1 The next report will be presented in November 2020 and will contain information for the first two quarters of 2020/2021.

6.0. Implications of Recommendation

6.1 Legal Implications

- 6.1.1 No direct implication

6.2 Finance Implications

- 6.2.1 No direct implication

6.3 Policy Implications

- 6.3.1 No direct implication

6.4 Equality Implications

- 6.4.1 No direct implication

6.5 Human Resource Implications

- 6.5.1 No direct implication

6.6 Risk Management Implications

- 6.6.1 No direct implication

6.7 Rural Communities Implications

- 6.7.1 No direct implication

6.8 Implication for Children & Young People/Care for Children

- 6.8.1 No direct implication

6.9 Climate Change -

- 6.9.1 No direct implication

6.10 Public Health Implications

- 6.10.1 No direct implication

7.0 Ward Members Affected

7.1 All wards are affected

8.0 Access to Information

8.1 The following document is appended to this report

Appendix 1 – Status report on cases where formal enforcement action has been taken.

9.0 Contact Information

Any questions relating to this report should be directed to the following officer.

Name: Deborah Ackerley

Job Title: Principal Planning Officer (Enforcement)

Email: Deborah.ackerley@cheshireeast.gov.uk

APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 2nd June 2020

Site Address	Ward	Breach	Type of Notice	Current Status
Edgefields, Hough Lane Alderley Edge	ALDERLEY EDGE	Unauthorised erection of 2no. connected buildings	Enforcement Notice	Enforcement Notice issued 1 st April 2019. Compliance due by 3 rd October 2019. Appeal lodged 1st May 2019. Appeal in progress.
Ridgeside House Tempest Rd Alderley Edge	ALDERLEY EDGE	Breach of condition relating to landscaping scheme	Breach of Condition Notice	Breach of Condition Notice issued 4 th January 2019. Compliance due by 4 th April 2019. A further application was submitted to amend the landscaping scheme (part retrospective) and was approved on 12 th November 2019. No further action to be taken in respect of the Notice. CASE CLOSED
Brookfield Stables, Watery Lane, Astbury	ASTBURY	Unauthorised stable block	Enforcement Notice	Enforcement Notice issued 17 th November 2016. Appeal dismissed. Initial site visit established notice not complied with. Successful prosecution December 2018 Fined £500 plus VSC. Stables not removed further prosecution under consideration.
Brookfield Stables, Watery Lane	ASTBURY	Change of use to a mixed use for keeping of horse and residential, siting of a residential caravan and area of hardstanding	Enforcement Notice	Enforcement Notice issued 17 th November 2016. Appeal dismissed. Initial site visit established residential use had ceased but static caravan remained on site. Further caravan brought to site and being used for residential purposes. Successful prosecution December 2018 fined £500 plus VSC. Residential use of site ceased. This element of the CASE CLOSED .
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Owner refused permission to lodge appeal in High Court. Costs awarded in favour of Council. Two buildings removed and therefore Enforcement Notice substantially complied with, but seeking clarification from legal regarding expediency of pursuing reinstatement of land
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	BOLLINGTON	Unauthorised erection of two timber buildings	Enforcement Notice	Enforcement Notice issued – different building to those covered by previous Enforcement Notice. Appeal dismissed. Compliance due February 2015. Notice substantially complied with as both buildings removed. Area of hardstanding removed further visit required to establish if area has been seeded for grass.

APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 2nd June 2020

Pool House Clarke Lane Bollington	BOLLINGTON	Unauthorised erection of a fence	Enforcement Notice	Enforcement Notice issued on 5 th February 2019. Compliance due 8 th May 2019. Appeal dismissed. Compliance due 1 st May 2020. Site visit required to check compliance with the Notice.
George and Dragon, 61 Rainow Road, Macclesfield	BOLLINGTON	Untidy Land	S215 Notice	Untidy Land Notice issued 1 st March 2018. Compliance due July 2018. Notice not complied with. Prosecution proceedings instigated. The matter was heard in the Magistrates court on 19 th November 2019 and none of the defendants went. The defendants were each fined £800 with a Victim surcharge of £80.00 each. Each defendant was ordered to pay £851.56 towards the Council's costs. Further site visit undertaken and the Notice has not been complied with. Pursuing compliance with the Notice.
2 Willow Barns, Newcastle Road, Brereton	BRERETON RURAL	Erection of a porch	Enforcement Notice	Enforcement Notice issued 12 th March 2018. Appeal dismissed. Porch removed full compliance achieved. CASE CLOSED
The Chase Plumley Moore Road Plumley	CHELFORD	Unauthorised change of use of land from agricultural to garden, erection of gate, gate piers and hardstanding.	Enforcement Notice	Enforcement Notice issued 9 th December 2019. Compliance due 14 th April 2020. Appeal lodged 7 th January 2020. Appeal in progress.
Woodend Nursery Stocks Lane Over Peover	CHELFORD	Unauthorised change of use of land to agriculture, horticulture and the parking of vehicles, formation of hardstanding, lighting columns, ticket machines and barrier.	Enforcement Notice	Enforcement Notice issued 21 st January 2020. Compliance due 28 th June 2020. Appeal lodged 5 th February 2020. Appeal in progress.
Wood Platt Cottage,	CHELFORD	Unauthorised change of use	Enforcement Notice	Enforcement Notice issued 25 th August 2017. Appeal dismissed 10 th January 2019,. Compliance due 10 th June 2019. Notice partly complied with. Pursuing compliance

APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 2nd June 2020

Chelford Road, Marthall		of land to an unauthorised waste transfer site		with the Notice.
Wood Platt Cottage, Chelford Road, Marthall	CHELFORD	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued 25 th August 2017. Appeal dismissed 10 th January 2019, the Notice was upheld. Compliance due 10 th September 2019. Notice not complied with. Pursuing compliance with the Notice.
Hawthorn House, Free Green Lane, Over Peover	CHELFORD	Unauthorised Building	Enforcement Notice	Enforcement Notice issued 12 th January 2017. Appeal dismissed. Partial award of costs awarded to the Council. Compliance due July 2018. Notice not complied with. Pursuing compliance with the Notice.
Land North of Pedley Lane, Timbersbrook	CONGLETON EAST	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Further breaches on site currently under investigation. Prosecution proceedings instigated in relation to non-return of Planning Contravention Notice.
34 South Bank Grove, Congleton	CONGLETON EAST	Untidy Land	S215 Notice	S215 Notice served 9 th June 2018. Partial compliance. Case to be reviewed.
Coole Acres, Coole Lane, Newall	COOLE PILATE	Breach of condition, temporary residential unit and business unit	Breach of Condition Notice	Breach of Condition Notice issued 12 th January 2016 Compliance due November 2017. Further application submitted to amend condition in relation to temporary residential unit and business unit. Application refused, appeal lodged. Appeal dismissed in relation to temporary residential unit. Condition No. 5 requires its removal July 2020.
Coppenhall House, Groby Road, Crewe	CREWE EAST	Unauthorised material change of use of a stable building to B8	Enforcement Notice	Enforcement Notice issued. Appeal dismissed January 2020. Currently pursuing compliance with Notice.

APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - as at 2nd June 2020

		warehouse and distribution with ancillary offices.		
403 Groby Road, Crewe	CREWE EAST	Unauthorised material change of use to a B2 use	Enforcement Notice	Enforcement Notice issued November 2019. Appeal dismissed. Compliance due March 2020. Compliance visit required.
4 Hall O Shaw Street	CREWE EAST	Untidy Site	S215 Notice	Untidy Land Notice issued 15 th September 2016. Notice not complied with. Conviction secured. Continued failure to comply with notice. Further prosecution instigated, conviction secured.
Rear of 91 Hall O'Shaw Street, Crewe	CREWE EAST	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due October 2014. Notice not complied with. New Notice issued 01/12/15 as a result of new information of land ownership. Notice came into effect on 3 rd January 2016 and allowed a period of one month for compliance. Permission for redevelopment of site but not implemented. New site owners, some works carried out. Further site visit required.
Land at Maw Green Road, Crewe	CREWE EAST	Untidy Land	S215 Notice	Notice served 27 th September 2019. Land alleged to have been sold. Case to be reviewed.
24 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity.
20 Gresty Road, Crewe	CREWE SOUTH	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity
Land adjacent to Riverswood, Strines Road, Disley	DISLEY	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	Enforcement Notice issued 11 th June 2015. Appeal dismissed Compliance due September 2016. Site visit undertaken, the Notice has been partly complied with. Pursuing compliance with the Notice.
Oakton Stud Farm, Thisilldous, Macclesfield Road, North Rode	GAWSWORTH	Unauthorised erection of a dwelling house	Enforcement Notice	Enforcement Notice issued. Compliance due 30/12/14. Notice not complied with. Works underway to erect new dwelling granted planning permission in 2011. Planning permission granted in 2015 to retain unauthorised dwelling as an office. Case to remain open to check that residential use of unauthorised dwelling ceases when new dwelling is completed and its use changes to an office. Site visit undertaken which confirmed that this is the case. CASE CLOSED
Land west of	GAWSWORTH	Unauthorised	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal dismissed. Enforcement Notice

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Bramhall Hill North Rode		Stables		complied with. CASE CLOSED.
Ladera, Back Lane, Eaton	GAWSWORTH	Unauthorised change of use from a recreational caravan site to a residential and recreational caravan site.	Enforcement Notice	Enforcement Notice issued on 28 th May 2019. Compliance due 18 th January 2021. Appeal lodged 17 th July 2019. Appeal hearing took place in February 2020. Appeal withdrawn on 17 th March 2020 by the appellant. Awaiting the outcome of a costs application submitted by the Council. Compliance with the Notice due 17 th August 2021.
Land at Buxton Road, Bosley	GAWSWORTH	Untidy Land	S215 Notice	Notice issued 26 th October 2018. Notice complied with. CASE CLOSED
19 Richmond Avenue, Handforth	HANDFORTH	Unauthorised erection of a detached outbuilding	Enforcement Notice	Enforcement Notice issued. Compliance due 1 st December 2018. Enforcement Notice complied with. CASE CLOSED.
Mere End Cottage, Mereside Road, Mere, Knutsford	HIGH LEGH	Unauthorised erection of dwelling house and detached garage	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed for dwelling. Dwelling remains incomplete and unoccupied. Pursuing compliance with Notice.
Land at Spinks Lane, Pickmere	HIGH LEGH	Unauthorised Change of use of land from agricultural use to the siting of residential and touring caravans	Enforcement Notice	Subject of an Enforcement Notice and an appeal, two planning applications and two appeals, two injunctions and one prosecution. Consent Order agreed 21 July 2014. Notice not complied with. Further Court Hearing in September 2015 at which time it was agreed that the caravans could remain for a period of two years subject to the conditions set out in the Court Order.
Boundary Farm Peacock Lane High Legh	HIGH LEGH	Unauthorised change of use of agricultural land to garden. Erection of building, patio and play	Enforcement Notice	Enforcement Notice issued 10 th March 2015 Appeal lodged 16 th April 2015 but withdrawn on 18 th June 2015. Notice due to be complied with by 18 th October 2015. Site visit undertaken, Notice partly complied with. Pursued compliance with the Notice. Notice complied with. CASE CLOSED

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		equipment		
Aston Park House, Budworth Road, Aston By Budworth	HIGH LEGH	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice Issued 18 th May 2017 requiring restoration works to be carried out to the dwelling. Appeal lodged 20 th June 2017. Appeal withdrawn 9 th January 2018. Partial award of costs awarded to the Council. Enforcement Notice to be complied with by August 2018. Pursuing compliance with the Notice. Successful prosecution 2018, 250 hours community service £65k costs. Full payment of costs remain outstanding.
Aston Park House, Budworth Road, Aston By Budworth	HIGH LEGH	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued 18 th May 2017 requiring works to alleviate damage to the dwelling. Appeal lodged 20 th June 2017. Appeal withdrawn 9 th January 2018. Partial awards of costs awarded to the Council. Enforcement Notice to be complied with by March 2018. Notice complied with.
Aldwarden Hill, Legh Road, Knutsford	KNUTSFORD	Unlawful works to a Grade II listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued 19/10/17. Appeal lodged 17 th November 2017. Appeal decision made 3 rd October 2018. The Notice was upheld subject to variation allowing a longer period of compliance. Compliance due April 2019. Notice not complied with. Compliance with Notice pursued, the Notice was complied with in January 2020. CASE CLOSED.
1 Lovat Drive Knutsford	KNUTSFORD	Unauthorised erection of a fence	Enforcement Notice	Enforcement Notice issued 4 th March 2019. Compliance due 3 rd June 2019. Notice not complied with. Compliance with Notice pursued, the Notice was complied with end of June 2019. CASE CLOSED.
19 Merlin Way, Crewe	LEIGHTON	Untidy Land	S215 Notice	Notice served 23 rd February 2018. Compliance achieved. CASE CLOSED
Land at Moss Lane Macclesfield	MACCLESFIELD SOUTH	Construction of 150 dwellings with associated car parking, access, internal roads and landscaped open space	Temporary Stop Notice (TSN)	Temporary Stop Notice issued to stop works continuing on the approved development in order to safeguard public health and welfare as conditions relating to contaminated land had not been discharged. The Notice was complied with. CASE CLOSED
Land opposite 162 Moss Lane Macclesfield	MACCLESFIELD SOUTH	Unauthorised change of use of land for parking/storage of vehicles and domestic paraphernalia, siting of a	Enforcement Notice	Enforcement Notice issued 2 nd August 2019. Compliance due 4 th January 2020. No appeal lodged. Notice not complied with. Pursuing compliance with Notice.

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		storage container and hardstanding		
Land Opposite Five Acre Farm, Cledford Lane, Middlewich	MIDDLEWICH	Unauthorised operation development, erection of a building and boundary walls	Enforcement Notice	Enforcement Notice issued 5 th August 2015. Appeal dismissed. Prosecution for non-compliance February 2019. Found guilty, fined £200 with £30 VSC. Notice still not complied with further proceedings required.
Land at Moss Lane Mobberley	MOBBERLEY	Unauthorised hardstanding and earth bund	Enforcement Notice	Notice issued 25 th October 2019. Compliance due 29 th May 2020. No appeal lodged. Notice not complied with. Pursuing compliance with the Notice. .
17 Town Lane Mobberley	MOBBERLEY	Unauthorised fencing	Enforcement Notice	Notice issued 11 th January 2019. Compliance due 14 th April 2019. Appeal lodged 13 th February 2019. Appeal dismissed. Compliance with Notice due 18 th December 2019. Notice not complied with, compliance with Notice pursued. Notice complied with January 2020. CASE CLOSED
Castle Hill Farm, Castle Mill Lane, Ashley	MOBBERLEY	Unauthorised material change of use to a mixed use for agriculture and storage of caravans, boats, trailers and motor vehicles	Enforcement Notice	Notice issued 11 th August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due
106-108 Station Road, Scholar Green	ODD RODE	Unauthorised extensions and alterations	Enforcement Notice	Enforcement Notice issued 6 th March 2020. Appeal pending.
106-108 Station Road, Scholar Green	ODD RODE	Unauthorised boundary walls	Enforcement Notice	Enforcement Notice issued 6 th March 2020. Appeal pending.
Elm Beds Caravan	POYNTON EAST AND POTT SHRIGLEY	Unauthorised residential	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Resolution from SPB in October 2012 to apply to Court for Injunction. Following legal advice, the injunction

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Park, Poynton		caravan		is not being pursued at the present time. Case remains open. Legal advice currently being sought.
Panache, 1 London Road, Poynton	POYNTON EAST AND POTT SHRIGLEY	Unauthorised flue	Enforcement Notice	Enforcement Notice issued 25 th November 2019. Compliance due 6 th May 2020. No appeal lodged. Site visit to be undertaken to check compliance with the Notice. .
Land adjacent to 5 Rushmere Close, Adlington	POYNTON WEST AND ADLINGTON	Unauthorised change of use of land to garden	Enforcement Notice	Enforcement Notice issued 16 th February 2015. Appeal lodged. Appeal decided 29 th September 2015. Appeal dismissed. Compliance due 29 th June 2016. Notice partly complied with. Pursuing compliance with the Notice.
PSS Nurseries, 9 Lees Lane, Newton, MSA	PRESTBURY	Unauthorised erection of timber building, glasshouse and conservatory	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Notice partly complied with. Planning permission granted on alternative site and so business relocated and site closed. Glass house and timber building removed. Planning permission 15/0197M granted on 22 September 2015 for change of use of building (including conservatory) to dwelling house. Case to remain open to ensure that permission for use as a dwelling house is implemented before September 2018. Notice complied with. CASE CLOSED
PSS Nurseries, 9 Lees Lane, Newton, MSA	PRESTBURY	Unauthorised use for storage and sale of non horticultural items. Formation of hardstanding and erection of walls	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Notice substantially complied with. Planning permission granted on alternative site and so business relocated and site closed. Hardstanding and walls removed. Site in process of being cleared of all items (including non horticultural items). Final site visit required to take a view as to whether items to be required by Notice have been removed. Site visit undertaken, items have been removed. CASE CLOSED
Asana Collar House Drive Prestbury	PRESTBURY	Unauthorised fencing around pitch and floodlights	Enforcement Notice	Enforcement Notice issued 1 st April 2015. Appeal dismissed. Compliance due January 2016. Notice complied with. CASE CLOSED
Mottram Wood Farm Smithy Lane Mottram St Andrew	PRESTBURY	Unauthorised Dwelling	Enforcement Notice	Enforcement Notice issued 10/06/15. Notice due to be complied with by 10/5/18 (special circumstances for lengthy compliance date). Notice not complied with. A planning application, reference 20/1452M is currently under consideration for the retention of the cabin for the processing of alpaca wool in association with the alpaca breeding enterprise.

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46 Manor Road, Sandbach	SANDBACH HEATH AND EAST	Erection of a dwelling	Enforcement Notice	Enforcement Notice issued 25 th October 2017. Appeal allowed Notice quashed. CASE CLOSED
30 Lime Close, Sandbach	SANDBACH TOWN	Unauthorised erection of a front dormer window	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners had children with special needs and so legal action held in abeyance. Property has been repossessed. Prospective owners being advised of requirement to remove front dormers. Notice not complied with as of 12 March 2015. Contact to be made with new owners. Requires review.
5 Bold Street, Sandbach	SANDBACH TOWN	Installation of an extraction flue	Enforcement Notice	Enforcement Notice issued 4 th October 2018. Full compliance achieved. CASE CLOSED
79 Union Street, Sandbach	SANDBACH HEATH AND EAST WARD	Unauthorised material change of use to car wash	Enforcement Notice	Enforcement Notice issued November 2018. Appeal dismissed. Notice complied with September 2019. CASE CLOSED
Land at Gaw End Lane Lyme Green	SUTTON	Unauthorised change of use of land to agricultural and parking of vehicles, skips, formation of earth bunds, hardstanding, fencing and gate	Enforcement Notice	Enforcement Notice issued 12 th December 2018. Compliance due 10 th May 2019. Appeal lodged 27 th March 2019. Appeal dismissed. Compliance due by 10 th January 2020. Notice not complied with. Pursuing compliance with the Notice.
The Wharf, Bullocks Lane, Sutton	SUTTON	Unauthorised material change of use from storage of roofing materials to residential	Enforcement Notice	Enforcement Notice issued 26 th October 2016. Appeal dismissed. Compliance due by March 2018. Notice not complied with. Notice partially complied with.
The Wharf, Bullocks Lane, Sutton	SUTTON	Unauthorised operational development, erection of a building used	Enforcement Notice	Enforcement Notice issued 26 th October 2016. Appeal dismissed. Compliance due by July 2018. Notice not complied with. Prosecution proceedings instigated. Successful prosecution January 2019. Fined £200 each with £30 VSC. Unauthorised building demolished April 2019. CASE CLOSED

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		for residential purposes		
Holly Cottage, Meg Lane, Sutton	SUTTON	Unauthorised material change of use from agriculture to garden land and associated engineering operations to form driveway and area of hardstanding	Enforcement Notice	Enforcement Notice issued on 21/04/17. Appeal lodged 25 th May 2017. Appeal decided 9 th April 2018, the Notice was quashed and a separate appeal which was seeking to regularize the unauthorised works was allowed. This was allowed subject to a condition requiring works to take place. Works were undertaken. CASE CLOSED
Rush Cottage, Gore Lane, Chorley, Alderley Edge	WILMSLOW WEST AND CHORLEY	Unauthorised extensions to residential property	Enforcement Notice	Enforcement Notice issued 29 th November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13 th January 2018. Notice not complied with. Pursuing compliance with Notice.
Lode Hill, Altrincham Road, Styal, Wilmslow	WILMSLOW LACEY GREEN	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal part allowed and part dismissed (use allowed to continue, but hard standing to be removed). Planning Inspectorate made typing error in their formal Decision Letter which cannot be corrected and may result in the Council not being able to pursue the removal of the hard standing. Legal advice being sought.
Fairview Stanneylands Road Styal	WILMSLOW LACEY GREEN	Unauthorised material change of use of land from agriculture to the importation of material, storage of non agricultural items, storage container and hardstanding.	Temporary Stop Notice (TSN) and Enforcement Notice	TSN issued on 18/07/2018 to stop further material being imported and deposited on the land. The TSN was complied with. Enforcement Notice issued. Appeal dismissed. Compliance due 28 th July 2019. Notice partly complied with, hard standing remains. Pursuing compliance with the Notice.
Wilmslow Garden Centre,	WILMSLOW LACEY GREEN	Erection of a conservatory showroom	Enforcement Notice	Enforcement Notice issued on 28 th August 2019. Compliance due 27 th April 2020. No appeal lodged. A planning application, reference 20/0442M, was submitted in February 2020 for retention of the decking and balustrade is currently under

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Manchester Road, Wilmslow		building, associated decking, balustrade, glass screen and hardstanding		consideration. Site visit to be undertaken to check compliance with the Notice.
Haycroft Farm, Peckforton Hall Lane, Spurstow	WRENBURY	Unauthorised operational development and engineering works	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice substantially complied with, but awaiting painting of roof. Awaiting full compliance. Permission grated for alterations to building. CASE CLOSED
Six Acres, Wirswall Road, Wirswall	WRENBURY	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incident vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 th December 2014. Notice complied with. CASE CLOSED
Six Acres, Wirswall Road, Wirswall	WRENBURY	Construction of a building and creation of a hard standing	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Warrant of entry required to carry out a compliance inspection. Notice not complied with. Successful prosecution May 2017 fined £500 and ordered to pay all of prosecution costs within 12 months - £7k. Further warrant required for additional compliance visit. Additional operational development taken place. Compliance remains outstanding case under review pending further action. .
Greenacres, Lower Hall Road, Norbury	WRENBURY	Erection of an outbuilding	Enforcement Notice	Enforcement Notice issued January 2019. Compliance due November 2019. Partial compliance achieved. Case to be reviewed.

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Land at Chorlton Lane, Crewe	WYBUNBURY	Change of use of land from agriculture to a use for the storage and distribution of timber, including the siting of ancillary portacabins, trailers, waste containers, vehicles and a caravan used for residential purposes.	Enforcement Notice	Enforcement Notice issued 10/12/14. Compliance due 8 th March 2015. Partial compliance only achieved. Prosecution proceedings instigated, court hearing adjourned owing to health of defendant, due back in court January 2016. Requirements of Notice have now met. Land sold CASE CLOSED
Basford Old Creamery, Newcastle Road, Chorlton	WYBUNBURY	Breach of condition location of concrete cutting outside building	Breach of Condition Notice	Breach of Condition Notice issued 27 th September 2016. Notice complied with. CASE CLOSED
Land at Little Island Livery, Haymoor Green Road, Wynbunbury	WYNBUNBURY	Unauthorised erection of a timber building used for grooms accommodation and raised decked area	Enforcement Notice	Enforcement Notice issued 21 st August 2019. Compliance due 23 rd January 2020. Appeal lodged 19 th September 2019. Appeal in progress.
Bank House Farm, Audlem Road, Hatherton	WYBUNBURY	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 27 th September 2018. Notice not complied with. Authorisation for prosecution proceedings.
Avenue Lodge, London Road Doddington	WYBUNBURY	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 25 th February 2019. Currently subject to an appeal.

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Waybutt Lane, Chorlton	WYBUNBURY	Creation of access track	Temporary Stop Notice	Temporary Stop Notice issued 11 th August 2017. Notice complied with. Notice now expired. CASE CLOSED
Gorsty Hill Golf Club, Abbey Park Way, Weston, Crewe	WYBUNBURY	Untidy Lane	S215 Notice	Notice issued 10 th January 2019. Building removed, foundations remain.

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Working for a brighter future together

Strategic Planning Board

Date of Meeting: 29 July 2020

Report Title: Draft Houses in Multiple Occupation Supplementary Planning Document

Portfolio Holder: Councillor Toni Fox - Planning

Senior Officer: Frank Jordan, Executive Director - Place

1. Report Summary

- 1.1 The report seeks the Strategic Planning Board's views on the Draft Houses in Multiple Occupation Supplementary Planning Document ("HMO SPD"). Those views will be taken into account before a decision is made by the Portfolio Holder for Planning to approve the draft HMO SPD for six weeks of public consultation. Ultimately the intention would be to adopt the HMO SPD as a Supplementary Planning Document ("SPD") following consultation and the publication of a final version, taking into account any feedback received.
- 1.2 Once adopted, the SPD will provide additional planning policy guidance for the assessment of planning applications for Houses in Multiple Occupation across the Borough. The SPD is intended to complement the introduction of other controls for HMOs including the making of three, non-immediate Article 4 Directions for small HMOs in parts of Crewe.

2. Recommendations

- 2.1 That the Strategic Planning Board considers the attached documents:
 - Draft Houses in Multiple Occupation Supplementary Planning Document (Appendix A);
 - The Strategic Environmental Assessment and Habitats Regulations Screening Report ("SEA") (Appendix B); and

- The Equalities Impact Assessment Screening Report (“EQIA”) (Appendix C)
- 2.2 Provides any views to the Portfolio Holder for Planning, recommending that the Draft HMO SPD, SEA and EQIA are approved for public consultation for a period of six weeks.

3. Reasons for Recommendations

- 3.1 The preparation of an SPD is one of a range of measures currently being considered by the Council in order to better manage concentrations of HMOs and improve standards.
- 3.2. An SPD is not part of the statutory development plan. It is a recognised way of putting in place additional planning guidance which will be a material consideration in determining applications involving relevant planning proposals.

4. Other Options Considered

- 4.1 The Council could choose not to prepare an SPD for HMOs. Any planning applications for HMOs would be assessed against existing planning policies.
- 4.2 While there is no requirement to produce an SPD to support the introduction of Article 4 Directions, it is often considered best practice to do so. The SPD will strengthen the policy framework when determining planning applications for HMOs and in defending subsequent appeals made against refused proposals.
- 4.3 The SPD would be a material consideration in the determination of all planning applications for changes of use to HMOs across the borough and not just those dwellings that may be affected by an Article 4 Direction (once brought into effect).

5. Background

- 5.1 HMOs are defined as single dwellings occupied by a number of separate households/ unrelated individuals. Under the Town & Country Planning (Use Classes) Order 1987 (as amended) a small HMO (Class C4) accommodates between 3 and 6 unrelated individuals and a large HMO (Sui Generis – outside of any use class) accommodates 7 or more unrelated individuals.
- 5.2 The Town and Country Planning (General Permitted Development) Order 2015 (GPDO) provides permitted development rights for the change of use

of a dwelling (Class C3) to a small HMO (Class C4) without the need to apply to the council for planning permission. The change of use of a dwelling to a larger HMO (Sui Generis) requires the submission of a planning application.

- 5.3 Article 4 of the GPDO enables local planning authorities to withdraw specified permitted development rights in a defined area. Once an Article 4 Direction comes into force, a planning application is then required for the specific permitted development withdrawn. The withdrawal of permitted development rights does not imply that planning applications will be automatically refused if they are submitted. The submission of a planning application simply gives the local planning authority opportunity to consider a proposal against relevant planning policies, supplementary planning documents (where available) and any other material planning considerations.
- 5.4 At its meeting on the 3 December 2019, Cabinet considered a report which sought authorisation to make 3 non-immediate Article 4 Directions to remove permitted development rights for the change of use of dwellings to small HMOs (accommodating 3-6 unrelated individuals) in parts of Crewe. The removal of permitted development rights was authorised at that meeting and justified based on evidence of high concentrations of HMOs in those particular areas together with a coincidence of local amenity issues.
- 5.5 In the report to Cabinet, it was stated that additional planning policy guidance in the form of a draft Supplementary Planning Document (SPD) would be prepared to align with the Article 4 Direction(s) coming into force.
- 5.6 While it is not a requirement that an SPD is produced to support an Article 4 Direction, it is considered best practice to ensure their effective implementation. The SPD would be a material consideration in the determination of all planning applications for changes of use to HMOs across the borough, not just those dwellings that may be affected by an Article 4 Direction (once brought into effect).
- 5.7 Unfortunately, due to the recent Covid-19 pandemic, progress with the Article 4 Directions has been delayed. This is due to legislative requirements which require consultation documents to be placed 'on deposit' for public inspection at council offices and at such other places within the borough (normally libraries) during normal office hours.
- 5.8 Whilst there has been some disruption to the anticipated timetable for the introduction of the Article 4 Directions, work has continued with the preparation of the draft SPD. In the event that the SPD is approved for

public consultation, this will take place at the earliest opportunity, alongside the consultation for the three non-immediate Article 4 Directions in Crewe.

Purpose of the SPD

- 5.9 HMOs and the wider private rented sector play an important role in meeting housing needs. However a saturation of HMOs in a particular location can have negative impacts upon that area, for example the number of homes available for families or those wanting to purchase their first home may reduce due to a high demand for investment properties. In addition, the occupation of dwellings as HMOs by a higher number of adults compared to a typical family home, can place additional demands on services and infrastructure, for example increased waste generation.
- 5.10 The planning system can assist in maintaining and achieving a balance of households within the Borough's neighbourhoods, ensuring that different housing needs are met whilst protecting the interests of other residents, landlords and businesses.
- 5.11 The Draft HMO SPD builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) and 'saved' policies within previous Local Plans. The SPD is also drafted to complement the proposed additional policy regarding HMOs in the emerging Site Allocations and Development Management Document.
- 5.12 The SPD will provide detailed guidance for all parties involved in the planning application process, explaining how the council will assess planning applications involving the change of use of buildings to HMOs across the Borough.
- 5.13 The Draft SPD:
- Explains what a HMO is, in planning terms, and identifies the circumstances where planning permission could be needed;
 - Identifies the national and local planning policies of relevance when considering planning applications for HMOs;
 - Sets out more detailed policy guidance that will be used to assess planning applications for HMOs, including information requirements;
 - Provides an overview of other regulatory requirements for HMOs including licencing and relevant standards for HMOs;
 - Explains how the effectiveness of this SPD will be monitored.

Key Principles

- 5.14 The SPD includes a number of key principles which will be used by the council when assessing planning applications for HMOs. In summary these include:

Avoiding/ exacerbating concentrations of HMOs

- 5.15 In order to maintain and support mixed and balanced communities, a maximum of a 10% concentration of HMOs within a 50 metre radius is proposed. Planning permission will not be granted for new HMOs or proposals to extend existing HMOs to accommodate additional residents, where the number of dwellings already in use as HMOs within a 50 metre radius of the application site exceeds 10% of the dwellings in that area.
- 5.16 In addition, any proposals that would result in an existing property (Use Class C3) being sandwiched by HMOs on either side will not be permitted.

Achieving good standards of accommodation.

- 5.17 Planning applications for HMOs will be assessed to ensure that they provide good standards of accommodation for the proposed number of residents in order to protect the residential amenity of future occupiers of the HMO and any adjacent residents. The draft SPD includes guidance on minimum internal room sizes, waste storage and disposal requirements, car parking and cycle parking and outdoor amenity space requirements.

Residential amenity

- 5.18 Any proposed change of use (or extension of) a HMO should not have an unacceptable impact on the levels of amenity that existing neighbouring residents can reasonably expect to enjoy. This is particularly relevant when considering the use of semi-detached or terraced properties, properties in narrow streets or densely developed areas where potential impact is likely to be more concentrated and directly affecting neighbouring residents.

Impact upon the character and appearance of the area

- 5.19 All proposals must be sensitively designed to take account of their surroundings. This includes any means of escape required for fire safety reasons.

Display of advertisements

- 5.20 In areas with high levels of HMOs and rented properties, there is the potential for a proliferation of signage which can detract from the street scene and adversely affect residential amenity. The SPD encourages the

timely removal of boards once a property has been let. Should there be evidence of a proliferation of boards and issues with their timely removal, the SPD signals that consideration may be given to taking further steps to secure compliance with legislation. This could include a voluntary code of practice or the withdrawal of deemed consent in areas with high levels of HMOs.

Monitoring the SPD

- 5.21 The effectiveness of this SPD will be monitored as part of the Authority Monitoring Report process, using information from planning applications and decisions. The outcome of this monitoring will help to inform decisions with regard to future revisions of the SPD.

Next Steps

- 5.22 The Portfolio Holder for Planning will take account of the views of the Strategic Planning Board before deciding whether to approve the draft SPD for six weeks public consultation in accordance with the Council's adopted Statement of Community Involvement.
- 5.23 Following the closure of the formal public consultation period, any comments received will be considered and, where appropriate, changes will be made to the document.
- 5.24 The results of that consultation (in the form of a consultation report) and the final draft SPD must then, under planning regulations, be published to allow representations to be made to them prior to a decision by Cabinet to formally adopt the SPD.

6. Implications of the Recommendations

6.1 Legal Implications

6.1.1 The Planning and Compulsory Purchase Act 2004 (as amended) and the Town and Country Planning (Local Development) (England) Regulations 2012 provide the statutory framework governing the preparation and adoption of supplementary planning documents. Amongst other things, the 2012 Regulations require that an SPD contains a reasoned justification of the policies within it and stipulate that it must not conflict with adopted development plan policies. The National Planning Policy Framework and the associated Planning Practice Guidance sets out national policy and guidance about the circumstances in which SPDs should be prepared.

6.1.2 Supplementary Planning Documents are guidance which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary planning documents are capable of being a material consideration in planning decisions but are not part of the development plan.

6.1.3 Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012 set out the requirements for producing Supplementary Planning Documents.

6.1.4 The process for preparing Supplementary Planning Document(s) is similar in some respects to that of a local plan document. However, they are not subject to independent examination by the Planning Inspectorate.

There will be a number of stages in the production of the SPD:

- Publish the initial draft SPD for six weeks public consultation.
- Consider feedback received and make any changes necessary.
- Publish the final SPD along with a consultation statement setting out who has been consulted in its preparation, the main issues raised in feedback and how those issues been addressed in the final draft SPD.
- Having considered representations, the SPD may then be adopted. Following adoption it must be published along with an adoption statement.
- Following the adoption of the SPD, it may be challenged in the High Court by way of a Judicial Review within 3 months of its adoption.

Strategic Environmental Assessment

6.1.5 Strategic Environmental Assessment involves evaluation of the environmental impacts of a plan or programme. The requirement for SEA is set out in the European Directive 2001/42/EC adopted into UK law as the “Environmental Assessment of Plans or Programmes Regulations 2004”.

6.1.6 The SEA Directive sets out a legal assessment process that must be followed. Often within the planning context, the SEA requirements

are met by incorporating it within a Sustainability Appraisal (“SA”), which is a requirement for Development Plan Documents.

6.1.7 There is no legal requirement for Supplementary Planning Documents to be accompanied by SA, and this is reinforced in Planning Practice Guidance (PPG ref: 11-008- 20140306). However, “in exceptional circumstances” there may be a requirement for SPDs to undertake Strategic Environmental Assessment where it is felt they may have a likely significant effect on the environment that has not been assessed within the SEA/SA of the Local Plan. A screening assessment has been undertaken (in Appendix B) which has determined that a SEA (or an appropriate assessment under the Habitats Regulations) is not required for the SPD.

6.1.8 The SPD may affect a persons rights under the Human Rights Act 1998 in that Article 1 of the First Protocol: Protection of property protects a person right to enjoy their property peacefully. A public authority cannot take away a persons property, or place restrictions on its use, without very good reason. The Council consider that the introduction of the SPD is in the public interest.

6.2. **Finance Implications**

6.2.1 There are no significant direct financial costs arising from the approval to consult on the draft SPD. It will be published on the Council’s website and made available in the council’s offices and libraries for interested parties to view. The costs of printing and the staff time in developing the SPD are covered from existing planning budgets.

6.3 **Policy Implications**

6.3.1 The SPD will expand and amplify existing development plan policy.

6.4 **Equality Implications**

6.4.1 The Public Sector Equality Duty was created by the Equality Act 2010 in order to harmonise the previous race, disability and gender equality duties and to extend protection to the protected characteristics of age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

6.4.2 In summary, the Council must have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

6.4.3 Having due regard for advancing equality involves:

- Removing or minimising disadvantages suffered by people due to their protected characteristics.
- Taking steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

6.4.4 A copy of the Equality Impact Assessment Screening Report (Appendix C) is proposed to be published alongside the draft SPD.

6.5 **Human Resources Implications**

6.5.1 There are no direct implications for human resources.

6.6 **Risk Management Implications**

6.6.1 There are no direct implications for risk management

6.7 **Rural Communities Implications**

6.7.1 It is unlikely that there will be direct implications for rural communities given that the majority of HMOs tend to be located within the borough's towns. In the event that a HMO is proposed in a rural area, the SPD will provide additional guidance when considering planning applications.

6.8 **Implications for Children & Young People/Cared for Children**

6.8.1 Once adopted, the SPD would provide additional planning guidance when dealing with planning applications for HMOs. This guidance may have positive implications for those living within HMOs and other dwellings in the vicinity. This could benefit children and young people/ cared for children.

6.9 **Public Health Implications**

6.9.1 Once adopted, the SPD would provide additional planning guidance when dealing with planning applications for HMOs. This guidance may have positive implications for those living within HMOs and other dwellings in the vicinity. This could benefit the well-being of an area and public health.

6.10 Climate Change Implications

6.10.1 There are no direct implications for climate change.

7. Ward Members Affected

7.1 All wards are affected as the SPD will apply borough-wide.

8. Consultation & Engagement

8.1 It is proposed that the draft SPD be subject to six weeks consultation. Following this, all comments will be considered, and revisions made as appropriate before a final version of the SPD is prepared for approval.

9. Access to Information

9.1 The following documents are appended to this report:

Appendix A: Draft HMO SPD

Appendix B: SEA/HRA Screening Report

Appendix C: Draft Equalities Impact Assessment Screening Report

10. Contact Information

10.1 Any questions relating to this report should be directed to the following officers:

Name: Claire Coombs

Job Title: Principal Planning Officer (Strategic Planning)

Email: claire.coombs@cheshireeast.gov.uk

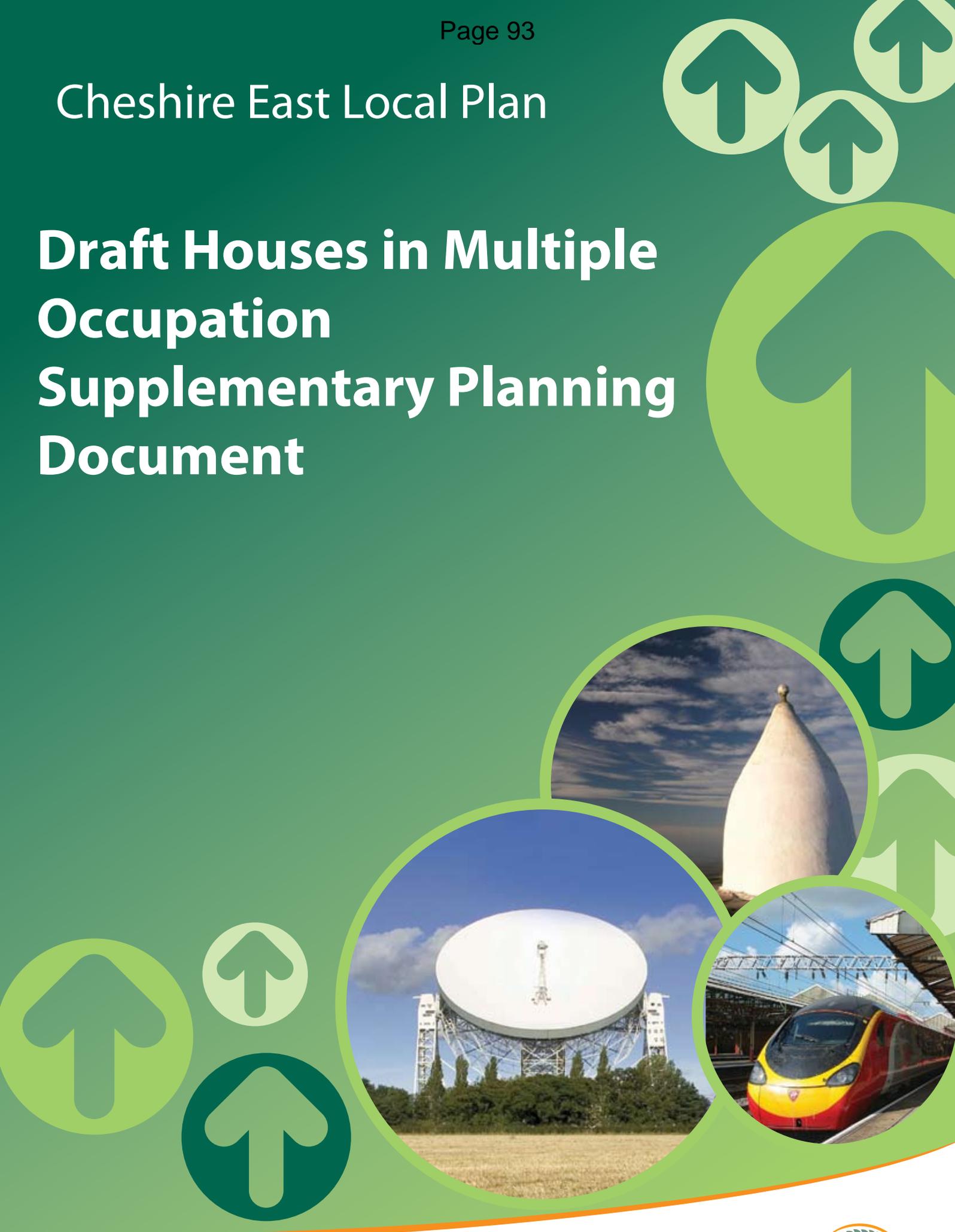
Name: Jeremy Owens

Job Title: Development Planning Manager

Email: jeremy.owens@cheshireeast.gov.uk

Cheshire East Local Plan

Draft Houses in Multiple Occupation Supplementary Planning Document



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1. Introduction

- 1.1 Supplementary Planning Documents (SPDs) add further detail to policies contained within the development plan and are used to provide guidance on specific sites or particular issues. SPDs do not form part of the adopted development plan but they are a material planning consideration in decision taking.
- 1.2 This Draft Houses in Multiple Occupation SPD builds upon existing development plan policies found in the Cheshire East Local Plan Strategy (adopted July 2017) and ‘saved’ policies within previous Local Plans¹. The SPD also identifies additional plans and policies that are currently in preparation. Guidance is provided for all parties involved in the planning application process, explaining how Cheshire East Council (‘the council’) will assess planning applications involving the change of use of buildings to HMOs across the Borough.
- 1.3 It is acknowledged that HMOs and the wider private rented sector play an important role in meeting housing needs. However a saturation of HMOs in a particular location can have negative impacts upon that area, for example the number of homes available for families or those wanting to purchase their first home may reduce due to a high demand for investment properties. In addition, the occupation of dwellings as HMOs by a higher number of adults compared to a typical family home, can place additional demands on services and infrastructure, for example increased waste generation.
- 1.4 The planning system can assist in maintaining and achieving a balance of households within the Borough’s neighbourhoods, ensuring that different housing needs are met whilst protecting the interests of other residents, landlords and businesses.
- 1.5 The Draft SPD:
 - Explains what a HMO is, in planning terms, and identifies the circumstances where planning permission could be needed;
 - Identifies the national and local planning policies of relevance when considering planning applications for HMOs;
 - Sets out more detailed policy guidance that will be used to assess planning applications for HMOs, including information requirements;
 - Provides an overview of other regulatory requirements for HMOs including licencing and relevant standards for HMOs;
 - Explains how the effectiveness of this SPD will be monitored.

¹ Including the Congleton Local Plan, Crewe & Nantwich Local Plan and the Macclesfield Local Plan.

2. SPD Consultation

- 2.1 Your views are invited on the content of the draft SPD. Consultation on the draft SPD is taking place between xxxx and xxxx. Comments must be received by the Council **no later than 5pm on xxxx**.
- 2.2 The consultation documents can be viewed online at www.cheshireeast.gov.uk/localplan and at:
- **Westfields**, Middlewich Road, Sandbach CW11 1HZ;
 - **Crewe Customer Service Centre**, Delamere House, Delamere Street, Crewe CW1 2JZ;
 - **Macclesfield Customer Service Centre**, Town Hall, Macclesfield SK10 1EA;
- 2.3 There is no legal requirement for Supplementary Planning Documents to be accompanied by Sustainability Appraisal, and this is reinforced in national planning guidance. However, “in exceptional circumstances” there may be a requirement for SPDs to be subject to Strategic Environmental Assessment (SEA) where it is considered likely that they may have a significant effect on the environment that has not already been assessed within the SEA of the Local Plan. A screening assessment has been undertaken and concludes that further such assessment is not necessary.
- 2.4 A screening exercise has been carried out to determine whether the document gives rise to the need for Appropriate Assessment (under the Habitats Regulations). This similarly concludes that further such assessment is not necessary. These screening assessments have been published and are available to read alongside this draft SPD and you can give your views on their findings too.

Submitting your views

- 2.5 The council's online consultation portal is our preferred method for submitted responses, but you can also respond by e-mail or by post using this comments form.
- **Online:** Respond via the consultation portal at www.cheshireeast.gov.uk/localplan
 - **By e-mail:** To localplan@cheshireeast.gov.uk
 - **By post:** Strategic Planning (Westfields), C/O Municipal Buildings, Earle Street, Crewe CW1 2BJ
- 2.6 Please make sure that your comments reach us by xxxx. We are not able to accept anonymous comments and you must provide us with your name and

contact details. Your personal data will be processed in line with our Spatial Planning Privacy Notice, which is available on the council's website (www.cheshireeast.gov.uk). Your name and comments will be published and made available to view on the council's online consultation portal.

What happens after the consultation?

- 2.7 Following consultation, the council will carefully consider all representations received before deciding whether any amendments to the draft SPD are needed. The final version of the SPD alongside a Consultation Statement summarising the feedback and changes to the SPD will then be published for further comment before the SPD is adopted.
- 2.8 Once adopted the SPD will be formal planning guidance and will be taken into account as a material consideration when the Council considers any relevant planning applications for HMOs.

3. Planning Policy Framework

- 3.1 Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise². Material planning considerations include national planning policy and adopted supplementary planning guidance, where relevant.

The National Planning Policy Framework

- 3.2 The National Planning Policy Framework (NPPF) NPPF sets out the Government's planning policies for England and how these should be applied.
- 3.3 To achieve sustainable development, the NPPF expects the planning system to support strong, vibrant and healthy communities as a key social objective. This includes provision of a sufficient range of homes and a built environment that supports everyone's health and wellbeing.
- 3.4 In particular, policies within the NPPF expect planning policies to reflect the range of housing types and tenures needed by different groups in the community and help achieve the creation of inclusive and safe places that promote social interaction and address identified wellbeing needs.

Local planning policy

- 3.5 Relevant local planning policies are set out in the development plan for the area. The development plan for Cheshire East currently comprises of the Cheshire East Local Plan Strategy and 'saved' policies within previous local plans which remain in effect until such time as they are replaced by the emerging Site Allocations and Development Policies Document (SADPD). Neighbourhood Development Plans that have been successful at referendum, and have subsequently been 'made' also form part of the statutory development plan.
- 3.6 Development plan policies of relevance to planning applications for HMOs are summarised below. Consideration will also be given to other relevant planning policies within each plan, where appropriate to the planning application proposals.

² Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

Cheshire East Local Plan Strategy

3.7 The Cheshire East Local Plan Strategy (LPS) was adopted on the 21 July 2017 and this is the strategic plan for the borough. Relevant policies include:

- **Policy SD 1: Sustainable Development in Cheshire East.** This policy states that development should wherever possible, support the health, safety, social and cultural well-being of residents, contribute towards the equality and social inclusion through positive cooperation with the local community and provide locally distinct, high quality, well designed environments.
- **Policy SD 2: Sustainable Development Principles.** This policy states that development is expected to contribute positively to an area's character and identity and be socially inclusive and integrate into the local community.
- **Policy SC 3: Health and Well-Being.** This policy promotes good housing design, ensuring that the layout and use of new development is appropriate and compatible with an area.
- **Policy SC 4: Residential Mix.** In order to support mixed, balanced and inclusive communities, provision should be made for a variety of housing tenures, types and sizes.
- **Policy SE 1: Design.** This policy states that development proposals should make a positive contribution to their surroundings, ensuring an appropriate level of privacy for new and existing residential properties, provide appropriate external storage and waste storage.
- **Policy SE 12: Pollution, Contamination and Land Instability.** The policy states that development should not have a harmful or cumulative impact upon noise or any other pollution which would adversely affect amenity.
- **Policy C0 1: Sustainable Travel and Transport.** This policy encourages the provision of secure cycle parking facilities in new developments.
- **Appendix C: Parking Standards.** Appendix C sets out the minimum parking standards that the council will apply to new developments, including small houses in multiple occupation (Use Class C4). For larger HMOs (Use Class Sui Generis) individual assessments will be made based on use.

‘Saved’ policies from previous Local Plans

3.9 The following Local Plans contain ‘saved policies’ that remain part of the development plan. These policies will continue to be used in determining planning applications until such time that they are replaced:

Borough of Crewe and Nantwich Replacement Local Plan

3.10 The Borough of Crewe and Nantwich Replacement Local Plan was adopted on the 17 February 2005. Relevant ‘saved policies’ include:

- **BE.1 Amenity.** This policy states that proposals will be permitted provided that they are compatible with neighbouring uses, do not prejudice the amenity of future occupiers or existing residents and would not result in an increase in pollution.
- **RES.9 Houses in Multiple Occupation.** This policy sets out various criteria against which proposals for HMOs will be assessed. This includes ensuring that the building is large enough to provide satisfactory living accommodation for future residents without the need for extensions, that the development does not result in adverse changes to the appearance of the building or would detract from the amenity of existing residents and that adequate provision is made for car parking on site or adequate parking exists on street without worsening existing highway conditions.

Congleton Borough Local Plan First Review

3.11 The Congleton Borough Local Plan First Review was adopted on the 27 January 2005. Relevant ‘saved’ policies include:

- **GR6: Amenity and Health.** This policy states that development proposals adjoining or near to residential properties or sensitive uses will only be permitted where they do not have a detrimental impact upon amenity, for example through loss of privacy, environmental disturbance or pollution, traffic generation and parking.
- **GR7: Amenity and Health.** This policy states that development will not be permitted which leads to a loss of amenity or increased pollution.

Macclesfield Borough Local Plan

3.12 The Macclesfield Borough Local Plan was adopted on the 8th January 2004. Relevant ‘saved’ policies include:

- **DC3 Amenity.** The policy states that development should not significantly injure the amenity of adjoining or nearby residential properties or sensitive uses due to loss of privacy, noise, pollution, traffic generation, access and car parking.

- **DC38 Space, light and privacy.** This policy sets out the minimum spacing standards between buildings.
- **DC42 Subdivision of Property for Residential Purposes.** This policy states that applications for the subdivision of property for residential purposes will be permitted provided that the development provides a satisfactory level of amenity for proposed occupants and existing residents, the development does not materially affect the character of the area, particularly through an over-concentration of such uses and that on-site car parking should be provided.

Made Neighbourhood Development Plans

3.13 As at the 31 March 2020, 30 Neighbourhood Development Plans (NDP's) had been 'made' and now form part of the adopted development plan. Further details of these plans can be found on the council's website:

<https://www.cheshireeast.gov.uk/planning/neighbourhood-plans/neighbourhood-planning.aspx>

Supplementary Planning Documents

3.14 The council has adopted a number of Supplementary Planning Documents and full details of these can be found on the council's website at: https://www.cheshireeast.gov.uk/planning/spatial_planning/cheshire_east_local_plan/supplementary_plan_documents/supplementary_plan_documents.aspx

3.15 Relevant SPDs include:

Cheshire East Borough Design Guide

3.16 The Cheshire East Borough Design Guide was adopted on the 2 May 2017. It contains guidance on matters such as bin and cycle storage requirements.

Borough of Crewe & Nantwich: Development on Backland and Gardens SPD

3.17 The Development on Backland and Gardens SPD was adopted on the 15th July 2008. It contains guidance on various matters including minimum garden sizes for residential development.

Congleton Borough Local Development Framework Interim Policy Note: Public Open Space Provision for New Residential Development

3.18 The Interim Policy Note was adopted on the 24th September 2008. It contains guidance on various matters including minimum garden sizes for residential development.

Emerging plans

3.20 The council is currently preparing a number of Local Plan Documents which once adopted, will form part of the adopted development plan. These include the Site Allocations and Development Policies Document, the Minerals and Waste Development Plan Document and the Crewe Hub Area Action Plan.

Cheshire East Site Allocations and Development Policies Document

3.21 The Cheshire East Site Allocations and Development Policies Document (SADPD) will form the second part of the Local Plan. It will set non-strategic and detailed planning policies to guide planning decisions and allocate additional sites for development to assist in meeting the overall development requirements set out in the LPS.

3.22 The Publication Draft SADPD was published for six weeks consultation between the 19 August and 30 September 2019. The responses received are currently being carefully considered by the council.

3.23 Although the preparation of the SADPD has some way to go, the draft SPD has been prepared in a way that is consistent with, and supplementary to, emerging planning policies. Whilst this is not a legal or national planning policy requirement, this approach provides opportunity for this SPD to complement and support the implementation of future development plan policies too.

3.24 Relevant draft policies in the Publication Draft SADPD currently include:

- **GEN 1: Design Principles.** This policy identifies a number of criteria that all developments are expected to meet. These include development contributing positively to the borough's quality of place, creating safe places, be accessible and inclusive, integrating car and cycle parking and making appropriate arrangements for recycling and waste management including bin storage and collection.
- **HOU 4: Houses in multiple occupation.** This policy states that the change of use of a dwelling to a HMO will be permitted subject to criteria, including impact on: the character and appearance of the property or the local area; on-street car parking levels; the capacity of local services/facilities and the amenity or the environment of surrounding occupiers.

The policy states that proposals for HMOs must not result in the 'sandwiching' of an existing single household (C3) between two HMOs plus the property must be of a size whereby the proposed layout, room sizes, daylight provision, range of facilities and external amenity space of the HMO would ensure an adequate standard of residential amenity for future occupiers.

Adequate provision must be made within the curtilage of the dwelling for covered cycle parking and for waste and recycling storage.

When assessing the impact of a proposal, account will be taken of the concentration of existing HMOs in the vicinity of the application property.

- **HOU 10: Amenity.** This policy states that development proposals must not unacceptably harm the amenities of adjoining or nearby occupiers of residential properties for example through: loss of privacy; environmental disturbance or pollution; traffic generation, access and parking.
- **HOU 11: Residential Standards.** This policy includes a number of criteria including the need to meet minimum spacing standards between buildings and the provision of an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development.
- **Policy RET 8: Residential accommodation in the town centre.** This policy supports the provision of residential accommodation in town centres provided that they are integrated effectively with existing businesses and community facilities and ensure appropriate and safe access arrangements; secure, well designed and accessible cycle parking; and appropriate and well located waste and recycling facilities.

Cheshire East Minerals and Waste Development Plan Document

3.25 The Minerals and Waste Development Plan Document is currently in preparation. It will set out the council's planning policies on minerals and waste.

Crewe Hub Area Action Plan

3.26 The Crewe Hub Area Action Plan (CHAAP) will establish a planning framework to facilitate and manage development around a future HS2 Hub station in Crewe. The Publication Draft CHAAP was published for six weeks public consultation between x and x.

4. Houses in Multiple Occupation (HMOs)

Definition

- 4.1 In planning terms, a HMO is a dwelling (house or flat) that is occupied by a certain number of unrelated individuals who share one or more basic amenities such as a kitchen or bathroom. They are commonly known as shared houses.
- 4.2 The Town and Country Planning (Use Classes) Order 1987 (as amended) classifies HMOs as:
- Use Class C4 – accommodating between 3 and 6 unrelated individuals, or;
 - ‘Sui Generis’ - accommodating 7 or more unrelated individuals.

The requirement for planning permission

- 4.3 Planning permission can be required to change the use of a building to a HMO. The scenarios below identify when planning permission is most often needed:

Change of use of a dwelling to a large HMO

- 4.4 The change of use of a dwelling (Use Class C3) to a large HMO accommodating 7 or more unrelated individuals (Use Class: Sui Generis) always requires planning permission.
- 4.5 The same applies in reverse - the change of use of a large HMO (Sui Generis) back to a dwelling (Use Class C3) will require planning permission.
- 4.6 Planning permission is also required for the change of use of an existing small HMO (Use Class C4) to a larger HMO (Sui Generis).

Change of use of a dwelling to a small HMO (use Class C4)

- 4.7 Under normal circumstances, the change of use of a dwelling (Use Class C3) to a small HMO accommodating between three and six unrelated individuals (Use Class C4) is 'permitted development'. This means that planning permission from the council is not usually required in order to carry out this change of use.
- 4.8 The same applies in reverse – the change of use of an existing small HMO (Use Class C4) back to a dwelling (Use Class C3) would also be 'permitted development'.
- 4.9 However, there are some exceptions to this normal rule. There may be areas of the Borough where 'permitted development rights' have been withdrawn

through the use of an 'Article 4 Direction'. Further information about this can be found below.

Change of use to HMOs from other uses

- 4.10 A change of use to a HMO (large or small) from other uses such as a shop or office will normally require planning permission.

Article 4 Directions

- 4.11 The council can use powers set out in the Town and Country (General Permitted Development) (England) Order 2015, as amended to withdraw 'permitted development rights' from defined geographical areas through the introduction of an 'Article 4 Direction'.

- 4.12 Once an Article 4 Direction is brought into force, planning permission from the council is then required for the specific permitted development right that has been withdrawn.

- 4.13 On the 3rd December 2019, the council authorised the making of three non-immediate Article 4 Directions for the Nantwich Road, Hungerford Road and West Street areas of Crewe and maps of these areas can be found at Appendix 1. These three areas contain amongst the highest number of HMOs within the borough and the Article 4 Directions were considered necessary in order to protect local amenity and the wellbeing of these areas. A copy of the Cabinet Report and Maps of the areas can be found on the Council's website:

<http://moderngov.cheshireeast.gov.uk/ecminutes/ieListDocuments.aspx?CId=241&MId=7462>

- 4.14 Before the Article 4 Direction can be brought into force, public consultation is required. Once that consultation has taken place, any responses received will then be considered before any decision is taken whether to confirm them.

- 4.15 In the event that the Directions are made and brought into force, it will mean that within these areas, planning permission will be required for the change of use of any dwelling house to a small HMO accommodating between 3 and 6 unrelated individuals (Class C4). The planning application process will allow the full impacts of such proposals to be assessed by the Local Planning Authority.

- 4.16 The council will continue to monitor the location of all HMOs within the borough and may introduce further Article 4 Directions, or changes to any existing ones, if there is evidence to do so. Information about any Article 4 Directions affecting HMOs will be published on the council's website.

5. Assessing planning applications for HMOs

- 5.1 The following issues will be taken into account by the council when assessing planning applications for HMOs:

Avoiding/ exacerbating concentrations of HMOs

- 5.2 In order to maintain and support mixed and balanced communities, **a maximum of a 10% concentration of HMOs within a 50 metre radius will be applied.**
- 5.3 Planning permission will not be granted for new HMOs or proposals to extend existing HMOs to accommodate additional residents, where the number of dwellings already in use as HMOs within a 50 metre radius of the application site exceeds 10% of the dwellings in that area (this includes any part of a dwelling or its curtilage that falls within that radius).
- 5.4 Figure 5.1 shows how the 50 metre radius will be applied from the boundary of application site (shaded green) and which properties will be included within the assessment (shaded blue).



Figure 5.1: Applying a 50 metre radius

- 5.5 The assessment of the number of existing HMOs within a 50 metre radius includes both small and large HMOs and not just those HMOs that require planning permission. The council will gather this information from planning permission data, licencing information and other data sources when assessing planning applications for new HMOs.

- 5.6 It is recognised that within certain parts of the borough, most notably areas of Crewe that will be covered by Article 4 Directions, concentrations of HMOs may already exceed or are close to, the proposed threshold of 10%. It is considered that these areas require particular protection so as not to erode the important contribution that the remaining family homes make to the balance of the community.
- 5.7 In addition to the 10% threshold above, any **proposals that would result in an existing property (Use Class C3) being sandwiched by HMOs on either side will not be permitted.**
- 5.8 Figure 5.2 below shows an example of where a proposed HMO (shaded pink) would result in existing dwellings (C3) (unshaded) being sandwiched between the proposed HMO and an existing HMO (shaded blue). Such sandwiching will not be permitted.



Figure 5.2 Sandwiching

Exceptions

- 5.9 There may be instances whereby almost all properties within a terrace are already HMOs with only a very small proportion (one or two) of Class C3 dwellings remaining in that group. An example of this is shown in Figure 5.3 below.



Figure 5.3: Exceptions

- 5.10 The council may, by exception, allow the remaining one or two C3 dwellings in a particular terraced group to be converted to HMOs if this would have little impact on the balance and mix of households in that terrace which is already over dominated by the proportion of existing HMOs if it would not cause further harm the character of the area.
- 5.11 It is recognised that owner occupiers or long term residents in this situation (as described above), could struggle to sell their property for a continued Class C3 use when surrounded by existing HMOs. Each application site will be assessed on its own individual merits when considering whether this exception should be allowed.
- 5.12 Where an application proposes such an exception, the applicant should submit a supporting statement with the planning application to demonstrate that there is no reasonable demand for the existing residential property as a continued Class C3 use. No reasonable demand would be demonstrated where the property has been advertised for a period of at least 12 months on the property market offered at a reasonable price (based on an assessment of the property market in the local area) or rental level to be verified in writing by a qualified person in a relevant profession such as an estate agent, and where there has been no reasonable commitment to purchase/rent the property.

Achieving good standards of accommodation

- 5.13 The size of the dwelling and internal layout must be sufficient to accommodate the proposed number of residents in order to protect the residential amenity of future occupiers of the HMO and any adjacent residents. The internal layout of HMOs should meet the amenity and facilities standards set out in the councils latest 'Amenities and Facilities Standards in Houses in Multiple Occupation (HMOs): Guidance for Landlords and Agents':

<https://www.cheshireeast.gov.uk/pdf/housing/hmo-amenities-guide-2018-july-2018.pdf>

- 5.14 The external area serving the dwelling should also be of sufficient size to accommodate waste storage requirements, make adequate provision for cycle parking, provide space for outdoor clothes drying and amenity space for residents.

Internal layout and room sizes

- 5.15 Planning applications should provide existing and proposed floor plans to a suitable scale for example: 1:100. Proposed floor plans should clearly identify proposed room uses, including bedrooms or communal spaces. For bedrooms, the plans must also indicate the maximum number of occupants.
- 5.16 In accordance with the council's latest published guidance, the following minimum room sizes will be applied:
- no room with a floor area of less than 4.64 square metres (sq.m.) can be occupied as sleeping accommodation
 - rooms with a floor area between 4.64 sq.m. and 6.51 sq.m. can only be occupied as sleeping accommodation by a person less than 10 years of age;
 - rooms with a floor area between 6.51 sq.m. and 10.21 sq.m. can be occupied as sleeping accommodation by a single adult or person aged over 10 years;
 - rooms of at least 10.22 sq.m. can be occupied as sleeping accommodation by two adults or persons over 10 years of age.

Waste storage and disposal

- 5.17 When a dwelling is converted into a HMO, there is potential for increased domestic waste. For example, if a property was previously occupied by a small family, the waste generated is unlikely to be as high as if the property is occupied by a number of unrelated adults.

- 5.18 The design and layout of HMOs should therefore be carefully considered to ensure that there are adequate facilities for waste storage both internally and externally and for collection.
- 5.19 The majority of properties in Cheshire East have at least three bins: a recycling bin; a garden/food waste bin and a non-recyclable bin. Plans for the provision of storage areas should therefore take account of these storage requirements. Further information about the types of bins available (and sizes) can be found on the council’s website:

https://www.cheshireeast.gov.uk/waste_and_recycling/bins-waste-and-recycling.aspx

- 5.20 In order to ensure that adequate provision is made for waste, the following information must be provided:

- Proposed floor plans to show the location of an **internal waste storage area** to be used prior to removal to an external storage area. The internal storage area must be sited so not to be a danger to children, or cause problems with hygiene and attract pests. Refuse bins must not be stored on escape routes.
- Proposed site plan and elevations to show the location, size and design of an **external waste storage area** to be used for the storage of waste and recycling bins. The plans should show the route (and distance) from the external storage area to the collection point.

The waste storage area must be in a suitable location within the curtilage of the property, sited to be accessible to all residents with a clear route available from it to the public highway in order to facilitate collection. The storage area must be sensitively sited so to be adequately ventilated, capable of being cleansed and avoid any loss of amenity to neighbouring residents or harm to the wider streetscene.

Car parking

- 5.21 HMOs can place additional pressure on car parking within the local area due to the number of unrelated adults residing in the property. In considering proposals for HMOs the council will apply the following adopted car parking standards set out in Appendix C of the Cheshire East Local Plan Strategy:

C3 / C4	Dwelling Houses and Houses in Multiple Occupation ⁽¹⁰⁸⁾	Principal Towns and Key Service Centres: for 1 bedroom - 1 space per dwelling; for 2 bedrooms - 2 spaces per dwelling; for 3+ bedrooms - 2 spaces per dwelling Remainder of borough: for 1 bedroom - 1 space per dwelling; for 2/3 bedrooms - 2 spaces per dwelling; for 4/5+ bedrooms - 3 spaces per dwelling
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Source: Cheshire East Local Plan Strategy Appendix C

- 5.22 There should be sufficient space for any additional cars to park within the residential curtilage of the property. The existing and proposed site plan must identify car parking arrangements (where appropriate). Any proposed car

parking must not result in the loss of front gardens and boundary walls, where this would detract from the existing street scene.

Cycle parking facilities

- 5.23 Adequate provision must be made for secure, covered cycle storage within the curtilage of the property on the basis of 1 cycle parking space per bedspace. The storage area must be accessible to all residents with a clear route available from it to the public highway.
- 5.24 In order to ensure that adequate provision is made for cycle storage, the submitted site plan must show the location, size of the cycle storage area and elevations must be provided of the store design. The store must be sensitively designed and sited so to any loss of amenity to neighbouring residents or the wider streetscene.

Outdoor amenity space

- 5.25 Separate to external waste storage and cycle parking requirements, the submitted site plan must also identify the location of an external area for clothes drying and amenity space for residents. The suitability of the external area to accommodate all requirements will be assessed on a case-by-case basis.

Residential amenity

- 5.26 Any proposed change of use (or extension of) a HMO should not have an unacceptable impact on the levels of amenity that existing neighbouring residents can reasonably expect to enjoy.
- 5.27 This is particularly relevant when considering the use of semi-detached or terraced properties, properties in narrow streets or densely developed areas where potential impact is likely to be more concentrated and directly affecting neighbouring residents.

Impact upon the character and appearance of the area

- 5.28 Some proposals may affect the outside appearance of a property and this must be clearly shown on submitted existing and proposed plans. Where external alterations require planning permission, they will be assessed against the Council's adopted policies, including LPS Policy SE 1 Design and those contained within 'saved' local plans. All proposals must be sensitively designed to take account of their surroundings. This includes any means of escape required for fire safety reasons.

Display of advertisements

- 5.29 In areas with high levels of HMOs and rented properties, there is the potential for a proliferation of signage which can detract from the street scene and adversely affect residential amenity.

- 5.30 The display of advertisements in England is primarily governed by the Town and Country Planning (Control of Advertisements) (England) Regulations 2007. Certain types of outdoor advertisements, including property 'for sale' and 'to let' boards benefit from 'deemed consent' under this legislation and do not require advertisement consent to be obtained from the Local Planning Authority, provided that the advert is displayed in accordance with the criteria set out in the regulations. Any board advertising a property to let must be removed within 14 days of granting a tenancy.
- 5.31 Should there be evidence of a proliferation of boards and issues with their timely removal, consideration may be given to taking further steps to secure compliance with legislation. This could include a voluntary code of practice or the withdrawal of deemed consent in areas with high levels of HMOs.

6. Licensing and management

- 6.1 In addition and separate to the planning requirements set out in this SPD, the council also operates a mandatory licensing scheme for HMOs. All HMOs occupied by five or more people are required to have a licence. You can find out whether a property has an existing HMO licence at:

https://www.cheshireeast.gov.uk/housing/private_sector_housing/houses_in_multiple_occupation/licensed-hmo-register.aspx

- 6.2 Operating a licensable HMO without a licence is a criminal offence and there can be serious financial consequences arising. The council's Housing Standards & Adaptations Team deals with the licensing of HMOs and can be contacted by email to: HMO@cheshireeast.gov.uk or telephone 0300 123 5017 (selecting option 4).

- 6.3 Further information about the management of HMOs, housing standards, fire safety and the latest guidance for landlords and letting agents can be found on the council's website:

www.cheshireeast.gov.uk/hmo

7. Monitoring and review

- 7.1 The effectiveness of this Supplementary Planning Document will be monitored as part of the Authority Monitoring Report process using information from planning applications and decisions.

8. Glossary

Amenity	A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them.
Article 4 Direction	A direction made under Article 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended. Article 4 Directions are used to withdraw permitted development rights granted by development order. They can take immediate effect or be non immediate.
Authority Monitoring Report	An annual report prepared by Cheshire East Council to assess progress and effectiveness of a Local Plan.
Development	Defined by the Town and Country Planning Act 1990 as “the carrying out of building, engineering, mining or other operation in, on, over or under land, or the making of any material change of use of any building or other land.” Most forms of development require planning permission, unless expressly granted planning permission via a development order.
Development Order	Development Orders include the Town and Country Planning (General Permitted Development) Order 2015 as amended and the Town and Country Planning (Use Classes) Order 1987 as amended. Development Orders grant planning permission for certain types of development or changes of use. Such development is then referred to as ‘permitted development’.
Development Plan	This includes adopted Local Plans and Neighbourhood Plans and is defined in Section 38 of the Planning and Compulsory Planning Act 2004
Habitats Regulations	The process that competent authorities

Assessment	must undertake to consider whether a proposed development plan or programme is likely to have significant effects on a European site designated for its nature conservation interest.
Houses in Multiple Occupation (HMOs)	<p>A dwelling that is occupied by 3 or more unrelated individuals who share one or more basic amenities – for example a kitchen or bathroom.</p> <p>HMOs may be described as ‘small’ – occupying between 3 and 6 unrelated individuals or ‘large’ – occupying 7 or more unrelated individuals.</p>
Licence	Separate to planning permission requirements, HMOs may also require a licence from the council. At present the council operates the mandatory licencing scheme whereby all HMOs that accommodate 5 or more individuals require a HMO licence.
Local Plan	<p>The plan for the development of the local area, drawn up by the local planning authority in consultation with the community.</p> <p>In law this is described as the Development Plan Documents adopted under the Planning and Compulsory Purchase Act 2004.</p> <p>Current core strategies or other planning policies, which under the regulations would be considered to be Development Plan Documents, form part of the Local Plan. This term includes old policies which have been saved under the 2004 Act.</p>
Local Plan Strategy	Development Plan Document setting out the spatial vision and strategic objectives of the planning framework for an area, having regard to the Community Strategy.
Local Planning Authority	The local authority or council that is empowered by law to exercise planning

	<p>functions. In the case of this SPD, the Local Planning Authority is Cheshire East Council.</p>
Neighbourhood Plan	<p>A plan prepared by a parish council or neighbourhood forum for a particular neighbourhood area (made under the Planning & Compulsory Purchase Act 2004).</p>
Permitted Development	<p>Development that has been planning permission nationally by the government by means of a development order.</p> <p>Permitted development rights may be withdrawn by local planning authorities through the use of 'Article 4 Directions'.</p>
Residential Amenity	<p>The quality of the living environment for occupants of a dwelling house, including its associated external spaces.</p>
Site Allocations and Development Policies Document	<p>Part of the Local Plan which will contain land allocations and detailed policies and proposals to deliver and guide the future use of that land.</p>
Sui Generis	<p>Not all uses of land or buildings fit within the Use Classes Order. When no use classes order category fits, the use of the land or buildings is described as sui generis, which means 'of its own kind'. All HMOs that accommodate 7 or more unrelated individuals fall into the 'sui generis' category.</p>
Supplementary Planning Documents	<p>A Local Development Document that may cover a range of issues, thematic or site specific, and provides further detail of policies and proposals in a 'parent' Development Plan Documents.</p>
Sustainability Appraisal	<p>An appraisal of the economic, environmental and social effects of a plan from the outset of the preparation process to allow decisions to be made that accord with sustainable development.</p>
Strategic Environmental Appraisal	<p>SEA is a process and a tool for evaluating the effects of proposed</p>

policies, plans and programmes on natural resources, social, cultural and economic conditions and the institutional environment in which decisions are made.



Cheshire East Council

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Draft Houses in Multiple Occupation Supplementary Planning Document

Strategic Environmental Assessment and Habitats Regulations Assessment Screening Report

Introduction and Purpose

1. Cheshire East Council (“the council”) has produced a draft Houses in Multiple Occupation Supplementary Planning Document (“HMO SPD”). The purpose of the HMO SPD is to provide guidance on the assessment of planning applications for HMOs adding further detail to the policies within the Development Plan.
2. The Development Plan for Cheshire East currently consists of the Cheshire East Local Plan Strategy (LPS) and the ‘saved’ policies contained within existing Local Plans¹. In addition made Neighbourhood Plans also form part of the Development Plan.
3. The council is currently preparing its Site Allocations and Development Policies Document (SADPD) and this will form the second part of the Local Plan. The Publication Draft SADPD was published for six weeks consultation between the 19 August and the 30 September 2019. The Publication Draft SADPD includes Policy HOU 4: Houses in Multiple Occupation. The HMO SPD is being prepared in conformity with both the LPS and the emerging SADPD.
4. This document comprises the Screening Report to determine whether or not the HMO SPD requires a Strategic Environmental Assessment (SEA) and/ or a Habitats Regulations Assessment (HRA).
5. This statement, alongside the draft SPD will be the subject of consultation in accordance with the relevant regulations and the Council’s Statement of Community Involvement. This will include the relevant statutory bodies (Natural England, Environment Agency and Historic England).

Strategic Environmental Assessment Screening

Legislative Background

6. The basis for Strategic Environmental Assessments and Sustainability Appraisal (SA) legislation is European Directive 2001/42/EC which was transposed into English law by the Environmental Assessment of Plans and Programmes Regulations 2004, or SEA Regulations.
7. The Planning and Compulsory Purchase Act 2004 required Local Authorities to produce Sustainability Appraisals (SA) for all local development documents to meet the requirement of the EU Directive on SEA. It is considered best practice to incorporate requirements of the SEA Directive into an SA.

¹ Including the Congleton Local Plan, Crewe & Nantwich Local Plan and the Macclesfield Local Plan.

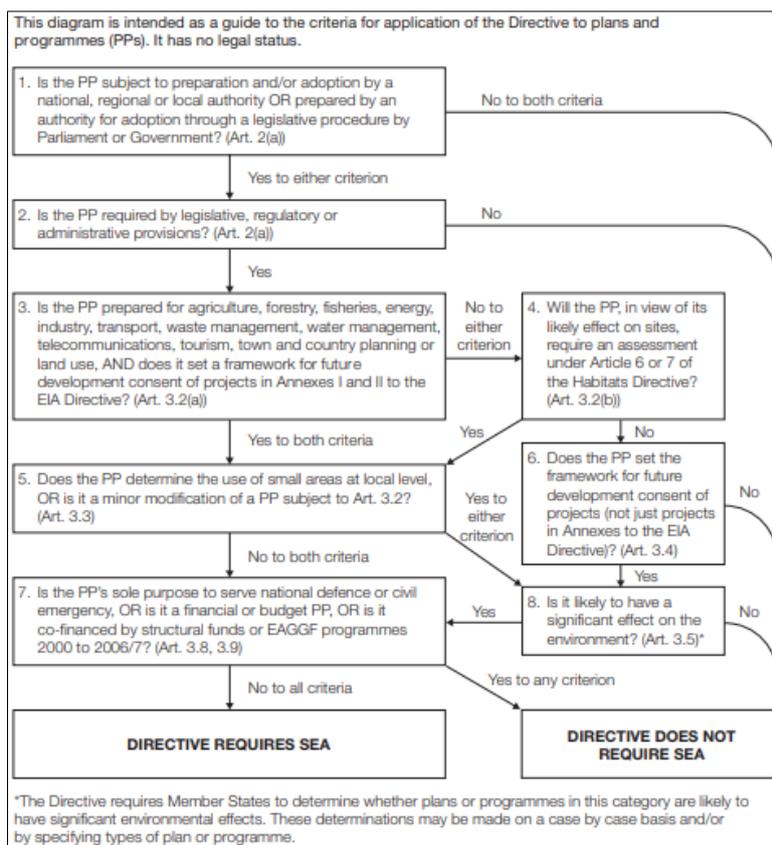
8. Planning Practice Guidance (PPG) outlines the difference between sustainability appraisal, strategic environmental assessment and other forms of assessment. A sustainability appraisal ensures that potential environmental effects are given full consideration alongside social and economic issues. Whereas strategic environmental assessment considers only the environmental effects of a plan. The PPG is clear that SA is not required for SPDs however they may, in exceptional circumstances, require SEA if they are likely to have significant environmental effects that have not already been assessed during the preparation of relevant strategic policies.
9. Both the LPS and emerging SADPD have been subject to SA/ SEA.

SEA Screening Process

10. The council is required to undertake a SEA screening to assess whether the draft HMO SPD is likely to have significant environmental effects. If the HMO SPD is considered unlikely to have significant environmental effects through the screening process, then the conclusion will be that SEA is not necessary.
11. 'A Practical Guide to the Strategic Environmental Assessment Directive (2005)²' provides guidance on how to comply with the SEA Directive. Figure 1 below outlines the process for establishing the need for SEA.

² <https://www.gov.uk/government/publications/strategic-environmental-assessment-directive-guidance>

Figure 1: Application of the SEA Directive to plans and programmes



Source: A Practical Guide to the Strategic Environmental Assessment Directive (2005)

12. The guidance in Figure 1 is intended to apply to all plans and programmes in the UK which fall within the scope of the Directive. This guide has been used as the basis to identify if there is a need for the SPDs to engage in the SEA process. See Table 1 below.

Table 1: Establishing the need for a SEA

Stage	Decision	Rationale
1.	Is the SPD subject to preparation and/or adoption by a national, regional or local authority OR prepared through a legislative procedure by Parliament or Government? (Art. 2 (a)).	Yes Following a stakeholder and public consultation, the Council intends to adopt the SPD for use when preparing and assessing planning applications for HMOs.
2.	Is the SPD required by legislation, regulatory or administrative provisions? (Article. 2 (a)).	No The Council's Local Development Scheme (2018 – 2020) does not specifically identify the need to produce an HMO SPD.
3.	Is the SPD prepared for agricultural, forestry, fisheries, energy, industry, transport, waste management, telecommunications, tourism, town and country planning or land use, AND does it set a framework for future development consent of projects in Annexes I and II to the EIA Directive? (Article 3.2 (a)).	No The SPD is being prepared for town and country planning use. It does not set a framework for future development consent of projects in Annexes I and II to the EIA Directive (Article 3.2 (a)).

4.	Will the SPD, in view of its likely effect on sites, require an assessment under Article 6 or 7 of the Habitats Directive? Art 3.2 (b)).	No	A Habitats Regulations Assessment has been undertaken for the LPS and emerging SADPD. The SPD does not introduce new policy or allocate sites for development, therefore it is not considered necessary to undertake a HRA assessment for the SPD.
6.	Does the SPD set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Art. 3.4)	No	The LPS and emerging SADPD provide the framework for the future consent of projects. The SPD elaborates upon approved and emerging policies and does not introduce new policy or allocate sites for development.

13. The final question in the guide asks: is it likely to have a significant effect on the environment? (Art. 3.5)*. The SPD is not considered not to have a significant effect on the environment and therefore SEA is not required. However, for completeness, Table 2 assesses whether the draft SPD will have any significant environmental effects using the criteria set out in Annex II of SEA Directive 2001/42/EC³ and Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004⁴.

³ <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32001L0042&from=EN>

⁴ http://www.legislation.gov.uk/uksi/2004/1633/pdfs/uksi_20041633_en.pdf

Table 2: Criteria for determining the likely significance of effects

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
1.Characteristics of the draft SPD having particular regard to:		
(a) The degree to which the SPD sets out a framework for projects and other activities, either with regard to the location, nature, size or operating conditions or by allocating resources.	<p>The draft SPD provides additional guidance related to policies contained within the LPS and emerging SADPD both of which have been subject to SA / SEA.</p> <p>The draft SPD provides further clarity and certainty to form the basis for the submission and determination of planning applications for HMOs consistent with policies in the LPS and emerging SADPD.</p> <p>Final decisions will be determined through the development management process.</p> <p>No resources are allocated.</p>	No
(b)The degree to which the SPD influences other plans and programmes including those in a hierarchy.	The draft SPD provides additional guidance to assist the delivery of policies in the development plan. The draft SPD is in general conformity with these policies. Both the LPS and emerging SADPD have been subject to a full Sustainability Appraisal (incorporating SEA).	No
(c)The relevance of the SPD for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD will promote sustainable development by providing guidance on the implementation and compliance with policies contained in the LPS and emerging SADPD. The LPS and SADPD has been the subject of a full Sustainability Appraisal (incorporating SEA).	No
(d)Environmental problems relevant to the SPD.	The SPD will not introduce or exacerbate any environmental problems. Rather it will help to address environmental problems by ensuring that HMOs are designed to a high standard and are appropriately located to promote sustainable development.	No
(e)The relevance of the SPD for the implementation of Community legislation on the environment (for example plans and programmes related to waste management or water protection).	The SPD provides further detail to assist in the assessment of planning applications for HMOs. The SPD will not impact on the implementation of community legislation on the environment.	No
2.Characteristics of the effects and area likely to be affected having particular regard to:		
(a)The probability, duration, frequency and reversibility of the effects.	No adverse effects on environmental interests resulting from the implementation of the SPD have been identified. The guidance will be used to aid the determination of planning applications and will thereby help ensure that the duration and frequency of adverse environmental effects are minimised or mitigated. The SPD will support the delivery of development that is in	No

SEA Directive Criteria Schedule 1 of Environmental Assessment of Plans and Programmes Regulations 2004	Summary of significant effects, scope and influence of the document	Is the Plan likely to have a significant environmental effect (Yes / No)
	conformity with policies within the LPS and emerging SADPD, thereby reinforcing the sustainability outcomes of those plans.	
(b)The cumulative nature of the effects of the SPD.	The effect of the SPD will be largely beneficial therefore any cumulative impacts will also be beneficial.	No
(c)The trans boundary nature of the effects of the SPD.	The SPD is not considered to have cross boundary impacts.	No
(d)The risks to human health or the environment (e.g. due to accident).	There are likely to be improvements to human health and the environment as the SPD will be used to ensure that HMOs are designed to a high standard and are appropriately located to promote sustainable development.	No
(e)The magnitude and spatial extent of the effects (geographic area and size of the population likely to be affected) by the SPD.	The SPD covers the Cheshire East administrative area which has a population of approximately 380,800. The SPD will affect those making planning applications for, and indirectly those living within HMOs.	No
(f)The value and vulnerability of the area likely to be affected by the SPD due to: <ul style="list-style-type: none"> • Special natural characteristics of cultural heritage • Exceeded environmental quality standards or limit values • Intensive land use 	There are a range of special natural characteristics in the Borough including Ramsar sites, a Special Protection Area, Special Areas of Conservation, Sites of Special Scientific Interest, a National Park and locally important sites as well as heritage assets including Scheduled Monuments, areas of archaeological significance, listed buildings, Registered Parks and Gardens, Conservation Areas and other locally important assets. These are protected, conserved and enhanced by policies in the LPS and emerging SADPD which also set out prescribed standards to be met for environmental and design quality and intensity of land use. The SPD is unlikely to have a significant impact on these areas.	No
(g)The effects of the SPD on areas or landscapes which have recognised national Community or international protected status.	Impacts on such areas will be considered through the application of other LPS and emerging SADPD policies which have been subject to SEA	No

Conclusion

14. The screening assessment demonstrates that the draft HMO SPD is unlikely to have significant effects on the environment. Therefore, it is concluded that a Strategic Environmental Assessment is not required. This screening statement will be updated after public consultation has taken place.

Habitats Regulations Assessment Statement

15. The Council has considered whether its planning documents would have a significant adverse effect upon the integrity of internationally designated sites of nature conservation importance. European Directive 92/43/EEC on the Conservation of Natural Habitats and Wild Flora and Fauna (Habitats Directive) provides legal protection to habitats and species of European importance. The principal aim of this directive is to maintain at, and where necessary restore to, favourable conservation status of flora, fauna and habitats found at these designated sites.
16. The Directive is transposed into English legislation through the Conservation of Habitats and Species Regulations 2017 (a consolidation of the amended Conservation of Habitats and Species Regulations, 2010) published in November 2017.
17. European sites provide important habitats for rare, endangered or vulnerable natural habitats and species of exceptional importance within the European Union. These sites consist of Special Areas of Conservation (SACs, designated under the EU Directive 92/43/EEC on the conservation of natural habitats and of fauna and flora (Habitats Directive)), and Special Protection Areas (SPAs, designated under EU Directive 2009/147/EC on the conservation of wild birds (the Birds Directive)). Government policy requires that Ramsar sites (designated under the International Wetlands Convention, UNESCO, 1971) are treated as if they are fully designated European sites for the purposes of considering development proposals that may affect them.
18. Spatial planning documents may be required to undergo Habitats Regulations Screening if they are not directly connected with or necessary to the management of a European site. As the draft SPD is not connected with, or necessary to, the management of European sites, the HRA implications of the draft SPD have been considered.
19. Both the LPS and emerging SADPD have been subject to HRA.
20. The SPD does not introduce new policy, it provides further detail to those policies contained within the LPS and emerging SADPD, both of which have been subject to HRA. It is highlighted that Publication Draft SADPD Policy HOU 4: Houses in Multiple Occupation was screened out of the requirement for Appropriate Assessment in the HRA because it is a general policy with no spatial reference. The HRA concluded that it could not have any conceivable effect on a European site. The same applies to the HMO SPD.
21. The HMO SPD either alone or in combination with other plans and programmes, is not likely to have a significant effect on any European site. Therefore a full Appropriate Assessment under the Habitats Regulations is not required.

Conclusion

22. Subject to the views of the three statutory consultees (the Environment Agency, Historic England and Natural England), this screening report indicates that SEA is not required for the HMO SPD. Similarly, it would not need to be subject to full Appropriate Assessment under the Habitats Regulations

References

Cheshire East Local Plan Strategy

- [Habitats Regulations Assessment](#) (main modifications stage) Feb 2017
- Sustainability Appraisal: includes the following documents:-

[Adoption Statement](#)

[LPS Main Modifications Sustainability \(Integrated\) Appraisal Further Addendum Report](#)

[Sustainability \(Integrated\) Appraisal - Proposed Changes to Strategic and Development Management Policies \(July 2016\)](#)

[Sustainability \(Integrated\) Appraisal – Proposed Changes \(March 2016\)](#)

[LPS Sustainability \(Integrated\) Appraisal Suggested Revisions to LPS Chapters 9-14 \(September 2015\)](#)

[LPS Sustainability \(Integrated\) Appraisal of Planning for Growth Suggested Revisions \(August 2015\)](#)

[LPS Submission Sustainability \(Integrated\) Appraisal \(May 2014\)](#)

Publication Draft Site Allocations and Development Policies Document

- [Habitats Regulations Assessment](#)
- [Sustainability Appraisal](#)

EQUALITY IMPACT ASSESSMENT

DRAFT HOUSES IN MULTIPLE OCCUPATION SUPPLEMENTARY PLANNING DOCUMENT

VERSION CONTROL

Date	Version	Author	Description of Changes
06.07.2020	1	Claire Coombs/Jeremy Owens	Draft
16.7.2020	1.1	Claire Coombs/ Jeremy Owens	Changes made to reflect comments from the Council's Equality, Diversity and Inclusion Officer.

CHESHIRE EAST COUNCIL - EQUALITY IMPACT ASSESSMENT

Stage 1 Description:

Department	Strategic Planning		Lead officer responsible for assessment		Jeremy Owens Development Plans Manager	
Service	Environmental and Neighbourhood Services		Other members of team undertaking assessment		Claire Coombs, Principal Planning Officer	
Date	16 July 2020		Version 1.1			
Type of document (mark as appropriate)	Strategy YES	Plan	Function	Policy	Procedure	Service
Is this a new/ existing/ revision of an existing document (please mark as appropriate)	New YES		Existing		Revision	
Title and subject of the impact assessment (include a brief description of the aims, outcomes , operational issues as appropriate and how it fits in with the wider aims of the organisation) Please attach a copy of the strategy/ plan/ function/ policy / procedure/ service	<p><u>Houses in Multiple Occupation Supplementary Planning Document (“SPD”)</u> <u>Background</u></p> <p>Supplementary Planning Documents (SPDs) add further detail to the policies in the development plan. They can be used to provide guidance for development on specific sites, or on particular issues, such as design. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. They must be consistent with national planning policy, must undergo consultation and must be in conformity with policies contained within the Local Plan.</p> <p>The council has prepared a draft Houses in Multiple Occupation Supplementary Planning Document (SPD) for consultation. This SPD provides guidance on the assessment of planning applications for HMOs and the issues that will be taken into account by the council when assessing those applications. The overarching aim of the SPD is to manage any over-concentration of HMOs in a particular area (defined by the SPD as being no more than 10% of dwellings within a 50 metre radius) and to ensure that HMOs are of a suitable standard to ensure that living conditions for future residents and impact upon the amenity of an area is acceptable.</p> <p>The SPD does not set new policies but provides additional guidance on how to successfully delivery the policies contained within the Cheshire East Local Plan Strategy and the emerging Site Allocations and Development Policies</p>					

	<p>Document.</p> <p>The SPD has been prepared in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012, the National Planning Policy Framework and National Planning Practice Guidance.</p> <p>An Equalities Impact Assessment was prepared alongside the integrated Sustainability Appraisal work which supported the Local Plan Strategy and the emerging Site Allocations and Development Policies Document. The assessment found that the LPS and SADPD are unlikely to have negative effects on protected characteristics or persons identified under the Equality Act 2010.</p> <p>Alongside the draft HMO SPD, the council is also currently considering the introduction of three, non-immediate Article 4 Directions to remove permitted development rights for the change of use of dwellings to small HMOs in parts of Crewe. Unlike the SPD, these are area-specific measures intended to control the growth of HMOs in these locations. The Article 4 HMO EQIA concluded that the introduction of an Article 4 Direction was unlikely to affect or unfairly disadvantage any particular group however this would be reviewed through the consultation process. However, given the specific characteristics of the three areas being considered for Article 4 Directions, the consultation process should take into account the range of groups and individuals affected by it are aware of what is being proposed.</p>
<p>Who are the main stakeholders and have they been engaged with? (e.g. general public, employees, Councillors, partners, specific audiences, residents)</p>	<p>Public consultation will take place on the draft SPD for 6 weeks in accordance with the Town and Country Planning (Local Planning) (England) Regulations 2012) and the council’s adopted Statement of Community Involvement. This will include the general public, town and parish councils, statutory consultees, elected members, general consultees on the strategic planning database. Consideration will also be given to notifying any groups also consulted in relation to the Crewe Article 4 Directions.</p>
<p>What consultation method(s) did you use?</p>	<p>The Council prepares a Statement of Community Involvement which provides details on how it will consult on Local Plan documents and SPDs. This includes the availability of documents, how residents and stakeholders will be notified etc. The Council’s Local Plan consultation database, which was notified of the consultation, also includes a number of organisations who work alongside groups with protected characteristics in the borough.</p> <p>Once consultation has taken place on the draft SPD, all comments received will be reviewed before consideration is given to any amendments required. A report of consultation will be prepared alongside the final version of the SPD and this will also be subject to further consultation. This EIA will be updated as the draft SPD progresses.</p>

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Stage 2 Initial Screening

Who is affected and what evidence have you considered to arrive at this analysis? (This may or may not include the stakeholders listed above)	Ward councillors. Those living and working in the borough, property owners, landowners and developers.
Who is intended to benefit and how?	Local communities. The SPD will provide additional planning policy guidance to the assessment of planning applications for HMOs. Regard will be had to any representations received and to evidence of concentrations within the area and any amenity and well-being issues.
Could there be a different impact or outcome for some groups?	No, the SPD builds upon existing planning policy guidance and provided further information about how the council will consider planning applications for HMOs.
Does it include making decisions based on individual characteristics, needs or circumstances?	No, the introduction of the SPD not based on individual characteristics, needs or circumstances.
Are relations between different groups or communities likely to be affected? (eg will it favour one particular group or deny opportunities for others?)	No, the SPD is not intended to affect different groups or communities in this way.
Is there any specific targeted action to promote equality? Is there a history of unequal outcomes (do you have enough evidence to prove otherwise)?	No, the SPD is not intended to target any group and will be consulted upon in line with the Council's Statement of Community Involvement.
Is there an actual or potential negative impact on these specific characteristics? (Please tick)	

EQUALITY IMPACT ASSESSMENT 031

Age	Y	N	Marriage & civil partnership	Y	N	Religion & belief	Y	N
Disability	Y	N	Pregnancy & maternity	Y	N	Sex	Y	N
Gender reassignment	Y	N	Race	Y	N	Sexual orientation	Y	N
What evidence do you have to support your findings? (quantitative and qualitative) Please provide additional information that you wish to include as appendices to this document, i.e., graphs, tables, charts							Consultation/ involvement carried out	
							Yes	No
Age	The SPD may have an impact those living and working in the borough. The guidance in the SPD will be beneficial as it will assist in improving standards of accommodation. No particular negative impacts are identified at this stage in relation to any of the specific characteristics however public consultation will be undertaken and this may raise issues officers are not currently aware of. The EIA will be reviewed (and updated) once the initial consultation has taken place.							X (to be carried out)
Disability								
Gender reassignment								
Pregnancy & maternity								
Race								
Religion & belief								
Sex								
Sexual orientation								
Proceed to full impact assessment? (Please tick)	Yes			No			Date 6.7.2020	

Lead officer sign off	Jeremy Owens	Date	16 July 2020
Head of service sign off		Date	

If yes, please proceed to Stage 3. If no, please publish the initial screening as part of the suite of documents relating to this issue

Stage 3 Identifying impacts and evidence

This section identifies if there are impacts on equality, diversity and cohesion, what evidence there is to support the conclusion and what further action is needed

Protected characteristics	<p>Is the policy (function etc....) likely to have an adverse impact on any of the groups?</p> <p>Please include evidence (qualitative & quantitative) and consultations</p> <p>List what negative impacts were recorded in Stage 1 (Initial Assessment).</p>	<p>Are there any positive impacts of the policy (function etc....) on any of the groups?</p> <p>Please include evidence (qualitative & quantitative) and consultations</p> <p>List what positive impacts were recorded in Stage 1 (Initial Assessment).</p>	<p>Please rate the impact taking into account any measures already in place to reduce the impacts identified</p> <p>High: Significant potential impact; history of complaints; no mitigating measures in place; need for consultation Medium: Some potential impact; some mitigating measures in place, lack of evidence to show effectiveness of measures Low: Little/no identified impacts; heavily legislation-led; limited public facing aspect</p>	<p>Further action (only an outline needs to be included here. A full action plan can be included at Section 4)</p> <p>Once you have assessed the impact of a policy/service, it is important to identify options and alternatives to reduce or eliminate any negative impact. Options considered could be adapting the policy or service, changing the way in which it is implemented or introducing balancing measures to reduce any negative impact. When considering each option you should think about how it will reduce any negative impact, how it might impact on other groups and how it might impact on relationships between groups and overall issues around community cohesion. You should clearly demonstrate how you have considered various options and the impact of these. You must have a detailed rationale behind decisions and a justification for those alternatives that have not been accepted.</p>
Age				
Disability				
Gender reassignment				
Marriage & civil partnership				
Pregnancy and				

maternity				
Race				
Religion & belief				
Sex				
Sexual orientation				
<p>Is this change due to be carried out wholly or partly by other providers? If yes, please indicate how you have ensured that the partner organisation complies with equality legislation (e.g. tendering, awards process, contract, monitoring and performance measures)</p>				

Summary: provide a brief overview including impact, changes, improvement, any gaps in evidence and additional data that is needed			
Specific actions to be taken to reduce, justify or remove any adverse impacts	How will this be monitored?	Officer responsible	Target date
Please provide details and link to full action plan for actions			
When will this assessment be reviewed?			
Are there any additional assessments that need to be undertaken in relation to this assessment?			
Lead officer sign off	Jeremy Owens	Date	16 July 2020
Head of service sign off		Date	20 July 2020

Please publish this completed EIA form on the relevant section of the Cheshire East website

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