

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 12th August, 2020  
**Time:** 10.00 am  
**Venue:** Virtual Meeting

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### How to Watch the Meeting

For anyone wishing to view the meeting live please click in 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 Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.**

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

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

### **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**

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

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 - 10)

To approve the Minutes of the virtual meeting held on 8 July 2020 as a correct record.

4. **Public Speaking**

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 Planning Committee
- 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 planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/1601M-Stanley Press Equipment Limited, BANK STREET, MACCLESFIELD, SK11 7BR-Residential development comprising of 12no. 2, 4 & 5 bed family houses arranged within two terrace blocks with associated gardens, parking and garages** (Pages 11 - 24)

To consider the above planning application.

6. **20/1170M- DALE BROW COTTAGE, 63, MACCLESFIELD ROAD, PRESTBURY, SK10 4BH- Demolition of existing detached two storey dwelling and replacement with a new detached two storey dwelling.** (Pages 25 - 34)

To consider the above planning application.

7. **18/1509M- The Wilmslow Lodge, 69-71, ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PA- Extension to existing hotel building** (Pages 35 - 44)

To consider the above planning application.

8. **Performance of the Planning Enforcement Service 2019-2020** (Pages 45 - 70)

To consider the report of the Performance of the Planning Enforcement Service 2019-2020.

**THERE ARE NO PART 2 ITEMS**

**Membership:** Councillors L Braithwaite, C Browne (Chairman), T Dean (Vice-Chairman), JP Findlow, A Harewood, S Holland, J Nicholas, I Macfarlane, N Mannion, B Murphy, B Puddicombe and L Smetham

## **CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Northern Planning Committee**  
held on Wednesday, 8th July, 2020

### **PRESENT**

Councillor C Browne (Chairman)  
Councillor T Dean (Vice-Chairman)

Councillors S Akers Smith (Substitute), L Braithwaite, JP Findlow, A Harewood, S Holland, I Macfarlane, N Mannion, B Murphy, B Puddicombe and L Smetham

### **OFFICERS IN ATTENDANCE**

Mrs S Baxter (Democratic Services Officer), Mrs N Folan (Planning Solicitor), Mr P Hooley (Planning & Enforcement Manager) and Mr N Jones (Principal Development Officer)

### **8 APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor J Nicholas.

(During consideration of the item Councillor S Holland arrived to the virtual meeting).

### **9 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness in respect of application 20/0060M, Councillor C Browne declared that as the application fell within his portfolio for strategic infrastructure he would leave the virtual meeting prior to consideration of the application.

In the interest of openness in respect of applications 19/3036M and 19/3037M, Councillor L Smetham declared that she was acquainted with Gary Halman who was speaking on both of the applications by virtue of the fact she had discussed ward matters with him.

In the interest of openness in respect of applications 19/3036M and 19/3037M, Councillor T Dean declared that he was a member of the gym at the club involved and therefore would leave the virtual meeting prior to consideration of the application and take no further part in consideration of the application.

In the interest of openness in respect of application 20/0060M, Councillor N Mannion declared he was a Member of Cabinet and whilst capital projects of some size often required Cabinet approval, to his recollection none of the proposals had been considered by Cabinet during his time in

office and the matters contained in the proposal were not within his portfolio. During the presentation, Councillor N Mannion became aware that as the Council's assets were involved he would leave the virtual meeting and take no further part in consideration of the application.

In respect of application 20/1396M, Councillor I Macfarlane declared that he had pre-determined the application. In accordance with the Code of Conduct he exercised his right to speak as the Ward Councillor under the public speaking procedure and then would leave the virtual meeting and take no further part in consideration of the application.

## **10 MINUTES OF THE PREVIOUS VIRTUAL MEETING**

### **RESOLVED**

That the minutes of the virtual meeting held on 17 June 2020 be approved as a correct record and signed by the Chairman.

## **11 PUBLIC SPEAKING-VIRTUAL MEETINGS**

### **RESOLVED**

That the public speaking procedure be noted.

## **12 20/1396M-DEMOLITION OF EXISTING DWELLING AND THE ERECTION OF ONE NEW REPLACEMENT TWO STOREY DWELLING, 98, ALTRINCHAM ROAD, WILMSLOW FOR MR & MRS NEIL AND SARAH BROOMFIELD**

Consideration was given to the above application.

(Councillor Ian Macfarlane, the Ward Councillor, Michael Young, the agent for the applicant and Sarah Carey, the applicant attended the virtual meeting and spoke in respect of the application).

### **RESOLVED**

That for the reasons set out in the report and in the verbal update to the Committee the application be approved subject to the following conditions:-

1. Three year time limit
2. In accordance with approved plans
3. Samples of materials and details of finishes
4. Large scale details of windows, doors, roofs
5. Submission of landscaping scheme (hard and soft landscaping)
6. Implementation of landscaping scheme
7. Details of finished levels (spot levels and site sections)
8. Details of boundary treatments
9. Tree retention

10. Tree protection during works
11. Arboricultural method statement
12. Provision of car parking
13. Electric Vehicle Charging point to be provided

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 his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

**13 19/3036M-PROPOSED ALTERATION AND EXTENSION TO PROVIDE ADDITIONAL BEDROOMS, CONFERENCE AND CLUBHOUSE FLOORSPACE, EXTENSION OF THE STABLE BLOCK (SPA) TO PROVIDE ADDITIONAL LEISURE AND SPA FACILITIES, CREATION OF A TENNIS HUT AND GOLF STARTER HUT AND OTHER ANCILLARY BUILDINGS, ALTERATION AND RATIONALISATION OF THE WIDER SITE AND CAR PARK TO PROVIDE MORE PARKING SPACES AND ADDITIONAL LANDSCAPING AND RE-DEVELOPMENT OF EXISTING GROUND STORE, MERE GOLF & COUNTRY CLUB, CHESTER ROAD, MERE FOR MERE GOLF AND COUNTRY CLUB LIMITED**

Consideration was given to the above application.

(Parish Councillor Deborah Walker, Chairman of Mere Parish Council and Gary Halman, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be approved, subject to referral to the Secretary of State, subject to the following conditions:-

1. Time Limit
2. Development in accord with approved plans
3. Submission of materials
4. Matching materials to the stables and using traditional bond, mortar mix and natural stone details
5. Tree Retention
6. Tree Protection
7. Arboricultural Method Statement
8. Levels Survey
9. Hard and Soft Landscaping – Submission of Details
10. Landscaping (Implementation)
11. Requirement for 10% of predicted energy requirements from decentralised & renewable or low carbon sources unless not feasible/viable (in accordance with policy SE9 of the CELPS)
12. Submission of detailed lighting scheme

13. Restriction of lighting of tennis court to the period between the 1st November and the 15th March
14. Implementation of submitted bluebell method statement.
15. Safeguarding of nesting birds
16. Submission of method statement for the control of non-native invasive plant species
17. Submission of ecological enhancement strategy
18. The development in accordance with Flood Risk Assessment.
19. Drainage strategy prior to commencement
20. Foul and surface water to be drained on separate systems.
21. The noise plan shall continue to be implemented in full
22. Prior to first occupation of each unit, an Electric Vehicle Infrastructure plan shall be submitted to and agreed in writing by the LPA
23. Updated Conceptual Model and Phase II ground investigation to be submitted
24. Verification report to be submitted
25. Imported soils to be tested for contamination
26. Unexpected contamination to be reported to LPA
27. Construction Environment Management Plan (CEMP)
28. Travel Plan (include requirement for secure cycle storage and options for minibus transport)

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 his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

- 14 **19/3037M-LISTED BUILDING CONSENT FOR ALTERATION AND EXTENSION TO PROVIDE ADDITIONAL BEDROOMS, CONFERCING AND CLUBHOUSE FLOORSPACE, EXTENSION OF THE STABLE BLOCK (SPA) TO PROVIDE ADDITIONAL LEISURE AND SPA FACILITIES, CREATION OF A TENNIS HUT AND GOLF STARTER HUT AND OTHER ANCILLARY BUILDINGS, ALTERATION AND RATIONALISATION OF THE WIDER SITE AND CAR PARK TO PROVIDE MORE PARKING SPACES AND ADDITIONAL LANDSCAPING AND RE-DEVELOPMENT OF EXISTING GROUND STORE, MERE GOLF & COUNTRY CLUB, CHESTER ROAD, MERE FOR MERE GOLF AND COUNTRY CLUB LIMITED**

Consideration was given to the above application.

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

#### **RESOLVED**

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Time Limit
2. Development in accord with approved plans
3. Submission of materials
4. Matching materials to the stables and using traditional bond, mortar mix and natural stone details
5. Hard and Soft Landscaping – Submission of Details
6. Landscaping (Implementation)

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 his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(The virtual meeting was adjourned for lunch from 12.25pm until 12.55pm).

**15 19/5782M-CREATION OF NEW ACCESS ONTO CHURCH LANE; CHANGE OF USE OF PART OF GARDEN OF MODE COTTAGE TO EDUCATION USE; INSTALLATION OF NEW FENCING AND NEW AREAS OF HARDSTANDING, MODE COTTAGE, MOBBERLEY PRIMARY SCHOOL, CHURCH LANE, MOBBERLEY FOR MR NICK COOK, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report the application be approved subject to the following conditions:-

1. Three year time limit
2. In accordance with approved plans
3. Submission of Tree Protection Plan (prior to commencement)
4. Submission of Landscaping Plan (hard and soft landscaping)
5. Implementation of Landscaping Plan (first planting season following installation of fencing)
6. Details of acoustic fencing for northern and eastern boundaries – colour and height up to a maximum of 2.5m.
7. Installation of acoustic fencing prior to first occupation

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 his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

(Prior to consideration of the following application the virtual meeting was adjourned for a short break. Councillor C Browne vacated the Chair, left

the virtual meeting and did not return. Councillor T Dean took the Chair for the remainder of the virtual meeting).

16 **20/0060M-AREA FOR THE TEMPORARY STORAGE OF MATERIAL ARISING / REQUIRED DURING / FOR THE CONSTRUCTION OF POYNTON RELIEF ROAD, PROVIDING A REPLACEMENT AREA FOR A MATERIAL STORAGE AREA ASSOCIATED WITH THE APPROVED POYNTON RELIEF ROAD (REF. 16/4436M), LAND WEST OF ADLINGTON BUSINESS PARK, FORMER PART OF ADLINGTON GOLF CENTRE, LONDON ROAD, POYNTON FOR CHRIS HINDLE, CHESHIRE EAST COUNCIL**

Consideration was given to the above application.

**RESOLVED**

That for the reasons set out in the report and in the written update to the Committee, the application be approved subject to the following conditions:-

1. Temporary 3 year consent
2. Land to be reinstated to agricultural land at the end of the approved period with any hard-surfaces being removed
3. Development to proceed in accordance with the approved plans
4. Before taking any HGV access to the land via the Access Track to Shirdfold Farm a Temporary Traffic and Bridleway Management Plan - with detailed method statements shall be submitted to, approved and implemented
5. Development to proceed in accordance with the great crested newt mitigation measures
6. 25 year Habitat Management Plan for the site to be submitted, approved and implemented
7. Ensure the site is only used on the basis that the existing consented area for materials store on the west side of the bypass is not utilised.

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 his absence the Vice Chairman) of Northern Planning Committee 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 S Akers-Smith left the virtual meeting and did not return).

The meeting commenced at 10.00 am and concluded at 2.53 pm

Councillor C Browne (Chairman)



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Application No: 19/1601M

Location: Stanley Press Equipment Limited, BANK STREET, MACCLESFIELD, SK11 7BR

Proposal: Residential development comprising of 12no. 2, 4 & 5 bed family houses arranged within two terrace blocks with associated gardens, parking and garages

Applicant: Mr Stuart Bannerman, MSB Developments Ltd

Expiry Date: 05-Jun-2020

### **SUMMARY**

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities, and has good public transport links. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours. The comments from the neighbours and Town Council are acknowledged and have been considered within this report; however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay.

**RECOMMENDATION: Approve subject to conditions and the prior completion of a s106 agreement**

### **REASON FOR REFERRAL**

The application has been called to Committee by the local ward member, Cllr Mick Warren for the following reasons:

*“The development proposal would represent overdevelopment of what is quite a small compact site. Over-bearing / out-of-scale or out of character in terms of appearance relating to the houses on Greenhills Close and the small terraced houses opposite on Bank Street.”*

### **DESCRIPTION OF SITE AND CONTEXT**

The application site is a cleared site previously occupied by a commercial building, of approximately 0.27ha.

The site is located in a residential area of Macclesfield, and is bounded on the east and south sides by dwellings on Greenhills Close and dwellings on Bank Street to the north with Knight's Pool situated to the west of the application site.

## **DETAILS OF PROPOSAL**

Full planning permission is sought for the erection of 12no. new dwellings comprised of two terraced blocks. Block 1, to the west, faces onto the new access road with the rear of the dwellings facing onto Knight's Pool. Block 2, the eastern terrace, faces onto Greenhills Close with a new access road to the rear. The new access road would separate the two blocks and also link Greenhills Close to Bank Street.

Amended plans have been received during the course of the application, reducing the proposal from 14 dwellings to 12, in order to address officer concerns.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

- MP1 Presumption in Favour of Sustainable Development
- PG1 Overall Development Strategy
- PG2 Settlement Boundaries
- PG7 Spatial distribution of development
- SD1 Sustainable development in Cheshire East
- SD2 Sustainable development principles
- IN1 Infrastructure
- IN2 Developer Contributions
- SC4 Residential Mix
- SC5 Affordable Homes
- SE1 Design
- SE2 Efficient Use of Land
- SE3 Biodiversity and Geodiversity
- SE4 The Landscape
- SE5 Trees, Hedgerows and Woodland
- SE6 Green Infrastructure
- 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

Appendix C – Parking Standards

**Saved Macclesfield Borough Local Plan Policies (MBLP)**

NE11 (Nature conservation interests)  
DC3 (Amenities of residential property)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Tree protection)  
DC35 (Materials and Finishes)  
DC36 (Road layouts and circulation)  
DC37 (Landscaping in housing developments)  
DC38 (Space, light and Privacy)  
DC41 (Infilling housing or redevelopment)  
DC63 (Contaminated land)

**Neighbourhood Plan**

There is no Neighbourhood Plan for Macclesfield

**Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
The Cheshire East Borough Design Guide (2017)  
Cheshire East Parking Standards - Guidance Note

**National Policy**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are Chapters 2, 4, 5, 6, 8, 9, 11, 12, 15.

**CONSULTATIONS (External to Planning)**

**Strategic Infrastructure Manager** - No objections

**Environmental Health** - No objections subject to conditions relating to contaminated land, electric vehicle infrastructure, dust management and piled foundations

**United Utilities** - No objections, subject to conditions relating to drainage

**Strategic Housing Manager** - No objections

**Education** - No objections subject to financial contribution towards local school places.

**Lead Local Flood Authority** - No objections subject to condition relating to drainage

**ANSA** - No objections subject to financial contributions towards public open space and recreation and outdoor sport

**Public Rights of Way Unit** – No objections

**Environment Agency** - No objections subject to submission of a remediation strategy for any contamination found.

**Macclesfield Town Council** – Object on the following grounds:

- No affordable housing provision;
- The site is at a medium risk from surface water flooding;
- Insufficient parking provision for the development.
- EV charging points are included in the design

In the even of approval, request a condition requiring a flood survey and management plan.

## **OTHER REPRESENTATIONS**

Amended plans were received during the application period. 4no. representations were received prior to the amendments with a further 10no. representations received following, with all of these commenters having already commented earlier. Below is a summary of the main issues raised:

- Too dense and too tall in relation to the neighbouring dwellings
- Increase levels of traffic will negatively affect Bank Street and Swettenham Street, which are already congested.
- Three storeys would be out of character here.
- Some positive elements including; use of drystone walling, private gardens, terraced blocks, variations in elevations, location of new road, viewing deck to Knight's Pool.
- Surface water drainage to foul sewers is not consistent with planning policy.
- The choice of brick on the elevations to Bank Street is not in keeping with the Victorian brick colour of the terraced properties opposite.
- Macclesfield Civic Society also included the following comment: *"We support the redevelopment of the site for residential purposes - the former industrial unit was somewhat of an anomaly with its justification lost in old Macclesfield Borough records! However, whilst accepting the principle of redevelopment the relationship of the scheme to existing adjacent development does give rise to a measure of concern. The scheme is very intense for the parameters of the site, reflected in the unconventional spacing and orientation of the new dwellings. We wonder if the offset arrangement to avoid direct overlooking would be equally successful in avoiding undue dominance of outlook. The three storey buildings do appear somewhat out of scale with existing development in Greenhills Close so a reasoned judgement must be made. On balance we would favour a reduced scale of development and more spacing between block, perhaps requiring a reduction in the number of units. Having said that we would encourage early redevelopment."*

Following submission of amended plans neighbours were re-consulted and the following comments were received:

- Still tightly packed together.
- Overshadowing of existing homes due to height.
- Design not in keeping with surrounding properties.
- The new access road will increase traffic along Greenhills.
- The new scheme should include trees to replace those lost from the site.
- There will be an increase of on street parking leading to obstruction of the roads.
- Loss of privacy to surrounding neighbours.

- Will lead to traffic issues.
- Do not want to open up the cul-de-sac to through traffic.
- The garages will be turned into accommodation leading to fewer parking spaces.
- Macclesfield Civic Society commented on the amended plans as follows: *“The scheme is much improved by the revised submission. A more generous spacing between the blocks of dwellings meets our previous concerns. The design is well thought out and provides an element of continuity with established building forms in the locality. There is potential for a pleasing form of redevelopment.”*

## **OFFICER APPRAISAL**

### **Residential Mix**

Policy SC4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities.”* The mix of two, four and five bedroom dwellings located within a residential area would contribute to the mix of housing sizes and would complement the existing provision within the area, in accordance with policy SC4 of the CELPS.

### **Affordable Housing**

Policy SC5 of the CELPS states that *“In developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres at least 30% of all units are to be affordable”*. This is a proposed development of 12no. dwellings with a site area of 0.27 hectares, therefore no Affordable Housing Provision is required. An initial objection from Strategic Housing was withdrawn following confirmation that the site area is less than 0.4ha.

### **Design and Impact on Character of the Area**

NPPF paragraph 127 notes that planning decisions should ensure that developments are: visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

Local Policy SD2 notes that development will be expected to contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood. Policy SE1 notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context

The site was previously an industrial site, surrounded on all sides with residential development. The local area comprises a wide range of dwelling types, predominantly terraced and semi-detached, but there are also detached houses, bungalows and three-

storey blocks of flats. A range of materials within the surrounding properties is also evident in different brick types and colours, render and cladding. The proposed residential use would be more in keeping with the character of the area, than the previous industrial use. Amended plans were received during the course of the application following concerns regarding the density of the development and the blank elevation facing Bank Street.

The revised plans pay more regard to local scale, materials, and architectural detailing in order to provide a modern but locally distinctive design. A reduced, uniform and cohesive approach to expressing openings has been established.

A previously dominating roof plane has been broken down to reflect the scale and proportion of the adjacent built form and local context. The scale of the proposal in context of the surrounding built form has been illustrated that a diverse roofscape is achieved, reflecting the topography of the site, and the height of the proposal corresponds with the adjacent buildings. The topography of the site, together with landscaping to the front of block 2 facing Greenhills Close should help to break up the areas of parking to this elevation.

The gable elevation of block 2 facing onto Bank Street has been set back from the road by 2m which would enable some soft planting between the dwelling and the road in order to help integrate this elevation into the street scene. The inclusion of openings on this elevation also gives plot 1, which will occupy the prominent north east corner of the site, a dual aspect giving this elevation some visual interest.

While some of the plots are two and half storey the front elevations are primarily two-storey so the additional storey would dominate the street scenes. There are also three storey properties in the local area, such as the development at the end of Bank Street to the north-west of the site.

The new access road promotes connectivity through to the existing homes and will encourage the use of the space as a place for the community to interact. It has been suggested that this road should be closed off to retain the existing cul-de-sac, however this would go against principles within the Cheshire East Design Guide which state that new developments should provide connectivity to the wider settlement.

Saved Macclesfield Local Plan policy DC41, relating to infill housing states:

*'The garden space should reflect the typical ratio of garden space within curtilages in the area and the location, size and shapes should be suitable for the intended purpose'*. The plot:building ratios of the surrounding dwellings vary widely, however the dwellings would enjoy plot ratios consistent with adjoining development.

Overall, it is considered that the proposed development now provides a modern but locally distinctive design, which is in keeping with and will make a positive contribution to, the local area, in accordance with policies SE1 and SD2 of the CELPS, and the Cheshire East Design Guide.

### **Amenity**

Saved Macclesfield Borough local Plan policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearly residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between

buildings contained in saved policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

The objections have been carefully considered. The properties directly opposite block 2 on Greenhills Close are positioned just over 24m away at the nearest point with the third floor element approximately 27.5m away. This is broadly in line with guidance within policy DC38 which states that dwelling should demonstrate a gap of 21m front to front for two storeys and 28m for three.

The properties to the south of Greenhills Close would be positioned approx. 16m at its closest point (southernmost point of block 2); however the angle of the windows would be oblique between the two properties so no direct overlooking would be possible between the proposed dwellings and numbers 11 and 13. There would be a corner window wrapping around the two elevations which would be facing numbers 15 and 17 Greenhills Close. Due to the distances between the two properties it is considered appropriate to include a condition limiting any first floor windows in the southern gable elevation of block 2 to install obscurely glazed windows to avoid any overlooking from these windows.

The distance between the properties along Bank Street and block 2 measures over 12m at its closest point. Whilst this is below the guideline distance of 14m outlined in saved policy DC38 of the MBLP, this policy also states that this can be the case provided the relationship is commensurate with the area. In this case, plot 1 has an angled relationship with existing properties on Bank Street. In addition, there are a lot of terraced properties in the surrounding areas which contain a commensurate degree of light and privacy between buildings, and a condition is recommended to obscurely glaze any first floor windows to the northern gable elevation of block 2. The Cheshire East Design Guide also states; *“Acceptable levels of privacy can be achieved through careful and considerate design down to a frontage distance of 12 metres.”* The northern gable end of block 1 faces towards a turning head and car park on Bank Street and raises no significant issues in terms of separation distances. Similarly the gap between the two blocks of proposed dwellings, together with the oblique angle ensures that the relationship between proposed new dwellings also does not raise any significant issues in this regard.

The proposed development is therefore considered to provide a satisfactory level of space light and privacy, and does not significantly injure the living conditions of adjoining properties, in accordance with policies DC3 and DC38 of the MBLP.

### **Air Quality**

Policy SE12 of the CELPS 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 124 of the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of fourteen new dwellings. Whilst this proposal is relatively small scale, and as such does not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Macclesfield has four Air Quality Management Areas and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless

managed. Conditions relating to travel information packs for residents and electric vehicle charging are therefore recommended, and to ensure compliance with the air quality objectives of policy SE12.

### **Contaminated Land**

Policy DC63 of the MBLP and policy SE12 of the CELPS also seek to ensure that development for new housing or other environmentally sensitive development is not located on areas of contaminated land. In this case, the application is for a proposed use that would be particularly vulnerable to the presence of contamination, and the location of the application has a history of works, former reservoir/pool and abattoir use and therefore the land may be contaminated. The application site is also on an area of land which has the potential to generate quantities of ground gas.

A Phase 1 Preliminary Risk Assessment and a Phase 2 Site Investigation Report have been submitted with the application. However, almost four years has elapsed since these assessments were undertaken, the Contaminated Land Officer advises that an update should be provided with regards to the site. Any further potentially contaminative uses of the site since the reports were issued should also be suitably assessed. Accordingly, conditions are recommended requiring a supplementary post demolition Phase II ground investigation and risk assessment to be submitted, the submission of a Verification Report, the testing of imported soil and regarding what steps to take in the event that any unidentified contamination is found.

Subject to these conditions the proposal will comply with policy DC63 of the MBLP and policy SE12 of the CELPS.

### **Flood Risk**

Policy SE13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

In terms of flood risk, the LLFA note that there is a medium risk from surface water flooding (topographic low spots) within the site boundary. The developer should be aware of this before construction and ensure that the drainage design takes account of this.

Additionally, a ground investigation will be required for the proposed development to determine if soakaways will be a feasible option for the site. If these are not a feasible option then alternative drainage options will need to be considered. A condition requiring the submission of a detailed drainage strategy / design is therefore recommended. Subject to this condition the proposal will comply with policy SE13 of the CELPS.

### **Highways**

The revised plans now indicate a central access road to serve the development that will link Bank Street and Greenhills Close. The access road will be a shared surface, this is acceptable as only a small number of properties are served from it. Due to the layout and the modest increase in dwellings to the area the additional traffic along Greenhills Close and

Bank Street will be minimal. Refuse collection and servicing will also take place from the central access road.

The proposed units are a mix of 2, 4 and 5 bed properties. The parking standards within the CELPS require 2 parking spaces to be provided for each of these dwellings, which are shown on the latest site plan, thereby meeting the relevant parking standards. It is also recommended that the provision of cycle storage is the subject of a condition to encourage alternative transport to the private car. There are no objections to the application raised by the Head of Strategic Infrastructure, and therefore no highway safety issues are raised.

### **Public Rights of Way**

The plans as originally submitted appeared to obstruct Public Footpath Macclesfield No. 48 located at the North West corner of the application site. The revised plans that have been submitted remove this obstruction and now the footpath remains unaffected. No objections are raised by the Public Rights of Way team.

### **Arboriculture and Forestry**

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

The site previously contained a number of mature ornamental trees located around the site perimeter probably planted as part of a landscape scheme attached to the original development, and a cluster of self set trees to the west of the site on the Knights Pool frontage. None of the trees which were removed were considered to be significant specimens either individually or collectively with the majority identified as low value Category C specimens in terms of BS5837:2012. Replacement planting can be secured to off set the loss of the identified trees via appropriate landscaping conditions. The proposal is therefore considered to comply with policy SE5 of the CELPS.

### **Nature Conservation**

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Given the condition and location of the site, no significant ecological issues are anticipated, however a condition to safeguard nesting birds in the event of the further removal of vegetation is recommended. In addition, Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy. In this location the provision of artificial nesting features for swifts and house sparrow would be beneficial. A condition requiring the submission of an ecological enhancement strategy prior is also recommended. Subject to these conditions, the proposal will comply with policy SE3 of the CELPS.

## Education

The development of 12 dwellings is expected to generate:

2 primary children (12 x 0.19)

2 secondary children (12 x 0.15)

0 Special Educational Need (SEN) children (14 x 0.51 x 0.023%)

The development is expected to impact on both primary school and secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of primary and secondary school places still remains. The development is not expected to impact SEN provision.

To alleviate forecast pressures, the following contributions would be required:

£21,693.00 (primary)

£32,685.00 (secondary)

Total education contribution: £54,378.00

Without a secured contribution of £54,378.00, Children's Services would raise an objection to this application.

This objection would be on the grounds that the proposed development would have a detrimental impact upon local education provision as a direct cause from the development. Without the mitigation, 2 primary children and 2 secondary children would not have a school place in Macclesfield.

## Public Open Space and Recreation

Policy SE6 of the Cheshire East Local Plan requires 65 square metres per dwelling for the provision of public open space (POS) and recreation / outdoor sport (ROS) facilities. It appears that this cannot be provided on site and therefore financial contributions will be required for off site provision in line with policy SE6 of the Cheshire East Local Plan.

Based on 12no. dwellings of two or more bedrooms the required contribution would equate to £36,000 for POS and £11,000 for ROS. The POS commuted sum would be used to provide play and amenity enhancements, additions and improvements at the local facilities of Knights Pool, King George open space on Windmill Street and Brynmore Drive play area.

The ROS com would be used to make enhancements, additions and improvements to the outdoor sports and recreation facilities at King George open space in line with the Council's Playing Pitch Strategy.

## HEADS OF TERMS

If the application is approved a Section 106 Agreement will be required, and should include:

- Public Open space contribution of £36,000
- Recreation & outdoor sports contributions of £11,000
- Primary and secondary education contributions of £54,378

### **Community Infrastructure Levy (CIL) Regulations**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The provision of public open space and education is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development

### **CONCLUSION**

The application site comprises a vacant, previously developed site in a sustainable location, with good access to a range of local services and facilities, and has good public transport links. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours. The comments from the neighbours and Town Council are acknowledged and have been considered within this report; however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay, subject to the conditions listed below and the prior completion of a s106 agreement with the following Heads of Terms:

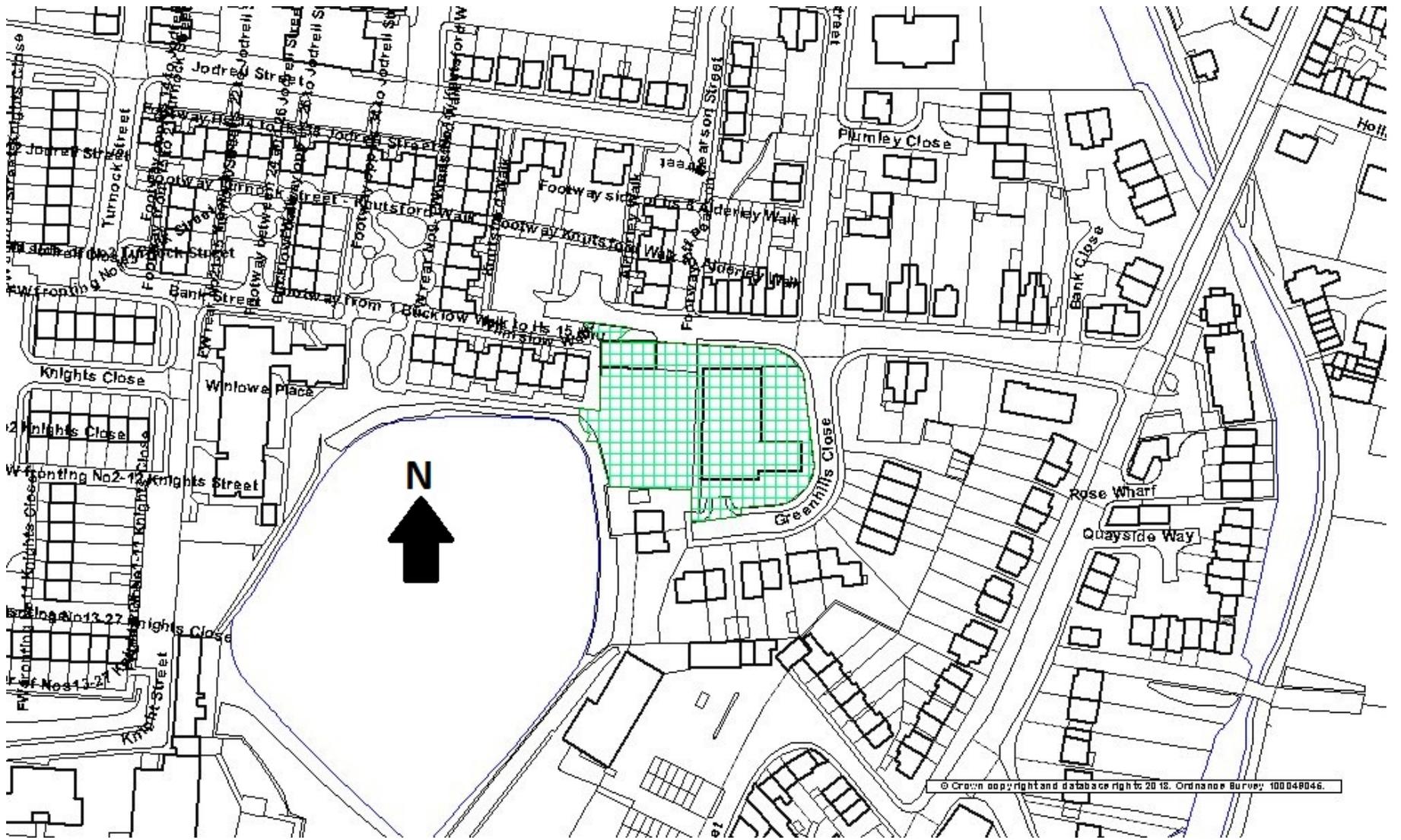
- Public Open space contribution of £36,000
- Recreation & outdoor sports contributions of £11,000
- Primary and secondary education contributions of £54,378

*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 his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Submission of samples of building materials
4. Pile Driving details to be submitted
5. Landscaping - submission of details
6. Landscaping (implementation)
7. Landscaping to include details of boundary treatment
8. Nesting bird survey to be submitted
9. Foul and surface water shall be drained on separate systems.
10. Surface water drainage details to be submitted
11. Travel information pack to be submitted
12. Electric vehicle infrastructure to be provided
13. Contaminated Land - phase II investigation to be submitted
14. Contaminated land - verification report to be submitted
15. Ecological Enhancement details to be submitted
16. Imported soil to be tested
17. Contaminated Land
18. Car parking spaces to be provided and retained at all times thereafter (including garages)
19. Obscure glazing requirement
20. Detailed strategy / design limiting the surface water runoff to be submitted



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Application No: 20/1170M

Location: DALE BROW COTTAGE, 63, MACCLESFIELD ROAD, PRESTBURY, SK10 4BH

Proposal: Demolition of existing detached two storey dwelling and replacement with a new detached two storey dwelling.

Applicant: Mr & Mrs Bridge

Expiry Date: 18-May-2020

### **SUMMARY**

The application site comprises a vacant two-storey detached dwelling fronting onto Macclesfield Road on the outskirts of Prestbury. The application proposes a replacement two-storey dwelling.

The proposal is considered to represent an appropriate form of development in an existing residential area of Prestbury. The scheme would be acceptable in design terms, being appropriate to the area in terms of overall form and architectural character, would not be detrimental to the amenity of neighbouring residents, and would be acceptable in terms of air quality and ground contamination, subject to conditions. The proposal would also be acceptable in terms of highways safety, flood risk, and impacts on nature conservation, tree protection, and the landscape, and would not give rise to any other significant impacts. The application is therefore in accordance with adopted planning policy and is recommended for approval.

### **RECOMMENDATION**

**Approve with conditions**

### **REASON FOR REFERRAL**

The application has been called to Committee by the local Ward Member, Cllr Findlow for the following reasons:

*“Concerns expressed by neighbours, and the Parish Council relating to:*

- 1. De minimis differences compared with previous rejected/withdrawn proposals.*
- 2. Deleterious impact on the amenity and privacy of neighbours.*
- 3. Adverse overbearing impact on the local character and environment of the Dale Brow area.*
- 4. Incongruous, unsympathetic impact on the immediate area, where there are no georgian style properties.*

*5. The excessive mass, height, scale and general proportions of the proposal, which is out of keeping with the area, and excessive given the limited plot size."*

## **SITE DESCRIPTION AND CONTEXT**

The application site is a residential property comprising a large two-storey house with rear gardens, fronting onto Macclesfield Road to the south of the centre of Prestbury. The building is partly derelict, with outdoor spaces heavily overgrown. The site is placed on the corner of Macclesfield Road and Squirrels Chase, an access lane serving the site and a group of houses to the side and rear.

The site is surrounded on all sides by residential properties, mainly comprising large detached houses. The site is in an area designated by the Macclesfield Borough Local Plan as being predominantly residential and a Low Density Housing Area.

## **DETAILS OF PROPOSAL**

The application seeks full planning permission for a replacement dwelling.

The proposed building is similar in terms of form, layout and architectural character to two recent previous applications (19/0622M and 18/3093M) which were withdrawn by the applicant following concerns relating to the impact upon the character of the area. It was considered that the scale and character of the previous proposals and the prominent location of the site would have combined to result in an unacceptable impact on the character of the area..

There is also a pending application (19/5535M) with the Council which is a resubmission of an earlier, expired permission 08/2276P, which was also for a replacement dwelling.

## **RELEVANT PLANNING HISTORY**

19/5535M - Construction of new single dwelling house with attached garage (identical scheme to planning approvals 09/1514M and 12/2504M). *Pending determination.*

19/0622M - Construction of a new single dwelling house with attached garage. Withdrawn, 20-May-2019

18/3093M - Construction of a new single dwellinghouse with attached garage. Withdrawn, 15-Aug-2018

13/0074M - Demolition of existing dwelling and erection of 4 semi-detached dwellings. Refused, 14-Mar-2013. Appeal dismissed, 14/01/2014

12/2504M - Extension To Time on Application 09/1514M. Approved with conditions, 10-Oct-2012

09/1514M - MINOR WORKING AMENDMENTS TO PREVIOUS APPROVAL REF 08/2276P. Approved with conditions, 24-Jul-2009

08/2276P - REPLACEMENT DWELLING. Approved with conditions, 12-Dec-2008

08/1675P - DEMOLITION OF EXISTING DWELLING AND ERECTION OF A TERRACE OF 5 THREE BED DWELLINGS. Refused, 17-Sep-2008

08/0859P - REPLACEMENT DWELLING- RESUBMISSION OF 07/3085P. Withdrawn, 30-May-2008

08/0812P - DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF A TERRACE OF 4 DWELLINGS. Withdrawn, 30-May-2008

08/0804P - DEMOLITION OF EXISTING DWELLINGS AND ERECTION OF 2 DETACHED COTTAGES. Withdrawn, 30-May-2008

07/3085P - REPLACEMENT DWELLING. Withdrawn, 12-Feb-2008

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP 1 Presumption in Favour of Sustainable Development

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SC 3 Health and Well-Being

SE 1 Design

SE 2 Efficient Use of Land

SE 3 Biodiversity and Geodiversity

SE 4 The Landscape

SE 5 Trees, Hedgerows and Woodland

SE 12 Pollution, Ground Contamination and Land Instability

SE 13 Flood Risk and Water Management

### **Macclesfield Borough Local Plan (Saved Policies) (MBLP)**

NE3 Landscape Conservation

NE11 Nature Conservation

H12 Low Density Housing Areas

DC3 Design – Amenity

DC6 Design – Circulation and Access

DC9 Design – Tree Protection

DC10 Landscaping and Tree Protection

DC35 Residential - Materials & Finishes

DC37 Residential - Landscaping

DC38 Residential - Space, Light and Privacy

There is no neighbourhood plan for Prestbury

### **Supplementary Planning Guidance**

Cheshire East Design Guide  
Prestbury Village Design Statement SPD (2007)  
Prestbury SPD (2011)

### **Other Material Considerations**

National Planning Policy Framework (2019)  
National Planning Practice Guidance

### **CONSULTATIONS (External to Planning)**

**Head of Strategic Infrastructure** – No objections

**Environmental Health** – No objections subject to conditions / informatives relating to working hours, working arrangements for piling work, approval of a dust management plan, provision of electric vehicle charging point, use of ultra low emission boilers, and ground contamination risk assessment and mitigation.

**United Utilities** – Advice on sustainable drainage hierarchy, wastewater service and fresh water supply.

**Lead Local Flood Authority** – No objections, the applicant should select a drainage strategy that follows the drainage hierarchy set out in Part H of the building regulations.

**Prestbury Parish Council** – Object on the grounds that the application does not comply with policy SD 1, SD 2, Prestbury Design Statement, policy BE 1. The Parish Council do not object to the redevelopment of the site but there is concern about this proposed design. It does not contribute to the area's character in terms of its relationship to neighbouring properties, the street scene and the wider neighbourhood in terms of height, scale and form.

### **REPRESENTATIONS**

**Neighbours/interested parties** – Seven letters of representation have been received from six addresses, comprising four letters of objection and three letters supporting the application.

Objections have focussed on the design of the proposal, raising concerns including the scale and massing of the building, the overall design character and its suitability to the character of the area. Objections were also made in terms of the amenity impact on the adjacent property at Dale Brow Farm to the north-east side and 3 Squirrels Chase to the rear, in terms of light and sight and overlooking.

Supporting comments noted that the proposal will redevelop the derelict site and so will improve the neighbourhood, and will be in keeping with the character of Prestbury, noting that the village has a mix of building styles.

### **OFFICER APPRAISAL**

## **Principle of Development**

The application site is an existing residential property within an area designated as being predominantly residential, wherein new residential development and redevelopment is appropriate in principle, subject to all other relevant planning considerations.

## **Design**

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

The current proposal is considered to be acceptable in design terms. Previous submissions were considered to be somewhat at odds with the character of the local area, in terms of overall mass and volume and design character. Amendments made to the current proposal are considered to have overcome these concerns. In particular, the height of the proposal has been further reduced, and landscaping proposals are also less formal than previously proposed.

The design officer has reviewed the proposals and provided the following comments:

*“The scale is appropriate to the street scene with the building now sitting well, in between the adjacent buildings. The L shaped form serves to provide the focal point at the corner and the reduction and breakdown of the massing to the rear works well with the surrounding forms.*

*Although the width appears to be similar, the execution of the architectural detailing and more classic placing of the openings make the front façade more refined and less overbearing than before. The style of the roof, using a mansard with sprocket eaves works well to reduce the bulk of the roof and give the appearance of a lower overall height is very effective.*

*The more rural styling of the front boundary and layered landscaping response, particularly the less formal tree planting works well with the existing street scene.*

*Overall I would be happy to support this revised application as a more refined and considered design that reflects the core character of Prestbury and the adjacent context in terms of the scale and massing of the proposal.”*

It is considered that the proposed replacement dwelling will contribute positively to the character and identity of the local area. The immediate surroundings and Prestbury more widely includes a variety of architectural forms and styles. Development in the immediate area along and to the rear of Macclesfield Road largely comprises larger houses, and the proposal will reflect this. The current condition of the site significantly detracts from the character and appearance of the area, particularly due to its prominent position in the street scene along one of the main roads into Prestbury. Following the revisions to the proposal compared to previously applications, it is considered that the scale and architectural style of the building would be acceptable with regards to the established character of the area. The redevelopment of the existing derelict site would therefore contribute positively to the character and identity of the local area, and would therefore support the objectives of policy SD 2,

subject to further details on facing materials, landscaping and boundary treatments, which can be dealt with by condition.

The Prestbury Village Design Statement SPD (2007) also provides guidance on the particular design elements of the built environment in different areas of the village. The site lies within the Macclesfield Road Mid and South and its Environs area, and the proposed development appears to accord with the recommendations set out for development in the area, including through the avoidance of high walls and imposing gates. It is also considered that the proposal would comply with the more general guidance set out in the Statement, including that the proposal will conform to the density of the immediate area, and that materials, landscaping and boundary treatments should be appropriate to the properties around them and harmonise with the semi-rural character of the area.

Objective 3 of the Prestbury SPD is that the overall scale, density, height mass and materials of new development must normally be sympathetic to the character of the local environment, street scene, adjoining buildings and the site itself. Objective 5 is that new and replacement dwellings in certain areas, including along Macclesfield Road should, where appropriate, seek to retain existing boundary hedges and stone walling along road frontages. The proposal would include a stone boundary wall at the frontage and it is considered that this would support Objective 5 of the SPD.

The site is located in an area designated as being a Low Density Housing Area, by saved policy H12 of the Macclesfield Borough Local Plan. H12 notes that new housing development within such areas should meet certain criteria relating to the character of the existing area, plot widths and spacing, an overall density. It is considered that the proposed redevelopment of the site to replace one existing dwelling with a new detached dwelling would accord with these requirements and would comply with policy H12.

### **Living conditions**

Saved policy DC3 of the MBLP requires that new development should not significantly injure the amenities of adjoining or nearby residential property or sensitive land uses due to loss of privacy, overbearing effect, loss of sunlight or daylight, or other forms of disturbance and nuisance.

Saved policy DC38 of the MBLP sets out guideline separation distances for new residential development, including minimum distances between windows, to ensure adequate space, light and privacy.

The site is surrounded by four detached houses, Dale Brow Farm to the north, 3 Squirrels Chase to the east, 2 Squirrels Chase to the south, and Fairfield Cottage to the west, on the far side of Macclesfield Road.

### Dale Brow Farm (61 Macclesfield Rd)

The proposal will not feature any first floor windows facing towards Dale Brow Farm. Furthermore, the closest elevation of Dale Brow Farm comprises of a blank elevation and will therefore not result in any overlooking or loss of privacy. The two-storey element of the proposal would be located around 6.6m from the shared boundary, with the single-storey element around 3.8m from the boundary. Owing to the separation distance the two-storey

element of the proposal would not result in harmful overshadowing or loss of light to the neighbouring property.

### 2 Squirrels Chase

The proposal will include one first-floor side-facing window oriented towards windows at 2 Squirrels Chase facing towards the site, but this will be set around 21m from the boundary of the application site (and around 30m from the windows in question). As such it is not considered that it will cause a harmful loss of privacy. The proposed house will be positioned to the north and will be set sufficiently distant from 2 Squirrels Chase to avoid a harmful loss of light or overbearing effect.

### 3 Squirrels Chase

3 Squirrels Chase is set to the rear of and at a lower level than the application site.

For two-storey houses, the guidelines in DC38 require a separation distance of 25m between windows serving habitable rooms in a rear-to-rear elevation arrangement. Where there is a difference in ground level between adjacent houses, the separation distance is required to be increased by an additional 2 metres per 2.5m difference in level.

As indicated on the submitted site plan, the ground level between 3 Squirrels Chase and the proposed dwelling would differ by up to around 5m (both houses would have varying ground levels), resulting in increased recommended separation distance of 29m. All of the ground and first-floor windows serving habitable rooms at the rear of the proposed house would be at least 33m away from the windows at the front elevation of 3 Squirrels Chase, thereby exceeding the recommended separation distance. The single-storey element of the proposal (the garage) will be placed closer to the facing elevation of 3 Squirrels Chase (20m wall-to-wall) but with a maximum height of 4.5m and with no windows facing towards the neighbouring property, would not create any particular amenity concerns. A condition relating to existing and proposed land levels is recommended to ensure that any change in levels does not result in any significantly adverse impacts upon the living conditions of neighbours or the character of the area.

Accordingly, it is considered that the proposal would not result in significant harm arising from loss of light, overshadowing or visual intrusion, or loss of privacy or overlooking, to 3 Squirrels Chase.

### Fairfield Cottage

Owing to the scale and layout of the proposal and the distance to Fairfield Cottage, it is not considered that the proposal would result in harm to its occupants, including in terms of loss of light, visual intrusion or loss of privacy.

For these reasons, it is considered that the proposed development would be acceptable in terms of the amenity requirements of saved policies DC3 and DC38 of the MBLP.

### **Highways**

The proposed attached garage will provide three parking spaces, with an external parking area at the north-east corner of the site sufficient to accommodate a further three cars. Parking provision will therefore satisfy the CELPS parking standards requirement for three off-road parking spaces for a four bed house as proposed. As with the existing property, the site

will accessed off Squirrel's Chase, from a slightly repositioned gateway. The highways officer has raised no objection to the proposal, noting that sufficient off-street parking would be provided within the site and that access arrangements would be similar to the existing situation.

### **Flood Risk**

The application site does not fall within an area at significant risk of flooding. As such no flood risk concerns are raised and the Lead Local Flood Authority (LLFA) has raised no objections, recommending that development should be drained in accordance with the hierarchy of drainage set out in Building Regulations. The application is deemed to comply with policy SE 13 of the CELPS, which broadly requires that new development should reduce flood risk.

### **Nature Conservation**

Policy SE 3 of the CELPS notes that all development must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. The nature conservation officer has advised that the proposal is acceptable in terms of impacts on nature conservation, subject to conditions requiring a nesting bird survey prior to the removal of the existing building or vegetation during the breeding season, and for the incorporation of nesting bird features into the development, which would provide the necessary biodiversity enhancement as required by policy SE 3 of the CELPS. A daytime inspection for bats and a bat activity survey were carried out in the early part of the 2019 survey season. These surveys were updated in 2020 and the conclusion was that there is no evidence that the site currently contains a legally protected bat roost. Bats therefore do not present a constraint to the development. Subject to the conditions above, it is considered that the proposal would support the objectives of policy SE 3.

### **Air Quality and Ground Contamination**

Policy SE 12 of the CELPS notes that development should support improvements to air quality and seek to promote sustainable transport policies. The Environmental Protection Officer for Air Quality has recommended that the development should be served by electrical vehicle charging infrastructure comprising a single charging point to support the objectives of SE 12. It is considered that this would be an appropriate means of supporting the policy and that the charging point would be required to ensure that the development is acceptable in terms of SE 12.

SE 12 also notes that development for new housing will not normally be permitted where existing soil contamination or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against. The Environmental Protection Officer has noted that the site appears to have been recently used for storage of unknown materials, and that these may result in potential for localised contamination. Accordingly, they have recommended conditions requiring a ground contamination risk assessment, ground investigation, and if necessary submission and implementation of a contamination remediation strategy. The Environmental Protection Officer also recommended conditions for contamination checking of any soil or soil-forming materials brought onto site for landscaping purposes, and for dealing with unexpected contamination found during development. It is

considered that these requirements are appropriate and proportionate to ensure that the proposal complies with SE 12.

**Other matters**

There would not be any significant arboricultural implications owing to the limited value of trees within and outside the application site, and the limited impacts on the health of those trees, as identified by an arboricultural impact assessment submitted with the previous application and assessed by the Forestry Officer. The Forestry Officer has reiterated their advice with regard the revised proposal now under consideration, and has advised that no arboricultural conditions are required.

The site does not lie within a Local Landscape Designation Area and the landscape officer has advised that the proposal would not result in any significant landscape or visual impacts and raised no objections. For these reasons, and particularly given the current condition of the site, it is considered that the proposal would be acceptable in terms of impacts on the landscape.

**CONCLUSIONS**

The proposed development is considered to represent an appropriate form of development within an existing residential area, which would be acceptable in design terms and in terms of impacts on residential amenity, highways safety, the landscape, nature conservation, trees and flood risk. Public objections in terms of design and amenity are acknowledged, and have been considered in the preceding text, however, for the reasons set out above it is considered that the proposal would accord with the relevant policies of the development plan, and is therefore recommended for approval, subject to the following conditions.

- 1) **3-year commencement**
- 2) **Development in accordance with approved plans**
- 3) **Details of facing materials to be submitted**
- 4) **Landscaping and boundary details to be submitted**
- 5) **Landscape implementation**
- 6) **Existing and proposed levels details to be submitted**
- 7) **Electric Vehicle charging point to be provided**
- 8) **Ground contamination risk assessment and mitigation**
- 9) **Checking soil and soil-forming materials**
- 10) **Discovery of unexpected contamination**

*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 his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*



Application No: 18/1509M

Location: The Wilmslow Lodge, 69-71, ALDERLEY ROAD, WILMSLOW, CHESHIRE, SK9 1PA

Proposal: Extension to existing hotel building

Applicant: Mr Darren Simpkin, Hydes Brewery Limited

Expiry Date: 21-May-2018

### **SUMMARY**

It is considered that the proposal is environmentally, socially and economically sustainable. The site is located in a sustainable location within the settlement of Wilmslow and the proposal is considered to represent an efficient use of land.

The proposed development does conflict with development plan policies relating to open space. However the economic, social and environmental benefits arising from the proposal, including off site tree planting, management of the remaining woodland, increased expenditure in Wilmslow town centre, job opportunities, and an increase to the availability of hotel rooms within a very sustainable town centre location, are considered to outweigh the identified loss of open space.

Given the sustainable location of the site, parking standards can be relaxed in accordance with the CELPS. The application raises no significant issues relating to the living conditions of neighbours, ecology, design and heritage or trees that cannot be mitigated.

The proposals are also supported by relevant policies of the Cheshire East Local Plan Strategy and crucially the recently adopted Wilmslow Neighbourhood Plan Policy TC1 that states the following:-

*“Applications for new overnight accommodation (Hotels, Bed and Breakfasts) within the Town Core boundary, along key bus routes, or within close proximity to the railway station, will be strongly supported.”*

**SUMMARY RECOMMENDATION:**  
**Approve subject to conditions**

## **REASON FOR REPORT**

The application has been referred to Northern Planning Committee for a decision as the proposals have been advertised as a departure from the development plan, specifically policies related to open space, and as such a committee decision is required.

## **DESCRIPTION OF SITE AND CONTEXT**

The site is accessed from the B5086, Alderley Road Wilmslow. The lodge is a separate building from the Coach and Four and is located to the rear of the site. In between the two buildings is the car park. Behind the lodge are a cluster of fairly mature trees which are covered by Tree Preservation Orders. These trees have been surveyed and have been maintained in agreement with the Council's tree officer. The entrance elevation to the lodge faces west and the majority of the bedroom windows face north, east or west. The site is bordered by the main road to the west; and Sainsbury's delivery yard and car park access road to the north. The southern edge of the site is bordered with residential properties, with a protected open space and woodland to the east and residential properties to the south.

Originally called the New Inn, it was built circa 1753 following the construction of the Wilmslow turnpike. The pub was refurbished in 2002 when it was re-named the Coach and Four following a competition. The pub was extended and renovated again in 2014 and trade has increased. In 2004 a 36 bedroom block was erected on the land to the rear of the pub and since the renovation of the pub in 2014 the lodge occupancy rate has increased to over 90% after 12 years of successful operation. This success has led Hyde's to consider extending the lodge accommodation.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for a three-storey rear extension to the existing hotel building to provide 17 additional bedrooms.

## **RELEVANT PLANNING HISTORY**

04/0904P – 33 Bedroom hotel – Approved 21/06/04  
05/0792P – Advertisement Consent – Approved 18/05/05  
05/0967P – Glass Canopy – Approved 01/06/05  
07/0855P – Smoking Shelter – Approved 24/05/07  
13/0321M – Orangery Extension – Approved 22/03/13

## **POLICIES**

### **Cheshire East Local Plan Strategy (CELPS)**

MP1 Presumption - Sustainable Development

PG2 Settlement Hierarchy

EG4 Tourism

EG5 Promoting a Town Centre First Approach to Retail and Commerce

SC1 Leisure and Recreation

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development

SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 Landscape  
SE6 Green Infrastructure  
SE5 Trees, hedges and woodlands  
SE12 Pollution, land contamination and land instability  
IN 2 – Developer Contributions  
CO 1 – Sustainable Travel and Transport  
Appendix C – Adopted Parking Standards

**Macclesfield Borough Local Plan Saved Policies (MBLP)**

DC2 Extensions to existing buildings  
DC3 Amenity  
DC6 Circulation and Access  
DC9 Trees of Amenity Value  
DC35 Materials and Finishes  
RT1 Open Space

**Wilmslow Neighbourhood Plan (WNP)**

TA1 Parking  
TC1 New overnight accommodation  
LSP1 Energy  
LSP2 Green/Blue infrastructure  
NE3 Green Links  
NE5 Nature  
TH3 Heritage  
TA5 Cycling

**Other Material Considerations**

National Planning Policy Framework  
Cheshire East Borough Design Guide 2017

**CONSULTATIONS (External to Planning)**

**Head of Strategic Infrastructure** – No objections

**Environmental Protection** – No objections subject to conditions relating to piling and dust control

**National Grid**– Issue standard advice on the protection of their assets

**Wilmslow Town Council** – No objections

**OTHER REPRESENTATIONS**

**Wilmslow Civic Trust** – Commented that whilst they are not opposed to the development, wish to bring to attention the possibility of a precedent being set by the Coach and Four's apparent arrangement as a solution for the lack of car parking spaces. Other

applications within the Town Centre may attempt to use the same arrangement, thus undermining the very essence of Planning Control. The only comment they wish to make on the application is the need for any windows overlooking neighbouring properties to be of obscured glass.

**One** letter of support submitted stating that parking seems low but welcoming the tidying up of the woodland and removal of certain trees.

**One** letter of objection submitted on the grounds of loss of privacy, intrusion to green area, overlooking and volume and height.

**One** letter of general observation submitted that requests additional planting to the boundary.

*This is a summary of comments to the original submission and the full contents are available to view on the CEC website.*

## **APPLICANTS SUBMISSION**

There are no other hotel bedrooms available in the centre of Wilmslow; this is unusual for an affluent town with a population of around 30,000.

The current 36-bedroom lodge has enjoyed room occupancy rates of around 93% over the last three years. On this basis and Hydes understanding of currently unfulfilled demand (i.e. attempted bookings that cannot be accommodated) it is anticipated that the occupancy of the additional rooms will be around 80%.

On the basis of the above and an average occupancy of 1.5 people per room, the lodge extension would promote an additional 6,600 visits to Wilmslow town centre every year. At a time when the sustainability of many town centres is in question, and with a significant incidence of empty shop units in Wilmslow, this would be a major benefit.

The total additional spend with Hydes Brewery limited by the additional visitors to the lodge would be in the region of £460k per annum. Additional employment would likely comprise of one or two full time roles and a number of part time positions (4 full-time equivalent roles) at the extended hotel

It is reasonable to assume that 6,600 visits would generate between £100k and £200k expenditure in the town (£15-£30 per visit) - over and above the £460k spent at Hydes' premises – and that this would translate into at least one, and possibly two full-time equivalent roles being created.

Wilmslow is very poorly served for town centre hotel accommodation.

*This is a summary for reporting purposes.*

## **OFFICER APPRAISAL**

### **Open Space**

The application site is allocated as Existing Open Space within the MBLP (although it is not accessible to the public) under saved policy RT1. This policy states that areas of recreational land and open space as shown on the proposals map will be protected from development. RT1 does however accept that development of a building footprint which does not harm the integrity of the open space will normally be permitted.

Paragraph 97 of the Framework states that existing open space should not be built on unless:

- “a) an assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or*
- b) the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or*
- c) the development is for alternative sports and recreational provision, the benefits of which clearly outweigh the loss of the current or former use.”*

These tests are reflected in policy SC1 of the CELPS which seeks to protect and enhance existing leisure and recreation facilities, unless a needs assessment has clearly proven them to be surplus to requirements to local community needs or unless alternative provision, of equivalent or better quality, is to be made. However this policy also seeks to support and promote the provision of better leisure, community and recreation facilities, where there is a need for such facilities, the proposed facilities are of a type and scale appropriate to the size of the settlement, are accessible and support the objectives of the Local Plan Strategy.

Policy SE6 aims to deliver a good quality, and accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits.

The proposed extension will be constructed on an area of Existing Open Space, and it has not been demonstrated that the open space is surplus to requirements; it is not being replaced by equivalent or better provision, and the development is not for alternative sports and recreational provision. Accordingly the proposal conflicts with policies RT1 of the MBLP, SC1 of the CELPS and paragraph 97 of the Framework.

### **Trees**

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

A small woodland located to the rear of 10 and 12 Greenway and immediately east of the existing building is protected by the Macclesfield Borough Council (Wilmslow - Rear Of The New Inn) Tree Preservation Order 1995 (Woodland W1).

17 lower quality trees will be removed to accommodate the proposed extension, which will have a low impact on the wider amenity of the area. Notwithstanding this low impact the proposed development will result in the loss of an area of protected woodland. The Applicant has stated in their Arboricultural Statement that the woodland would not meet the Council's current criteria for woodland TPO designation and it is too small to benefit from appropriate

grant funding for beneficial management and whilst the points made are correct, it is largely irrelevant as the TPO is a confirmed and valid Order and was effectively made prior to the current criteria.

However, as part of the application, the applicant has proposed a Biodiversity Management Plan (BMP) for the remaining woodland and has offered to secure appropriate woodland planting through agreement off site. The proposed package of measures include an area of woodland off site at The Carrs comprising of 375sqm of mixed species that will bridge a gap between existing woodland forming an ecological corridor and roadside barrier. The proposal has been the subject of discussions with Ansa Environmental Services and the Council's Principal Forestry Officer and has been agreed. It is proposed to ensure the delivery by way of a planning condition.

Subject to this mitigation, the proposal will comply with the element of Policy SE 5 that development must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting and provides for replacement of trees on a 3:1 basis.

### **Nature Conservation**

Policy SE3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Policy NE5 of the WNP also reflects these requirements.

The Nature Conservation Officer has commented on the application and noted that the submitted Biodiversity Management Plan makes recommendations for the enhancement of site overall. The enhancements are likely to have a positive impact upon biodiversity generally and should planning permission be granted, a condition should be applied which requires adherence to the recommendations. The modest net loss on site is recognised but it is offset by the positive enhancements and therefore the Nature Conservation Officer has not objected to the proposals. A bat survey has been carried out on the site and while some activity was detected generally, no legally protected bat roosts were identified. Given the proposed removal of vegetation, a condition is recommended in respect of safeguarding breeding birds. The proposal will therefore comply with the requirements of policy SE3 of the CELPS and NE5 of the WNP.

### **Design/Heritage**

The Coach & Four public house building fronting onto Alderley Road is a locally listed building, a heritage asset. However, the existing hotel building will sit between the proposed extension and the locally listed building and as such will not result in harm to the significance of the asset, in accordance with policy SE7 of the CELPS and TH3 of the WNP.

Policies SE 1 and SD 2 of the CELPS seek to ensure that development is of a high standard of design which reflects local character and respects the form, layout, siting, scale, design, height and massing of the site, surrounding buildings and the street scene. CELP policy SD 2(1) (ii) states development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, materials, external design and massing.

The character of the area is of town centre uses to the north (Sainsbury's and associated town centre car parking) and west and residential to the south and east. It is considered that a

proportionate development is proposed and it considered the design solution is acceptable and relatively discreet in the context of the overall character of site and town centre location. A three storey addition would be to the rear of the present lodge and views of the locally listed building would not be impaired as it would be separate and not readily visible from the main road. The extension would be rendered with a brickwork plinth and slate roof to match the existing building. The proposal is considered to comply with policies SE1 and SD2 of the CELPS as the design solution is considered to achieve a sense of place and enhance quality and would provide towards infrastructure, services or facilities and the green infrastructure. The relationship to the neighbourhood identity would be positive. The extension would be unobtrusive and would be sympathetic to the surroundings.

### **Amenity**

Saved policy DC3 of the MBLP requires that new development should not significantly injure the amenities of adjoining or nearby residential property or sensitive land uses due to loss of privacy, overbearing effect, loss of sunlight or daylight, or other forms of disturbance and nuisance. Saved policy DC38 of the MBLP sets out guideline separation distances for new residential development, including minimum distances between windows, to ensure adequate space, light and privacy is retained.

It is considered that the proposals would injure privacy and amenity and would comply with policy DC3 as the extension would be a significant distance away from residential properties so not to be overbearing. Distances to any of the adjoining dwelling would observe the guidelines set out in policy DC38 of the MBLP even though the proposals are not directly for residential development. The nearest house is to the south and the extension would be 26 metres away with only stairwell windows facing. The main outlook from the new bedrooms will be towards the east and north, with no overlooking issues regarding adjoining gardens or houses. Conditions relating to pile driving and dust control are recommended to protect the living conditions of neighbouring properties.

### **Highways**

Policy TA1 of the WNP expects development to provide sufficient parking in line with the CELPS Appendix C: Parking Standards. The access to the site would be unchanged and three additional spaces would be provided that is below normal council standards, which recommend 1 space per bedroom. However a footnote to the Council's Parking Standards within the CELPS states that "*Recommended standards should be reduced for hotels located in central and easily accessible locations*". In this case, the location is very sustainable within the town centre with bus and train links and immediate access to a range of facilities. A public car park accommodating over 300 spaces is also located adjacent to the site. Importantly the Highways Officer has commented that there are no significant material highway implications associated with the above proposal and has no objection to the planning application. The level of proposed car parking is therefore considered to be acceptable. Clarification on cycle parking is currently being sought from the applicant and will be reported as an update in terms of policy TA5 of the WNP which requires all new development to consider the needs of cyclists.

## **PLANNING BALANCE**

The proposed development conflicts with the development plan due to the loss of open space, which weighs heavily against the proposal. The parking provision for the extended hotel is also below the standards recommended in the CELPS.

However, the size of the designated open space is approximately 3,146sqm and the footprint of the development is 199sqm which represents 6% of the total area. Therefore the net loss is relatively limited. Added to this is the fact that the value of the open space is more as a visual asset than as a recreational asset due to the lack of public access. The open space allocation extends from the application site in a linear form around the south and east boundaries of the adjacent car park where it appears to provide a boundary between the adjacent residential uses from the more commercial town centre uses. Given the limited encroachment into the open space, this delineation will still remain and the green backdrop to the area will be retained, and it is not considered that the visual integrity of the open space will be significantly harmed.

The area of retained woodland within the site will benefit from much needed management, and the loss of trees will be mitigated off-site with replacement planting on a 3:1 basis. ANSA have confirmed that the creation and enhancement of green corridors, to which this mitigation would contribute, will also figure in the forthcoming masterplan for the Carrs and the project will be in partnership with a number of stakeholders including the Friends of and Bollin Valley Rangers. There are quite far reaching benefits to improving these corridors which form strategic Green Infrastructure with Styal and the Dean valley. This carries moderate weight.

Other factors are that the Proposals Map for the Neighbourhood Plan does not identify the application site as an area of Open Space e.g. Amenity Greenspace, Natural or Semi-Natural Greenspace, Parks & Gardens etc. and appendix 3 of the Neighbourhood Plan does not include the application site within the 'Biodiversity Mapping' and it is not listed as a 'Local Wildlife Site'. Policy CR3 of the WNP identifies 23 Local Green Space designations for sites of 'special character, significance and community value'. The application site does not form one of these 23 Local Green Space designations

The applicant has also put forward a number of economic benefits arising from the proposed development including greater expenditure within Wilmslow town centre and increased employment opportunities. Coupled with the fact that Wilmslow town centre is not well served by hotel accommodation, these are benefits that are considered to carry substantial weight. It is also important to note that WNP Policy TC1 that states "Applications for new overnight accommodation (Hotels, Bed and Breakfasts) within the Town Core boundary, along key bus routes, or within close proximity to the railway station, will be strongly supported." Wilmslow Lodge falls within the Town Centre boundaries identified through the Neighbourhood Plan.

The proposal will also comply with CELPS policies EG4 by boosting tourism by way of the expansion of tourist accommodation; policy SE3 by the enhancement of biodiversity on the site; policy SE5 by way of the sustainable management of woodland and new planting at the application site and at The Carrs to deliver a good quality, and accessible network of green spaces for people to enjoy.

It is therefore considered that the conflict with the development plan in terms of the loss of this small area of open space allocated within the MBLP in 2004 is clearly outweighed by the social, economic and environmental benefits that are listed above.

## CONCLUSION

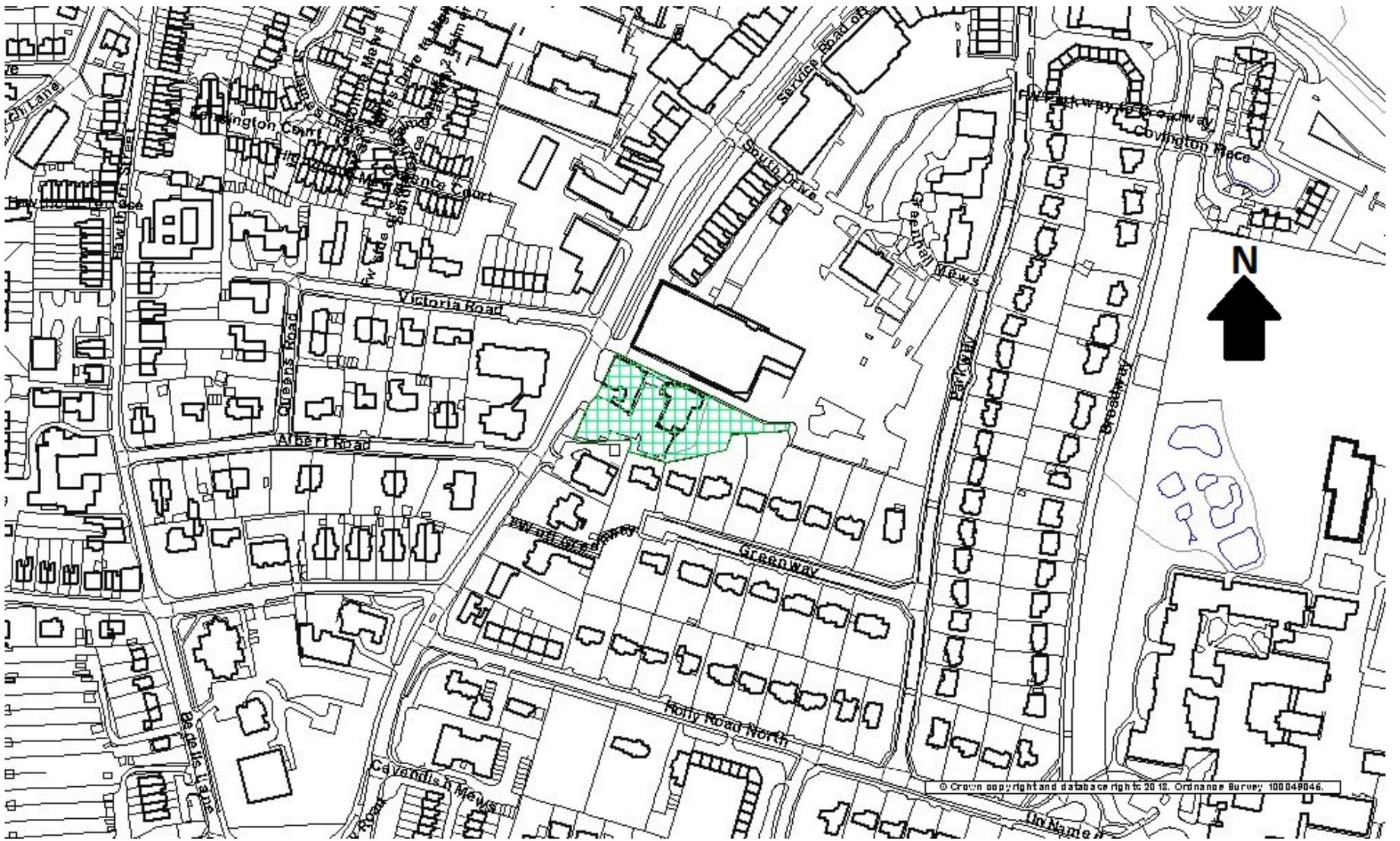
The comments received in representation have been considered in the preceding text, however for the reasons stated above, the proposal is considered to be a sustainable form of development and a recommendation of approval is therefore made, subject to the following conditions.

*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 his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.*

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Materials as application
4. Details of Pile Driving to be submitted
5. Dust management plan to be submitted
6. Breeding birds survey to be submitted
7. Parking spaces to be provided and retained
8. Implementation of off-site replacement tree planting
9. Development to be carried out in accordance with Biodiversity Management Plan





*Working for a brighter future together*

## **Northern Planning Committee**

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**Date of Meeting:** 12 August 2020

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

**Portfolio Holder:** Councillor Toni Fox - Planning

**Senior Officer:** David Malcolm - Head of Planning

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### **1.0 Report Summary**

1.1 The purpose of this report is to provide the Northern Planning Committee with information relating to the activities and performance of the Council's planning enforcement service during the period 1<sup>st</sup> April 2019- 31<sup>st</sup> 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 1<sup>st</sup> April 2019- 31<sup>st</sup> 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**

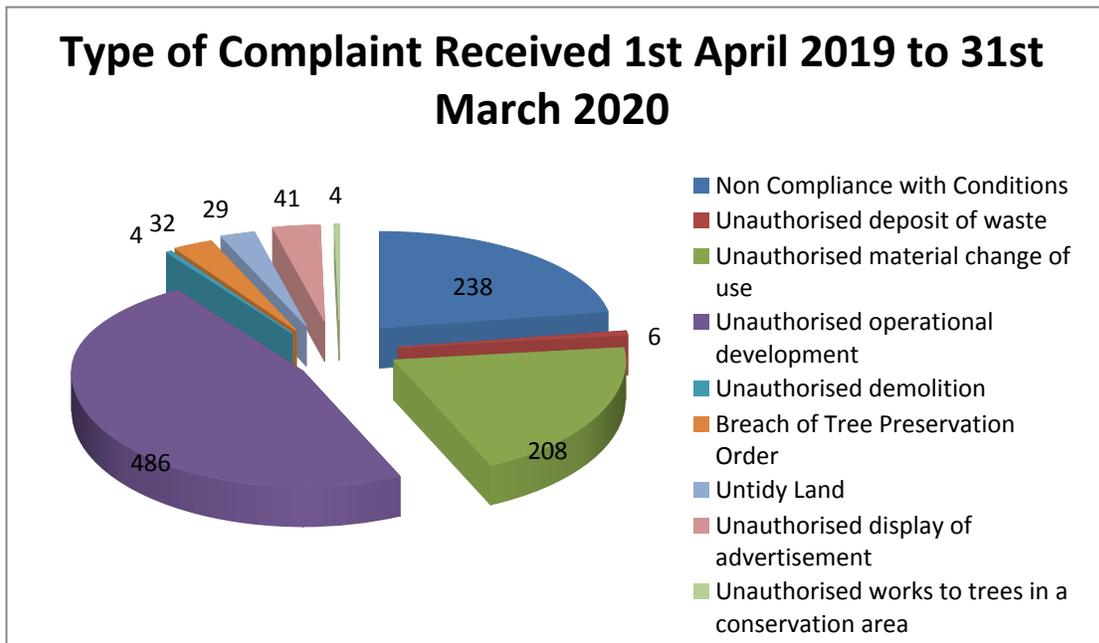
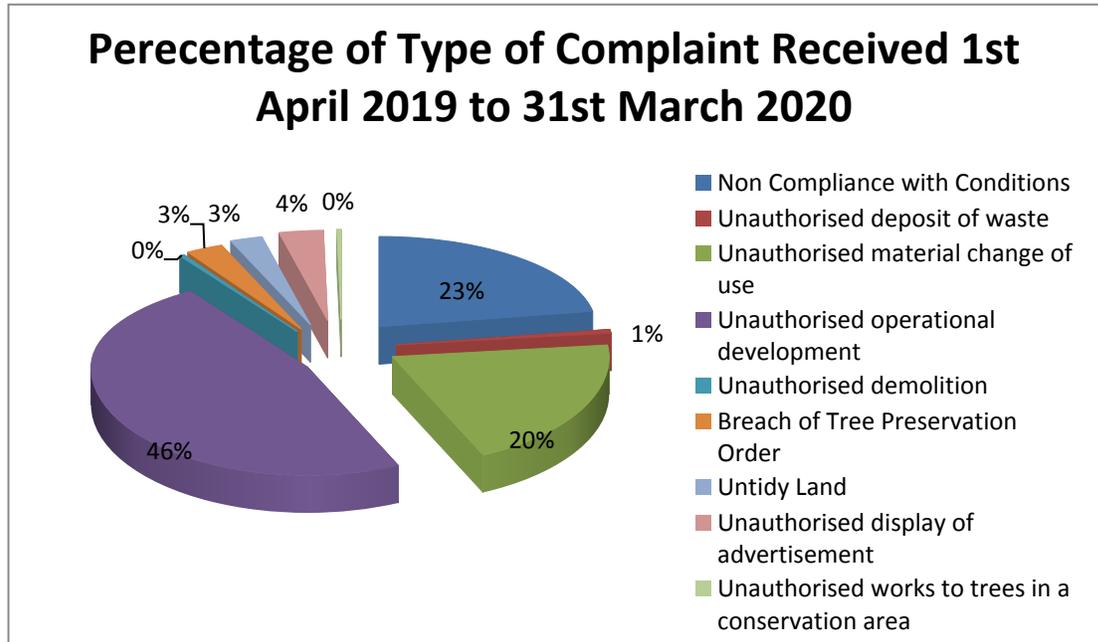


CHART 2



- 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

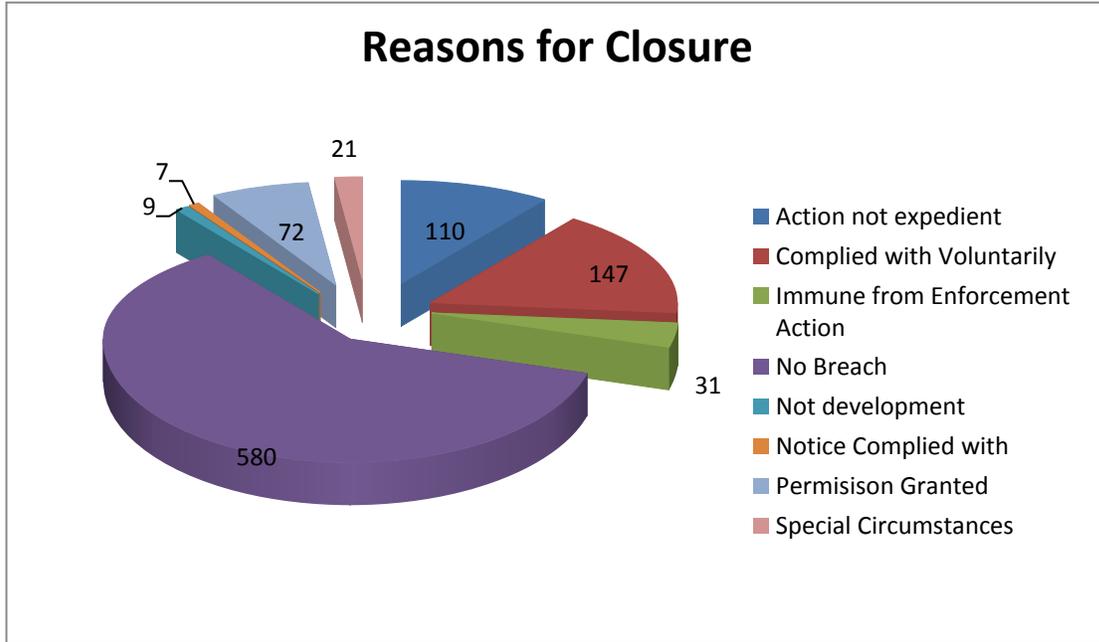
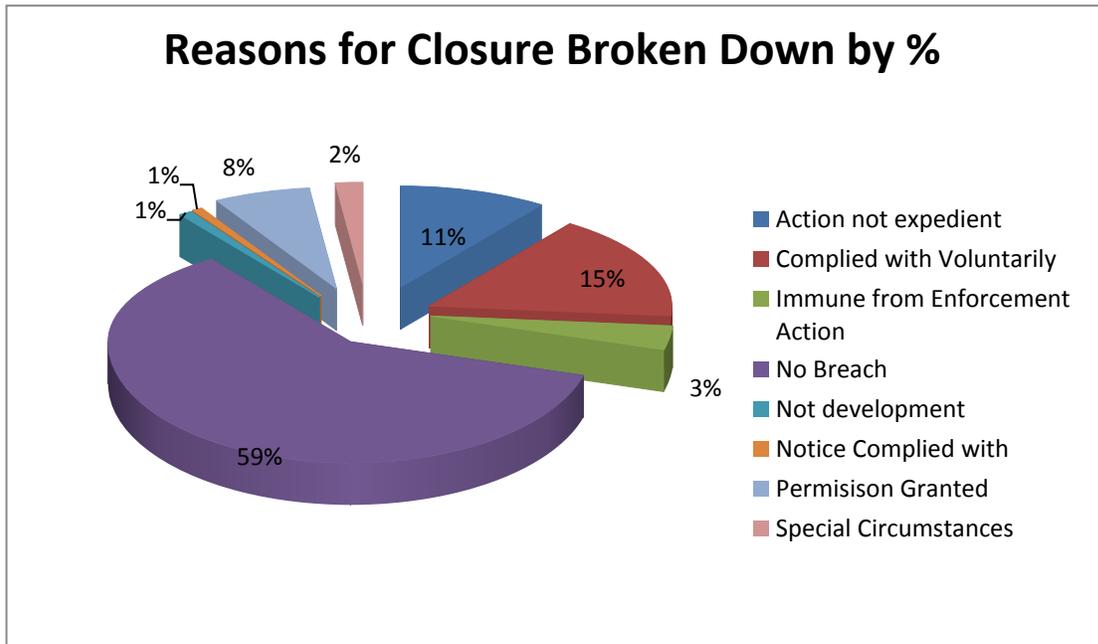


CHART 4



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.

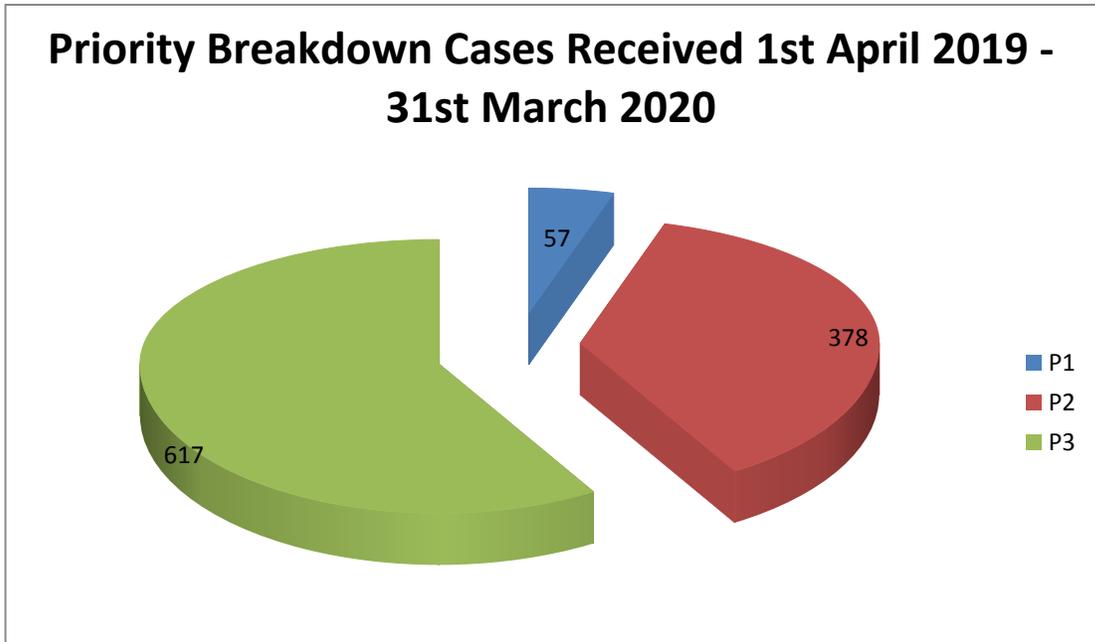
**Priority 2 Medium – 5 working days**

**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



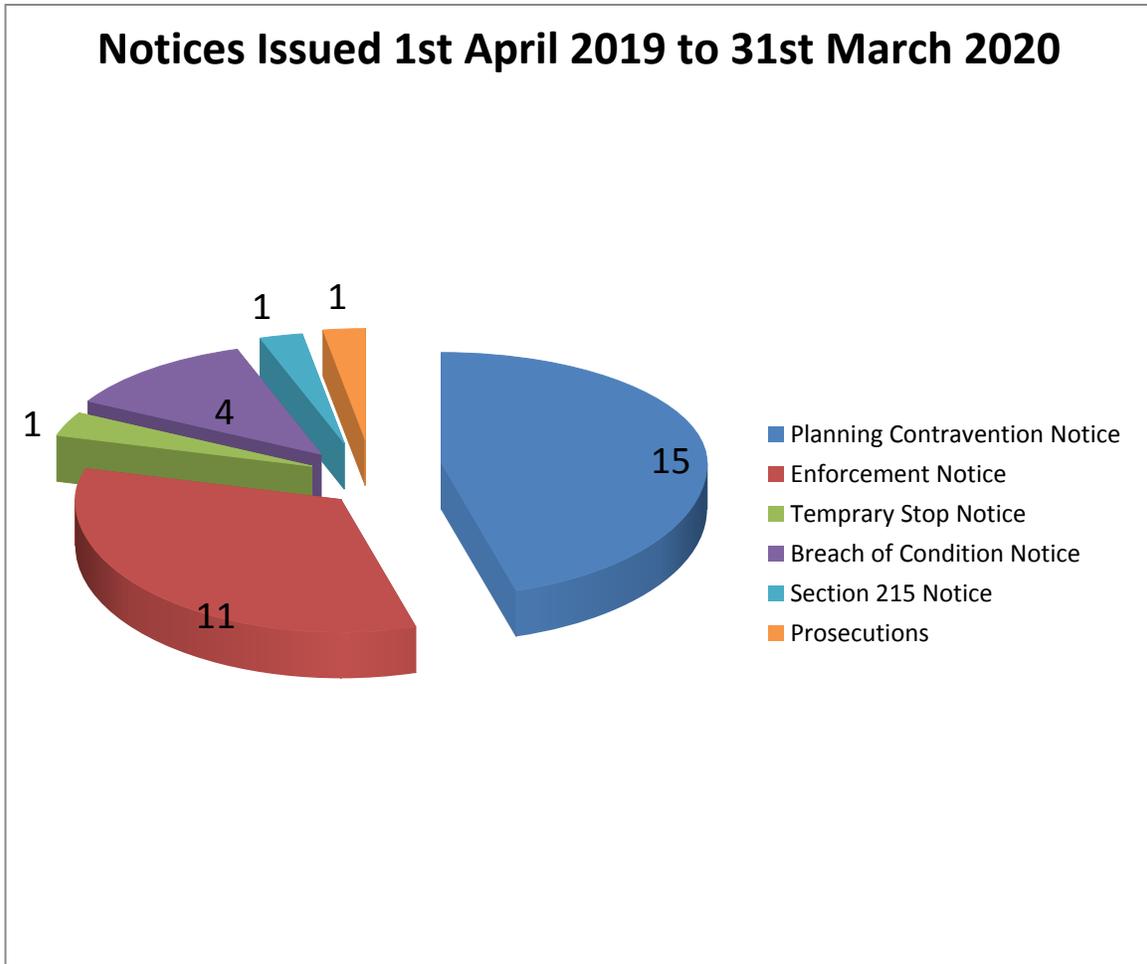
**3.10 Service Improvement**

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**

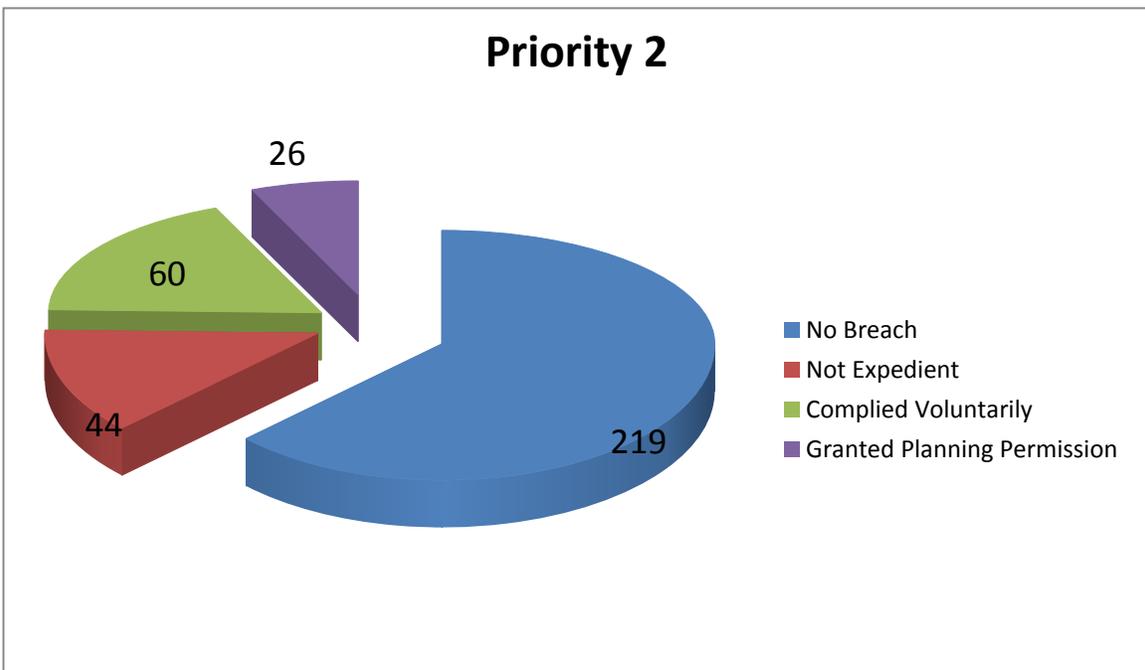
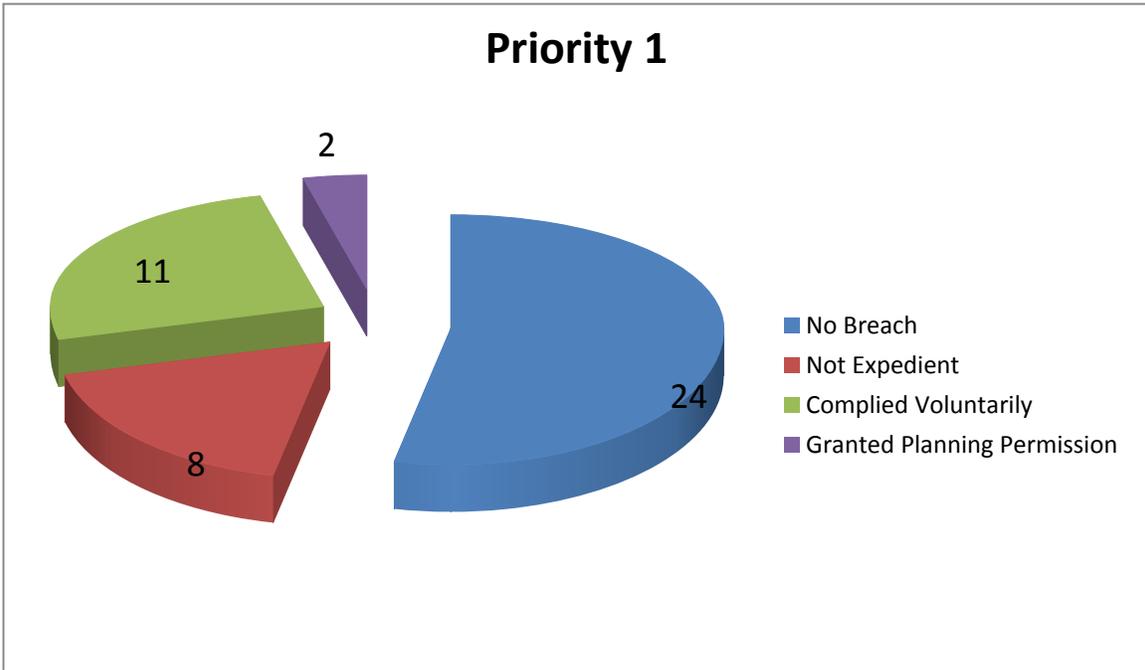


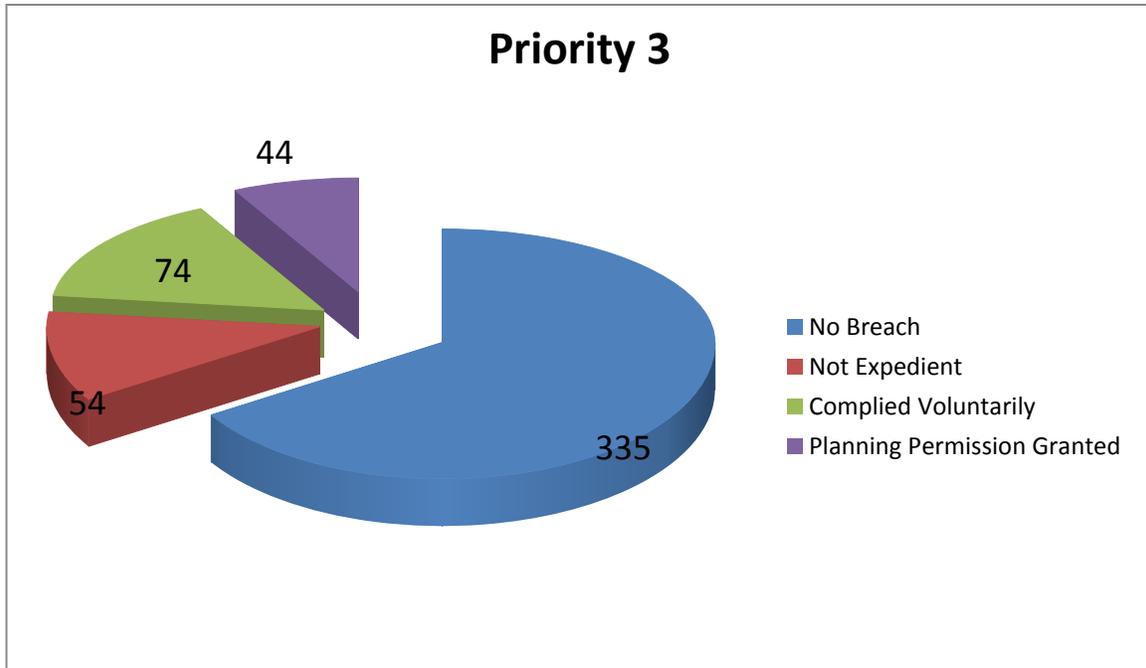
- 3.14 From a total of 11 enforcement notices issued 6 notices have been appealed or are currently the subject of an appeal. None of the appeals have yet been decided however one was withdrawn after the hearing had taken place. In these exceptional circumstances the Council has put in an application 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 1<sup>st</sup> April 2018 to 31<sup>st</sup> 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 1<sup>st</sup> 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.

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## 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	<b>ALDERLEY EDGE</b>	Unauthorised erection of 2no. connected buildings	Enforcement Notice	Enforcement Notice issued 1 <sup>st</sup> April 2019. Compliance due by 3 <sup>rd</sup> October 2019. Appeal lodged 1st May 2019. Appeal in progress.
Ridgeside House Tempest Rd Alderley Edge	<b>ALDERLEY EDGE</b>	Breach of condition relating to landscaping scheme	Breach of Condition Notice	Breach of Condition Notice issued 4 <sup>th</sup> January 2019. Compliance due by 4 <sup>th</sup> April 2019. A further application was submitted to amend the landscaping scheme (part retrospective) and was approved on 12 <sup>th</sup> November 2019. No further action to be taken in respect of the Notice. <b>CASE CLOSED</b>
Brookfield Stables, Watery Lane, Astbury	<b>ASTBURY</b>	Unauthorised stable block	Enforcement Notice	Enforcement Notice issued 17 <sup>th</sup> 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	<b>ASTBURY</b>	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 <sup>th</sup> 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 <b>CASE CLOSED</b> .
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	<b>BOLLINGTON</b>	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	<b>BOLLINGTON</b>	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.

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Pool House Clarke Lane Bollington	<b>BOLLINGTON</b>	Unauthorised erection of a fence	Enforcement Notice	Enforcement Notice issued on 5 <sup>th</sup> February 2019. Compliance due 8 <sup>th</sup> May 2019. Appeal dismissed. Compliance due 1 <sup>st</sup> May 2020. Site visit required to check compliance with the Notice.
George and Dragon, 61 Rainow Road, Macclesfield	<b>BOLLINGTON</b>	Untidy Land	S215 Notice	Untidy Land Notice issued 1 <sup>st</sup> March 2018. Compliance due July 2018. Notice not complied with. Prosecution proceedings instigated. The matter was heard in the Magistrates court on 19 <sup>th</sup> 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	<b>BRERETON RURAL</b>	Erection of a porch	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> March 2018. Appeal dismissed. Porch removed full compliance achieved. <b>CASE CLOSED</b>
The Chase Plumley Moore Road Plumley	<b>CHELFORD</b>	Unauthorised change of use of land from agricultural to garden, erection of gate, gate piers and hardstanding.	Enforcement Notice	Enforcement Notice issued 9 <sup>th</sup> December 2019. Compliance due 14 <sup>th</sup> April 2020. Appeal lodged 7 <sup>th</sup> January 2020. Appeal in progress.
Woodend Nursery Stocks Lane Over Peover	<b>CHELFORD</b>	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 <sup>st</sup> January 2020. Compliance due 28 <sup>th</sup> June 2020. Appeal lodged 5 <sup>th</sup> February 2020. Appeal in progress.
Wood Platt Cottage,	<b>CHELFORD</b>	Unauthorised change of use	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> August 2017. Appeal dismissed 10 <sup>th</sup> January 2019,. Compliance due 10 <sup>th</sup> June 2019. Notice partly complied with. Pursuing compliance with

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Chelford Road, Marthall		of land to an unauthorised waste transfer site		the Notice.
Wood Platt Cottage, Chelford Road, Marthall	<b>CHELFORD</b>	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> August 2017. Appeal dismissed 10 <sup>th</sup> January 2019, the Notice was upheld. Compliance due 10 <sup>th</sup> September 2019. Notice not complied with. Pursuing compliance with the Notice.
Hawthorn House, Free Green Lane, Over Peover	<b>CHELFORD</b>	Unauthorised Building	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> 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	<b>CONGLETON EAST</b>	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	<b>CONGLETON EAST</b>	Untidy Land	S215 Notice	S215 Notice served 9 <sup>th</sup> June 2018. Partial compliance. Case to be reviewed.
Coole Acres, Coole Lane, Newall	<b>COOLE PILATE</b>	Breach of condition, temporary residential unit and business unit	Breach of Condition Notice	Breach of Condition Notice issued 12 <sup>th</sup> 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	<b>CREWE EAST</b>	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.

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		warehouse and distribution with ancillary offices.		
403 Groby Road, Crewe	<b>CREWE EAST</b>	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	<b>CREWE EAST</b>	Untidy Site	S215 Notice	Untidy Land Notice issued 15 <sup>th</sup> 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	<b>CREWE EAST</b>	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 <sup>rd</sup> 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	<b>CREWE EAST</b>	Untidy Land	S215 Notice	Notice served 27 <sup>th</sup> September 2019. Land alleged to have been sold. Case to be reviewed.
24 Gresty Road, Crewe	<b>CREWE SOUTH</b>	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	<b>CREWE SOUTH</b>	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	<b>DISLEY</b>	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	Enforcement Notice issued 11 <sup>th</sup> 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	<b>GAWSWORTH</b>	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. <b>CASE CLOSED</b>
Land west of	<b>GAWSWORTH</b>	Unauthorised	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal dismissed. Enforcement Notice

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Bramhall Hill North Rode		Stables		complied with. <b>CASE CLOSED.</b>
Ladera, Back Lane, Eaton	<b>GAWSWORTH</b>	Unauthorised change of use from a recreational caravan site to a residential and recreational caravan site.	Enforcement Notice	Enforcement Notice issued on 28 <sup>th</sup> May 2019. Compliance due 18 <sup>th</sup> January 2021. Appeal lodged 17 <sup>th</sup> July 2019. Appeal hearing took place in February 2020. Appeal withdrawn on 17 <sup>th</sup> March 2020 by the appellant. Awaiting the outcome of a costs application submitted by the Council. Compliance with the Notice due 17 <sup>th</sup> August 2021.
Land at Buxton Road, Bosley	<b>GAWSWORTH</b>	Untidy Land	S215 Notice	Notice issued 26 <sup>th</sup> October 2018. Notice complied with. <b>CASE CLOSED</b>
19 Richmond Avenue, Handforth	<b>HANDFORTH</b>	Unauthorised erection of a detached outbuilding	Enforcement Notice	Enforcement Notice issued. Compliance due 1 <sup>st</sup> December 2018. Enforcement Notice complied with. <b>CASE CLOSED.</b>
Mere End Cottage, Mereside Road, Mere, Knutsford	<b>HIGH LEGH</b>	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	<b>HIGH LEGH</b>	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	<b>HIGH LEGH</b>	Unauthorised change of use of agricultural land to garden. Erection of building, patio and play	Enforcement Notice	Enforcement Notice issued 10 <sup>th</sup> March 2015 Appeal lodged 16 <sup>th</sup> April 2015 but withdrawn on 18 <sup>th</sup> June 2015. Notice due to be complied with by 18 <sup>th</sup> October 2015. Site visit undertaken, Notice partly complied with. Pursued compliance with the Notice. Notice complied with. <b>CASE CLOSED</b>

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		equipment		
Aston Park House, Budworth Road, Aston By Budworth	<b>HIGH LEGH</b>	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice Issued 18 <sup>th</sup> May 2017 requiring restoration works to be carried out to the dwelling. Appeal lodged 20 <sup>th</sup> June 2017. Appeal withdrawn 9 <sup>th</sup> 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	<b>HIGH LEGH</b>	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued 18 <sup>th</sup> May 2017 requiring works to alleviate damage to the dwelling. Appeal lodged 20 <sup>th</sup> June 2017. Appeal withdrawn 9 <sup>th</sup> 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	<b>KNUTSFORD</b>	Unlawful works to a Grade II listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued 19/10/17. Appeal lodged 17 <sup>th</sup> November 2017. Appeal decision made 3 <sup>rd</sup> 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. <b>CASE CLOSED.</b>
1 Lovat Drive Knutsford	<b>KNUTSFORD</b>	Unauthorised erection of a fence	Enforcement Notice	Enforcement Notice issued 4 <sup>th</sup> March 2019. Compliance due 3 <sup>rd</sup> June 2019. Notice not complied with. Compliance with Notice pursued, the Notice was complied with end of June 2019. <b>CASE CLOSED.</b>
19 Merlin Way, Crewe	<b>LEIGHTON</b>	Untidy Land	S215 Notice	Notice served 23 <sup>rd</sup> February 2018. Compliance achieved. <b>CASE CLOSED</b>
Land at Moss Lane Macclesfield	<b>MACCLESFIELD SOUTH</b>	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. <b>CASE CLOSED</b>
Land opposite 162 Moss Lane Macclesfield	<b>MACCLESFIELD SOUTH</b>	Unauthorised change of use of land for parking/storage of vehicles and domestic paraphernalia, siting of a	Enforcement Notice	Enforcement Notice issued 2 <sup>nd</sup> August 2019. Compliance due 4 <sup>th</sup> 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	<b>MIDDLEWICH</b>	Unauthorised operation development, erection of a building and boundary walls	Enforcement Notice	Enforcement Notice issued 5 <sup>th</sup> 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	<b>MOBBERLEY</b>	Unauthorised hardstanding and earth bund	Enforcement Notice	Notice issued 25 <sup>th</sup> October 2019. Compliance due 29 <sup>th</sup> May 2020. No appeal lodged. Notice not complied with. Pursuing compliance with the Notice. .
17 Town Lane Mobberley	<b>MOBBERLEY</b>	Unauthorised fencing	Enforcement Notice	Notice issued 11 <sup>th</sup> January 2019. Compliance due 14 <sup>th</sup> April 2019. Appeal lodged 13 <sup>th</sup> February 2019. Appeal dismissed. Compliance with Notice due 18 <sup>th</sup> December 2019. Notice not complied with, compliance with Notice pursued. Notice complied with January 2020. <b>CASE CLOSED</b>
Castle Hill Farm, Castle Mill Lane, Ashley	<b>MOBBERLEY</b>	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 <sup>th</sup> August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due
106-108 Station Road, Scholar Green	<b>ODD RODE</b>	Unauthorised extensions and alterations	Enforcement Notice	Enforcement Notice issued 6 <sup>th</sup> March 2020. Appeal pending.
106-108 Station Road, Scholar Green	<b>ODD RODE</b>	Unauthorised boundary walls	Enforcement Notice	Enforcement Notice issued 6 <sup>th</sup> March 2020. Appeal pending.
Elm Beds Caravan	<b>POYNTON EAST AND POTT SHRIGLEY</b>	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 is

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Park, Poynton		caravan		not being pursued at the present time. Case remains open. Legal advice currently being sought.
Panache, 1 London Road, Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised flue	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> November 2019. Compliance due 6 <sup>th</sup> May 2020. No appeal lodged. Site visit to be undertaken to check compliance with the Notice. .
Land adjacent to 5 Rushmere Close, Adlington	<b>POYNTON WEST AND ADLINGTON</b>	Unauthorised change of use of land to garden	Enforcement Notice	Enforcement Notice issued 16 <sup>th</sup> February 2015. Appeal lodged. Appeal decided 29 <sup>th</sup> September 2015. Appeal dismissed. Compliance due 29 <sup>th</sup> June 2016. Notice partly complied with. Pursuing compliance with the Notice.
PSS Nurseries, 9 Lees Lane, Newton, MSA	<b>PRESTBURY</b>	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. <b>CASE CLOSED</b>
PSS Nurseries, 9 Lees Lane, Newton, MSA	<b>PRESTBURY</b>	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. <b>CASE CLOSED</b>
Asana Collar House Drive Prestbury	<b>PRESTBURY</b>	Unauthorised fencing around pitch and floodlights	Enforcement Notice	Enforcement Notice issued 1 <sup>st</sup> April 2015. Appeal dismissed. Compliance due January 2016. Notice complied with. <b>CASE CLOSED</b>
Mottram Wood Farm Smithy Lane Mottram St Andrew	<b>PRESTBURY</b>	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	<b>SANDBACH HEATH AND EAST</b>	Erection of a dwelling	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> October 2017. Appeal allowed Notice quashed. <b>CASE CLOSED</b>
30 Lime Close, Sandbach	<b>SANDBACH TOWN</b>	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	<b>SANDBACH TOWN</b>	Installation of an extraction flue	Enforcement Notice	Enforcement Notice issued 4 <sup>th</sup> October 2018. Full compliance achieved. <b>CASE CLOSED</b>
79 Union Street, Sandbach	<b>SANDBACH HEATH AND EAST WARD</b>	Unauthorised material change of use to car wash	Enforcement Notice	Enforcement Notice issued November 2018. Appeal dismissed. Notice complied with September 2019. <b>CASE CLOSED</b>
Land at Gaw End Lane Lyme Green	<b>SUTTON</b>	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 <sup>th</sup> December 2018. Compliance due 10 <sup>th</sup> May 2019. Appeal lodged 27 <sup>th</sup> March 2019. Appeal dismissed. Compliance due by 10 <sup>th</sup> January 2020. Notice not complied with. Pursuing compliance with the Notice.
The Wharf, Bullocks Lane, Sutton	<b>SUTTON</b>	Unauthorised material change of use from storage of roofing materials to residential	Enforcement Notice	Enforcement Notice issued 26 <sup>th</sup> October 2016. Appeal dismissed. Compliance due by March 2018. Notice not complied with. Notice partially complied with.
The Wharf, Bullocks Lane, Sutton	<b>SUTTON</b>	Unauthorised operational development, erection of a building used for residential	Enforcement Notice	Enforcement Notice issued 26 <sup>th</sup> 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. <b>CASE CLOSED</b>

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Holly Cottage, Meg Lane, Sutton	<b>SUTTON</b>	purposes 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 <sup>th</sup> May 2017. Appeal decided 9 <sup>th</sup> 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. <b>CASE CLOSED</b>
Rush Cottage, Gore Lane, Chorley, Alderley Edge	<b>WILMSLOW WEST AND CHORLEY</b>	Unauthorised extensions to residential property	Enforcement Notice	Enforcement Notice issued 29 <sup>th</sup> November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13 <sup>th</sup> January 2018. Notice not complied with. Pursuing compliance with Notice.
Lode Hill, Altrincham Road, Styal, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	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	<b>WILMSLOW LACEY GREEN</b>	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 <sup>th</sup> July 2019. Notice partly complied with, hard standing remains. Pursuing compliance with the Notice.
Wilmslow Garden Centre, Manchester	<b>WILMSLOW LACEY GREEN</b>	Erection of a conservatory showroom building,	Enforcement Notice	Enforcement Notice issued on 28 <sup>th</sup> August 2019. Compliance due 27 <sup>th</sup> 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 consideration. Site visit to be undertaken to check compliance with the Notice.

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Road, Wilmslow		associated decking, balustrade, glass screen and hardstanding		
Haycroft Farm, Peckforton Hall Lane, Spurstow	<b>WRENBURY</b>	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. <b>CASE CLOSED</b>
Six Acres, Wirswall Road, Wirswall	<b>WRENBURY</b>	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 <sup>th</sup> December 2014. Notice complied with. <b>CASE CLOSED</b>
Six Acres, Wirswall Road, Wirswall	<b>WRENBURY</b>	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	<b>WRENBURY</b>	Erection of an outbuilding	Enforcement Notice	Enforcement Notice issued January 2019. Compliance due November 2019. Partial compliance achieved. Case to be reviewed.
Land at Chorlton Lane, Crewe	<b>WYBUNBURY</b>	Change of use of land from agriculture to a	Enforcement Notice	Enforcement Notice issued 10/12/14. Compliance due 8 <sup>th</sup> 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

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		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.		have now met. Land sold <b>CASE CLOSED</b>
Basford Old Creamery, Newcastle Road, Chorlton	<b>WYBUNBURY</b>	Breach of condition location of concrete cutting outside building	Breach of Condition Notice	Breach of Condition Notice issued 27 <sup>th</sup> September 2016. Notice complied with. <b>CASE CLOSED</b>
Land at Little Island Livery, Haymoor Green Road, Wymbunbury	<b>WYNBUNBURY</b>	Unauthorised erection of a timber building used for grooms accommodation and raised decked area	Enforcement Notice	Enforcement Notice issued 21 <sup>st</sup> August 2019. Compliance due 23 <sup>rd</sup> January 2020. Appeal lodged 19 <sup>th</sup> September 2019. Appeal in progress.
Bank House Farm, Audlem Road, Hatherton	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 27 <sup>th</sup> September 2018. Notice not complied with. Authorisation for prosecution proceedings.
Avenue Lodge, London Road Doddington	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> February 2019. Currently subject to an appeal.
Waybutt Lane, Chorlton	<b>WYBUNBURY</b>	Creation of access track	Temporary Stop Notice	Temporary Stop Notice issued 11 <sup>th</sup> August 2017. Notice complied with. Notice now expired. <b>CASE CLOSED</b>

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Gorsty Hill Golf Club, Abbey Park Way, Weston, Crewe	<b>WYBUNBURY</b>	Untidy Lane	S215 Notice	Notice issued 10 <sup>th</sup> January 2019. Building removed, foundations remain.
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