

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 2nd December, 2020  
**Time:** 10.00 am  
**Venue:** Virtual

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### How to Watch the Meeting

For anybody wishing to watch the meeting live please click in the link below:

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or dial in via telephone on 141 020 33215200 and enter Conference ID: 459 292 83# when prompted.

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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 live 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 5 - 10)

To approve the minutes of the virtual meeting held on 4 November 2020 as a correct record.

4. **Public Speaking-Virtual Meetings**

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

- Ward Councillors who are not members of the 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. **20/0113M-Hybrid application comprising: Full planning permission for the development of the upper quarry including, improvements to site access, the erection of 8 no. industrial / storage units, proposed landscaping and ecological mitigation works. Outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units, Hawkshead Quarry, Leek Old Road, Sutton, Cheshire for A M Bell (Properties) Ltd** (Pages 11 - 30)

To consider the above application.

6. **20/4003M-Demolition of existing dwelling and its replacement with a detached dwelling and detached infill dwelling, Rydal, 8, Moss Road, Alderley Edge, Wilmslow, Cheshire for Mr & Mrs Hirst** (Pages 31 - 42)

To consider the above application.

7. **20/1866M-Demolition of existing dwelling and construction of replacement building comprising 6 apartments, Fairways, 70, Macclesfield Road, Prestbury for Mrs Brenda Crothers** (Pages 43 - 56)

To consider the above application.

8. **20/3684M-Change of use of existing Hotel (C1) to Sui Generis; house in multiple occupation and two residential apartments (C3), Longview Hotel, 51-55, Manchester Road, Knutsford for Massoud Ahooie, Longview Hotel (Pages 57 - 68)**

To consider the above application.

9. **20/3505M-Change of use from C1 (Hotel) to C4 (HMO), 4, Victoria Street, Knutsford for Mr Massoud Ahooie, Longview Hotel (Pages 69 - 78)**

To consider the above application.

10. **Cheshire East Borough Council (Knutsford - 2 Grassfield Way) Tree Preservation Order 2020 (Pages 79 - 126)**

To consider the above Tree Preservation Order.

11. **Performance of the Planning Enforcement Service First Two Quarters 2020-2021 (Pages 127 - 146)**

To consider the above report.

**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

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## **CHESHIRE EAST COUNCIL**

Minutes of a virtual meeting of the **Northern Planning Committee**  
held on Wednesday, 4th November, 2020

### **PRESENT**

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

Councillors L Braithwaite, JP Findlow, A Harewood, S Holland, J Nicholas,  
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 N Jones (Principal Development Officer), Mr R Law (Planning Team  
Leader) and Mr P Wakefield (Planning Team Leader)

### **38 APOLOGIES FOR ABSENCE**

There were no apologies for absence.

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

In the interest of openness in respect of application 20/2640M, Councillor N Mannion declared that he was the Portfolio Holder for Environment & Regeneration and part of his portfolio covered Council owned assets and whilst the applicant was the Council he had not been involved in the application and was not aware of any details until the agenda was published.

In the interest of openness in respect of applications 19/0684M and 20/0554M, Councillor C Browne declared that he had called both applications in. Whilst Alderley Edge Parish Council had formed a view he had not taken part in any public debate or expressed a view. In respect of application 19/0684M, he knew the objector speaking as she was a member of Alderley Edge Parish Council.

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

#### **RESOLVED**

That the minutes of the virtual meeting held on 7 October 2020 be approved as a correct record and signed by the Chairman.

### **41 PUBLIC SPEAKING-VIRTUAL MEETINGS**

**RESOLVED**

That the public speaking procedure be noted.

**42 20/1560M - 107 & 109, MANCHESTER ROAD, WILMSLOW: DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF A 60 BEDROOM CARE HOME (USE CLASS C2), WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND SITE INFRASTRUCTURE**

Consideration was given to the above application.

(Councillor Don Stockton, the Ward Councillor, Councillor Mark Goldsmith the adjacent Ward Councillor, Town Councillor Jon Newell, representing Wilmslow Town Council, Christopher Lee, an objector, Matthew Johnson, the agent for the Applicant and Claire Ellam, a Care UK representative attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. The proposed development, would result in a cramped form of development and overdevelopment of the site which would undermine the visual amenity of the area and its low density character contrary to Policies SE 1 and SD 2 of the Cheshire East Local Plan Strategy, saved Policies DC41 and H12 of the Macclesfield Borough Local Plan and Policy NE6 of the Wilmslow Neighbourhood Plan as well as the Councils Design Guide and advice within National Planning Policy Framework.

2. It has not been demonstrated that there is a proven need for such elderly accommodation contrary to Policy SC 4 of the Cheshire East Local Plan Strategy.

In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(This decision was contrary to the officers recommendation of approval. During consideration of the application, Councillor B Murphy lost connection and therefore did not take part in the debate or vote on the application. The virtual meeting was adjourned for a lunch break from 12.00pm until 12.40pm).

**43 20/2640M - WILMSLOW HIGH SCHOOL, HOLLY ROAD NORTH, WILMSLOW: EXTENSIONS AND ALTERATIONS TO SCHOOL AND ASSOCIATED LANDSCAPING AND HIGHWAY IMPROVEMENT WORKS**

Consideration was given to the above application.

(Town Councillor Jon Newell, representing Wilmslow Town Council and Paul Howitt, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

### **RESOLVED**

That authority be delegated to the Head of Planning, in consultation with the Chairman of Northern Planning Committee (or in their absence the Vice Chairman), to approve the application for the reasons set out in the report, subject to:-

The receipt of a contribution of £8,000, prior to the issuing of the decision notice, to provide parking (waiting) restrictions on Broadway

And subject to the following conditions:-

1. Time limit (3 years)
2. In accordance with approved plans
3. Submission/approval of a Community Use Agreement
4. Materials as per application
5. Implementation of noise mitigation measures
6. Submission/approval of a dust mitigation scheme
7. Provision of electric vehicle charging infrastructure
8. Provision of low emission gas boilers
9. Works to stop if land contamination is identified
10. Submission/approval of a soil verification report should any soil or soil forming materials be brought onto site
11. Submission/approval of external lighting details
12. Submission/approval of a post compliance lighting assessment
13. Landscaping – Implementation
14. Retention of trees/shrubs and hedgerows as shown
15. Tree protection measures – Implementation
16. Submission/approval of an Engineer designed no dig hard surface construction specification for any area of hard surfacing within the root protection area of retained trees
17. Submission/approval of an overall detailed; service & surface water drainage strategy and associated management and maintenance plan
18. Implementation of the details contained within the Flood Risk Assessment
19. Foul and surface water be drained on separate systems
20. Nesting birds
21. Submission/approval of an ecological enhancement plan including; features for nesting birds (including swifts), roosting bats, deadwood piles, a wildlife pond and native species planting

In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to

the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(During consideration of the application, Councillor B Murphy lost connection and therefore did not take part in the debate or vote on the application. The meeting was adjourned for a short break).

**44 19/0684M - LAND OFF HEYES LANE, ALDERLEY EDGE: ERECTION OF 6NO. NEW DWELLINGS ON LAND OFF HEYES LANE**

Consideration was given to the above application.

(Parish Councillor Myles Garbett, representing Alderley Edge Parish Council and Sarah Greenwood, an objector attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reasons:-

1. Insufficient pedestrian access would exist and would therefore be contrary to saved Policy DC6 of the Macclesfield Borough Local Plan and Policies SE1 and CO1 of the Cheshire East Local Plan Strategy.
2. The proposed development, would result in an overdevelopment of the site which would undermine the visual amenity of the area contrary to Policies SE 1 and SD 2 of the Cheshire East Local Plan Strategy, saved Policy DC41 of the Macclesfield Borough Local Plan.

In order to give proper effect to the Northern Committee`s intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

Councillor B Murphy requested that a named vote be taken. The result was as follows:-

Councillor L Braithwaite-For refusal  
Councillor C Browne-For refusal  
Councillor T Dean-Not Voting  
Councillor P Findlow-For refusal  
Councillor A Harewood-Against refusal  
Councillor S Holland-Not Voting  
Councillor J Nicholas-Not Voting  
Councillor I Macfarlane-Not Voting  
Councillor N Mannion-Against refusal

Councillor B Murphy-Against refusal  
Councillor B Puddicombe-For refusal  
Councillor L Smetham-Against refusal

The Chairman had the casting vote and voted for refusal again.

(This decision was contrary to the officers recommendation of approval. The virtual meeting was adjourned for a short break. Councillors T Dean and N Mannion left the virtual meeting and did not return).

**45 20/0554M - CORNER CROFT, GREEN LANE, ALDERLEY EDGE, SK9 7UW: ERECTION OF NEW DETACHED DWELLING ADJACENT TO THE EXISTING PROPERTY**

Consideration was given to the above application.

(Parish Councillor Myles Garbett, representing Alderley Edge Parish Council, Alan Corinaldi-Knott, representing an objector and Kath Ludlam, 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 was approved subject to the following conditions:-

1. Standard time limit
2. Accordance with approved Plans
3. Breeding birds – timing of works
4. Arboricultural works to be carried out in accordance with the submitted Method Statement
5. Tree protection measures to be implemented in accordance with submitted details
6. Submission and approval of a drainage strategy
7. Land levels to be submitted, approved and implemented
8. Dust Management Plan to be submitted, approved and implemented
9. Electric Vehicle Charging point to be provided
10. Contaminated land survey to be submitted, approved and implemented
11. Details of any soils imported onto the site
12. Works to stop if any unexpected contamination is discovered
13. Details of boundary treatments to be submitted and approved
14. Landscaping scheme to be submitted and approved
15. Landscaping implementation
16. Materials to be submitted
17. Access and visibility splays to be provided prior to first occupation

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning (Regulation) delegated

authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

46 **20/3612M - FERNLEA, STANLEY ROAD, KNUTSFORD, CHESHIRE, WA16 0DJ: DEMOLITION OF EXISTING BUNGALOW AND CONSTRUCTION OF ONE DETACHED AND A PAIR OF SEMI-DETACHED DWELLINGS**

Consideration was given to the above application.

(Councillor Stewart Gardiner, the Ward Councillor, Clive Pugh, an objector and Georgina Daintith, the agent for the applicant attended the virtual meeting and spoke in respect of the application).

**RESOLVED**

That the application be refused for the following reason:-

The proposed dwellings would result in an overdevelopment of the site by virtue of their scale and form and would be overbearing to, and out of character with, the adjoining single storey properties on St Johns Road. The development would therefore be contrary to policies SD2 and SE1 of the Cheshire East Local Plan Strategy and policies D1, D2 and H2 of the Knutsford Neighbourhood Plan.

In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

(This decision was contrary to the officers recommendation of approval).

The meeting commenced at 10.00 am and concluded at 5.18 pm

Councillor C Browne (Chairman)

Application No: 20/0113M

Location: Hawkshead Quarry, Leek Old Road, Sutton, Cheshire, SK11 0JB

Proposal: Hybrid application comprising: Full planning permission for the development of the upper quarry including, improvements to site access, the erection of 8 no. industrial / storage units, proposed landscaping and ecological mitigation works. Outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units.

Applicant: A M Bell (Properties) Ltd

Expiry Date: 30-Apr-2020

## SUMMARY

As an employment proposal, the development will create a number of new jobs (approximately 21) within the surrounding area. In isolation, this is a material consideration that attracts moderate weight. The proposal also raises no significant concerns that cannot be mitigated through the use of planning conditions regarding the impact upon the living conditions of nearby properties, design and impact upon the character of the area, and the impact upon the wider Peak Fringe Local Landscape Designation Area (formerly Area of Special County Value). Neutral weight is therefore given to these matters.

Given the rural location of the site, vehicular access is along relatively quiet rural lanes, which do not immediately appear suitable for commercial traffic including HGVs. However, the lower site has an established employment use, which involves HGV vehicle movements to and from the site. There is also evidence of HGVs (or certainly their trailers) accessing the upper site. The view of the Highways Authority is that there would be no significant impact upon the local highway network arising from the proposed development, given the existing use of the site. Neutral weight is therefore afforded to the vehicular traffic generation aspect of the proposal.

However, the application site is located outside of any designated centre in the CELPS where new employment development is directed towards. It is located in the open countryside with poor access to means of transport other than a car, such as buses, cycling and walking. Conflict with policies SD1, SD2 and CO1 of the CELPS can be identified on this basis.

The proposed development is not identified as one of the exceptions of development types permitted in the open countryside listed under policy PG6 of the CELPS. Policy EG2 sets out specific requirements for rural economic development outside the Principal Towns, Key Service Centres and Local Service Centres, and the proposal also does not accord with any of the development types listed under that policy either.

The Council's nature conservation officer has identified that there will be some loss of unimproved grassland top the north of the application site, and also an area of immature woodland on the western boundary, that would be lost to the development. This would result in significant harm to Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site (LWS). Whilst compensation proposals have been put forward, there appears to be no reason why the harm cannot be avoided, in accordance with paragraph 175 of the Framework, through a redesign of the layout. Accordingly there is considered to be conflict with policy SE3 of the CELPS. Furthermore, the detail within submitted Arboricultural Impact Assessment is vague in parts and does not give confidence that the full impact of the development upon proximate trees has been identified. In addition, the AIA suggests that no mitigation is required for the loss of immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

Overall whilst some employment would be created by the proposed development, there is conflict with a number of local plan policies, specifically policies PG6, EG2, CO1, SD1, SD2, SE3 and SE5 of the CELPS, and the development results in harm to the objectives of these policies. It is not considered that the modest job creation would outweigh the conflict with the development plan in this case. The proposal is not considered to be a sustainable form of development and accordingly the application is recommended for refusal.

## **SUMMARY RECOMMENDATION**

**Refuse**

## **REASON FOR REPORT**

The application is to be presented to the Northern Planning Committee due to the scale of development.

## **DESCRIPTION OF SITE AND CONTEXT**

Hawkshead Quarry lies within Countryside Beyond the Green Belt and an Area of Special County Value for landscape quality. The upper and lower Quarry lies within the Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site.

It comprises of two distinct areas. The lower area which gains access off Radcliffe Road/Leek Old Road (referred to as the lower quarry) and the upper area which lies further north and gains access off Croker Lane (referred to as the upper quarry). The access to the lower quarry is located 240m to the east of the junction of Radcliffe Road with London Road, which is approximately 2km south of Macclesfield. The access to the upper quarry is 600m northeast and is accessed off a narrow and steep country lane.



Although in close proximity to each other, there is a significant difference in height between the two sites.

The lower quarry currently contains 5 existing buildings. 3 are centrally located and 2 are closer to the edge of the site. There are 20 HGV parking bays, an MOT centre for HGVs and coaches and ancillary office space, a repair centre for HGVs. 2 of the units are occupied by Cheshire Cheese and Wine Emporium and Extruded Plastics and there is also a vehicle salvage dealer.

The upper quarry contains no buildings but is a partially hard-surfaced area interspersed with green areas and appears to be currently used for parking of trailers for articulated lorries.

There is a dwelling house located adjacent into the access into the lower site occupied by the applicant.

### **DETAILS OF PROPOSAL**

The application is submitted under one application number but is broken into two distinct parts relating to the upper and lower quarries. The lower quarry is an outline application with access only for consideration. This element seeks outline planning permission for the development of the lower quarry to provide up to 13 no. of additional units.

Full planning permission is sought for the upper quarry to erect 8 industrial starter units with proposed landscaping and ecological mitigation works. The 8 units would comprise 7no units measuring 8m by 4m and one unit measuring 8m by 8m. They would be located around the perimeter of the site. Two of the units would be located to the northern area of the site within a separate courtyard arrangement. The remaining 6 would be located to the southern end of the site. Each unit would have 2 dedicated parking bays and units 3 - 8 would be located around a central turning circle. Unit 1 will be 5.5m in height, and that Units 2-8 will be 6.5m in height. They would be constructed of dark grey corrugated metal.

The units are aimed at small scale local businesses as start up units and it is envisaged that they would accommodate 21 employees.

### **RELEVANT HISTORY**

18680P  
Storage shed for 2 no vehicles  
Approved 30.5.1979

22449PB  
Storage & maintenance shed for 2 vehicles  
Refused 28.5.1980

29142P  
Access to field  
Approved 26.2.1982

CY/5/33936

Reclamation of part of disused part of Hawkshead Quarry using rubble and other inert solid waste

Approved 04.11.1983

33936P

Reclamation of part of disused quarry part for grazing

Approved 04.11.1983

56642P

Container for storage purposes

Refused 25.1.1989

CY/5/55826

Continuation of reclamation of part of disused quarry in accordance with planning permission 5/33936

Approved 09.2.1989

55826P

Continuation of reclamation of part of disused quarry in accordance with planning permission no. 5/33936

Approved 09.2.1989

65210P

Amendment of existing planning permission for light industrial use to incorporate storage on open land

Refused 12.12.1990

97/1266P

Single-storey side extension to office building

Approved 07.8.1997

99/2105P

Certificate of Lawful use HGV repair and maintenance centre

Positive 22-Jan-2002

01/1837P

Replacement industrial building

Approved 19.9.2001

04/1513P

Commercial vehicle (classes 5 & 7) testing bay

Approved

03.8.2004

## **CONSULTATIONS**

**Strategic Infrastructure Manager** – No objection subject to condition for the provision of cycle parking

**Environmental Health** – No objection subject to conditions relating to a Staff Travel Information Pack, contaminated land, electric vehicle infrastructure, hours of operation and deliveries, and for the occupation of Hawkshead House to remain associated with the operation of Hawkshead Quarry.

**United Utilities** - No objection subject to conditions regarding drainage proposals as submitted in the flood risk assessment

**LLFA** – Raise concerns with the proposed layout in the lower quarry in respect of an easement.

**Canals and River Trust** - No comment

**PROW** – No objection subject to an advice note to keep PROW clear

**Sutton Parish Council** - No objection

**Gawsworth Parish Council** - Request that a full traffic/highways assessment is undertaken to assess the impact of the development, screening and effect on the landscape.

## **OTHER REPRESENTATIONS**

One objection has been received raising the following concerns;

- Several inaccuracies and misleading statements, as well as several deficiencies in the submitted plans and documentation
- Croker Lane is a narrow substandard single-track lane which joins Leek Old Road on a steep bend. It does not meet the highway standards for an employment access. It forms part of a Definitive Footpath System that links to the Gritstone Trail.
- The access sign to Lee Hills Quarries is opposite the proposed site entrance to the Upper Quarry at Hawkshead, & the HGV Licences back in the 1980/90s specifically limited the access of Parvey Lane to agricultural traffic associated with Lee Farm. The sign at the entrance off Parvey Lane makes it clear that it is the access to Lee Farm.
- The Planning Statements refer to the site being Previously Developed Land. The definition of PDL in the Glossary of the NPPF excludes land that has been developed for minerals extraction, and land that was previously-developed, but where the remains of any permanent or fixed surface structures have blended into the landscape in the process of time. The regeneration of the trees in and around the edge of this part of the quarry, illustrates this particular point.

- Unsubstantiated statements relating to the importance of the existing site as an employment site, for example how many local firms, how many people do they employ, and how do they get to the site. What other employment sites are there in Sutton Parish?
- The Transport Statement states there is a realistic opportunity for prospective staff to travel by cycle and public transport” to the site as there is a Bus Route (109) close by. The Statement does not provide the details in terms of the service ie that it only operates on school days, and there are only 5 buses a day in each direction (Macclesfield to Leek). The Statement fails to indicate that the walk from the bus stop to the Upper Quarry, which is to provide small employment units for local people, is over 1 km up a long and steep hill.
- There is also a suggestion that all the HGVs which park on the Lower Quarry will be removed. How could this be enforced ? Their Licensing Centre will be the Lower Quarry site. It is, of course quite likely that the parking of HGVs and their trailers will be relocated to the large area where they continue to park opposite the entrance to the Upper Quarry or within the quarry itself.
- Hawkshead Quarry is sited on a steep hillside. No topographical survey, is submitted
- It is alleged that the Lower Quarry site provides a great deal of local employment. But no details of this are submitted, nor are other employment sites in Sutton Parish, and within 2/3 miles of the site.
- Main concerns are the impact of the proposed developments on the Open Countryside, the impact on the Peak Fringe Local Landscape Designation Area, the adequacy of the immediate highway network to safely accommodate the proposed development, and the impact on the Rural Economy.
- In respect of the Lower Quarry the growth of the development of the activities on the site has been incremental, but the proposal is a significant increase.
- The Upper Quarry Site is characterised by natural regeneration is well hidden from the surrounding area.
- The area within which it is located has a long history of quarrying activity, as i.e. Lee Hills Quarries, Rough Heyes Quarry, Gawsworth Common, Whitemoor and many similar small regenerated quarries, all within 2 miles of the Upper Quarry Site. Therefore consent to the use of the Upper Quarry for employment uses would establish a dangerous precedent.
- Policy PG6 of the CELPS (2017) is very restrictive in terms of development in the Open Countryside. Policy SE4 of the CELPS states all development should conserve the landscape character and quality. It is considered that the proposed development will have an adverse impact on the Peak Fringe, Local Landscape Designation Area

- The proposed development will have an adverse impact on a substandard highway network, particularly Crocker Lane as the access to the Lower Quarry Site is substandard, as it is situated on a right-angle bend on a steeply sloping road, which is used by heavy goods vehicles, cyclists and walkers. The road has no footpaths, and the access to the Lower Quarry is too narrow for 2 HGVs to enter and leave the site at the same time. The junction from the site onto the A523 has poor visibility.
- The access to the Upper Quarry Site is substandard, and is onto Croker Lane which is the sole access to Lee Hills Quarries. A variety of HGVs use this lane to access the quarries and the variety of activities which take place on the site. The Quarries Site is very extensive, and has permission for stone quarrying till 2042. Crocker Lane is not wide enough for 2 HGVs to pass, and there is no scope to widen it. It is a country lane, less than 7.3m wide with no footpath, although it provides a Definitive Footpath link to the Gritstone Trail. Croker Lane joins the Leek Old Road on a steep bend with poor visibility from either direction.
- Leek Old Road forms part of the well-used Cheshire Cycleway, and provides a link to Sutton Reservoir, which provides a series of walks around the reservoir and to the canal towpath and to Sutton village. The area as a whole is heavily used for outdoor recreation.
- Both quarry sites are in unsustainable locations with no ready access to satisfactory public transport, very limited opportunities for cycling, and very isolated in terms of walking.
- There is no scope for access to the sites by public transport, cycling or walking.
- No evidence has been provided to justify the need for isolated development in the countryside on the basis there is a need to support the Rural Economy.

## **POLICIES**

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

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG6 Open countryside

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

EG1 Economic prosperity

EG2 Rural Economy

EG3 Existing and allocated employment sites

IN1 Infrastructure

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE12 Pollution, Land Contamination and Land Instability

Appendix C – Parking Standards

### **Macclesfield Borough Local Plan - saved policies**

Policy DC3 – Protection of the amenities of nearby residential properties  
Policy DC6 - Circulation and access  
Policy DC8 - Landscaping  
Policy DC9 - Tree protection  
Policy NE1- ASCV

### **Neighbourhood Plans**

The site lies outside the Gawsorth Neighbourhood Plan boundary  
There is currently no Sutton Neighbourhood Plan

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Revised Publication Draft SADPD (September 2020)  
Cheshire East Design Guide

## **OFFICER APPRAISAL**

### **Principle of Development**

This is a split application with the lower quarry site being an outline application and the upper quarry being a full application. Both are for proposed employment uses.

The lower quarry is an established employment use in the open countryside, whereas the upper quarry appears to not have an established employment use, although it does appear to have been used for occasional parking of trailers. The planning history reveals the upper quarry had been the subject of quarry reclamation permissions in 1989. The upper quarry was included in the site edge red for applications for previous development in the lower quarry but there appears to be no planning history for actual development on the upper quarry. Therefore it would appear that the lower quarry can be classed as an existing employment site. But the upper quarry, although being in the same ownership, is not an existing employment site in planning terms. The planning history suggests its last known use was as a quarry.

Policy PG6 relates to the Open Countryside and states;

1. *The Open Countryside is defined as the area outside of any settlement with a defined settlement boundary.*
2. *Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.*
3. *Exceptions may be made:*
  - i. *where there is the opportunity for limited infilling in villages; the infill of a small gap with one or two dwellings in an otherwise built up frontage elsewhere; affordable housing, in accordance with the criteria contained in Policy SC 6 'Rural Exceptions Housing for Local Needs' or where the dwelling is exceptional in design and sustainable development terms;*
  - ii. *for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension*
  - iii. *for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace;*
  - iv. *for extensions to existing dwellings where the extension is not disproportionate to the original dwelling;*
  - v. *for development that is essential for the expansion or redevelopment of an existing business;*
  - vi. *For development that is essential for the conservation and enhancement of a heritage asset.*
4. *The retention of gaps between settlements is important, in order to maintain the definition and separation of existing communities and the individual characters of such settlements.*
5. *The acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.*

The only potentially relevant exception in point 3 above would be development that is essential for the expansion or redevelopment of an existing business. In this regard, the applicant's agent has verbally indicated that the applicant wishes to develop the upper quarry in order to be able to invest funds in the lower quarry. However no formal or detailed information has been submitted to indicate that this is essential for the business to expand or redevelop. Therefore none of the exceptions listed in Policy PG6 are considered to apply.

Policy PG7 relates to the spatial distribution of development and advises rural areas are expected to accommodate a percentage of employment land. It is expected that the principal towns and key service centres will accommodate the largest areas of new employment land. Other settlements and rural areas are to accommodate 69 hectares of new employment land (61 hectares of this will be an employment improvement area in Wardle).

Policy EG1 of the CELPS states that proposals for employment development outside of designated centres will be supported on employment land allocated in the Development Plan. This policy goes on to state that employment development on non-allocated employment sites

will be supported where they are in the right location and support the strategy, role and function of the town, as identified in Settlement Hierarchy, Spatial Distribution of Development and in any future plans, including Neighbourhood Plans, where applicable. Policy EG3 explains how existing employment sites will be protected for employment use.

Policy EG2 relates to the rural economy outside principal towns, key services centres and local service centres and sets out the circumstances where rural economic development will be supported. In this instance, it is considered that the proposed development would not accord with the requirements of policy EG2 as it would not provide an opportunity for local rural development that supports the vitality of rural settlements given its distance from any identified settlement; create or extend a rural base tourist attraction, visitor facility or recreational use; encourage the retention and expansion of an existing business, particularly through the conversion of existing buildings and farm diversification, as the proposal relates to new businesses that could easily be located within a designated centre; is not associated with sustainable farming or agricultural practices; or considered essential to the wider strategic interest of the economic development of Cheshire East or support the retention or delivery of community services.

Whilst only very limited weight can be given to the draft SADPD (September 2020), which is currently out to consultation, draft policy RUR 10 of this document acknowledges that certain types of small scale employment development may be appropriate to a rural area where the nature of the business means that a countryside location is essential and the proposals provide local employment opportunities that support the vitality of rural settlements. This policy indicates a direction of travel for the forthcoming policy document regarding rural employment development. The need for a countryside location has not been demonstrated within the current application.

Indeed it is notable that 5ha of allocated employment land exists approximately 2km to the north of the application site at site LPS 13 South Macclesfield Development Area (CELPS), with a further 10ha at site LPS 12 Land at Congleton Road Macclesfield (CELPS), slightly further beyond that. Both of which could accommodate businesses which do not require a countryside location. In this regard, the proposal appears to run counter to wider strategic interest of the economic development of Cheshire East.

Overall, there is no evidence that the proposal is necessary to retain the existing business on site. The type of development proposed could be located elsewhere. There is no particular need for the proposed employment development to be located within the application sites. The proposal is therefore contrary to the requirements of policies PG6 and EG2 of the CELPS.

## **Ecology**

The upper and lower quarries lie within the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site. Policy SE3 (4) of the CELPS relates to biodiversity and states development proposals which are to have a significant adverse impact on a local wildlife site will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the proposal.



### Lower Quarry

The lower quarry area is surrounded by ancient woodland. This woodland also appears on the national inventory of Priority Habitat. Both of these habitat types are protected by CELPS policy SE3. Ancient woodlands also receive specific protection through paragraph 175 of the NPPF. These woodland habitats form part of the Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site.

Current standing advice from Natural England in respect of ancient woodland requires the provision of a minimum 15m undeveloped buffer to safeguard ancient woodland. The outline proposals for the lower quarry are located on an existing area of hard standing therefore there would be no direct loss of woodland habitat as part of the redevelopment of the lower quarry. The woodland is also likely to already be subject to impacts resulting from noise, light pollution and other impacts associated with human presence resulting from its existing usage so these would not be significantly increased as part of the re-development of this site.

The proposed buildings are now shown (indicatively) as being erected away from the edge of the existing hard standing area. The erection of buildings in close proximity to the woodland edge is likely to have an adverse effect on the woodland edge, and any additional lighting provided on site may have an impact on wildlife associated with the woodland unless it is designed carefully.

Therefore, if the application is approved, conditions would be required for a buffer zone to the edge of ancient woodland, and a detailed lighting scheme to be submitted.

### Upper Quarry

The nature conservation officer advises that despite falling within the boundary of the *Gawsworth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site* (LWS) much of the upper quarry area is bare ground/existing hard standing of limited nature conservation value.

There is however an area of dense scrub and unimproved grassland in the north of the red line of the application and also a second area of immature woodland on the western boundary, that would be lost under the currently proposed layout.

The area of unimproved grassland lost to the development meets the Local Wildlife Site Selection criteria as undetermined species rich grassland. Its loss would therefore result in a significant loss of biodiversity from the LWS and be contrary to Local Plan policy SE3.

In accordance with policy SE3 development proposals which are likely to have a significant adverse impact on a site with one or more of the following local or regional designations (including LWS) will not be permitted except where the reasons for or benefits of the proposed development outweigh the impact of the development. In accordance with the mitigation hierarchy, at paragraph 175 of the Framework, development proposals must first look to avoid impacts prior to compensation measures being considered.

The scrub and immature woodland habitats whilst not of high nature conservation value do still make a notable contribution to the biodiversity value of the Local Wildlife Site. Policy SE3 requires all development proposals to seek to deliver a positive benefit for biodiversity. The loss of the scrub and immature woodland habitats would make it difficult for the application to meet this policy requirement.

The additional information submitted in support of the application includes an outline method statement for the creation of species rich grassland habitats within other land under the control of the applicant (edged blue) to compensate for that lost. An assessment of soil conditions (including soil nutrient levels and depth of top and subsoil) for the area proposed for habitat creation has been undertaken that shows for the most part that the proposed compensation area is suitable for the creation of this habitat.

The applicant's updated Phase One habitat survey suggested that the existing area of unimproved grassland has reduced significantly within the last year or so due to encroachment by scrub. However transition to scrub is a natural process for grassland habitats in the absence of intervention. Whether the grassland habitats have reduced to the extent suggested would however require further investigation.

The development of the upper quarry, but with the grassland habitats within the site being retained would, provide an opportunity to secure the management and enhancement of the retained habitats by means of a planning condition. It is suggested that this could provide an option to secure the long term viability of the grassland habitats.

In the absence of management the grassland habitats would eventually develop into woodland habitats. Woodlands are a key interest feature of the Local Wildlife Site.

In summary, the proposed development of the upper quarry site will result in an adverse impact upon the LWS. Compensation measures to address this impact have been submitted. However, in accordance with the mitigation hierarchy this impact should be avoided through slight redesign of the proposals for the upper quarry to allow the retention of semi-natural habitats. The avoidance of these impacts has not been adequately considered in the submission in order to conclude that the proposal complies with policy SE 3 of the CELPS and the requirements of the Framework.

#### Reptiles

If the proposed development is restricted to the existing hard standing areas of the upper quarry, the proposals would not be likely to have an adverse impact upon reptiles. If any semi-natural habitat lost then mitigation measures for reptiles as proposed in the submitted ecological assessment must be secured by condition.

#### Japanese Knotweed

The applicant should be aware that Japanese Knotweed (*Fallopia japonica*) is present on the proposed development site. Under the terms of the Wildlife and Countryside act 1981 it is an offence to cause Japanese Knotweed to grow in the wild. Japanese knotweed may be spread simply by means of disturbance of its rhizome system, which extends for several meters around the visible parts of the plant and new growth can arise from even the smallest fragment of rhizome left in the soil as well as from cutting taken from the plant.

Disturbance of soil on the site may result in increased growth of Japanese Knotweed on the site. If the applicant intends to move any soil or waste off site, under the terms of the Environmental Protection Act 1990 any part of the plant or any material contaminated with Japanese Knotweed must be disposed of at a landfill site licensed to accept it and the operator should be made aware of the nature of the waste.

## Nesting Birds

If planning permission is granted standard conditions would be required to safeguard nesting birds and ensure some additional provision is made for nesting bird as part of the proposed development.

## **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.

Trees within an immediately adjacent to the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area. The Lower Quarry site is also bounded by Ratcliff Wood which is designated as Ancient Woodland and registered under the National Priority Habitat Inventory.

## Upper Quarry

The supporting Arboricultural Impact Assessment states a 30% area of immature woodland comprising of group of young willow and Birch (G8) within the Upper Quarry Area to the western boundary will require removal to accommodate the development. The Assessment refers to the trees (para 4.1.2) as young scrub (Willow and Birch), but to the group as a whole in the supporting data sheet as young dense woodland with good vigour. The woodland has been graded as category B2 (Moderate Category). The Assessment does not go into any detail as to the need for the removal of these trees referring only to the site layout plan at Appendix 4 which indicates the proposed removals are to accommodate hard standing and industrial/storage units.

The Assessment makes reference to proposed tree works, which include the removal of a hedgerow (H1), A 30% section of young woodland (G8 referred to above) and the pruning and removal of selected stems from a number of individual and groups of trees (G2,G3,G4,G5,G6,T4,G7,T5,and G9) to clear the proposed building line. The Forestry officer advises that the pruning recommendations are somewhat vague, and given that there is no detailed explanation in the Assessment that references what part of the development will be affected it is difficult to determine the extent of the works that are proposed.

Reference is also made in the AIA to the proximity of the development to the canopies and Root Protection Areas (RPAs) of retained trees but again does not go into detail. A revised landscape plan that has been submitted, in response to concerns raised by the Council's landscape officer, refers to the widening of the access into the site and the removal of a line of trees along the edge of a group of trees (G7). Again, reference to the widening of the access and removal of these trees is not specifically referred to in the Arboricultural Assessment.

The AIA also refers to mitigation and suggests that no mitigation is required for the loss of this immature woodland and relies on gaps and other areas within the site for natural

regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

## **Landscape**

As the site is located within the boundary of the Peak Fringe Local Landscape Designation Area (Formerly ASCV) it falls to be considered in relation to policy SE4 of the CELPS which seeks to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance and setting. Trees within an immediately adjacent to the site are currently not protected by a Tree Preservation Order or lie within a designated Conservation Area.

### Lower Quarry

This is an open area of hardstanding, surrounded by slopes with ancient woodland and there are a number of existing buildings within the site. The proposed development for the lower quarry lies within an enclosed already developed area and it is considered that there will be no significant or landscape or visual impacts associated with the proposals in the lower quarry area and therefore its development would comply with policy SE4 and saved policies DC8 and DC9 of MBLP.

### Upper Quarry

This area is largely a flat area of open ground located within a shallow depression, with woodland extending up the slope immediately to the east and smaller strips of woodland to the north and west, with areas of regenerating woodland and grassland along the perimeter of the site, in particular the access track which leads from Croker Lane. The wider area to the north and west is a more open pastoral landscape.

Additional screening has been added to the western boundary during the life of the application which would help screen units 2 and 3 making the landscaping more robust and reducing the impact upon the character and appearance of the local area. Therefore, it is considered that this aspect of the proposal would also comply with relevant landscape policies.

## **Impact on residential amenity**

The nearest residential dwelling is Hawkshead House which is located at the entrance to the lower quarry. It is occupied by the applicant and has been associated with the site for a number of years. It is located close to the entrance to the site and sits a much higher level than the access road.

It is not considered that that proposed development at the upper quarry would have any impact upon the amenity of Hawkshead House, due to it being over 400 metres away.

Environmental Health recommend that Hawkshead House and gardens remain associated with the owners / operators of Hawkhead Quarry due to the fact that the proposed development will result in noise from an increased use in the number of HGV and other traffic movements together with the fact that noise from site operations may also be caused. Such

noise is likely to materially impact on the residential amenity of the occupiers of Hawkshead House.

Subject to such a condition it is considered that it the development could comply with saved policy DC3 of MBLP.

### **Highway safety and parking**

The total floor space of the proposed units is 2,424sq.ms across both sites. The sites have two existing access points from Leek Old Road and Croker Lane which are to be retained with an improvement to widen the junction on Croker Lane to 7.3m.

The proposed car parking accords with the CEC standards with 16 spaces for the upper quarry and 88 for the lower quarry. The proposed development would remove existing driver only bays and relocate the existing salvage dealers from the lower area to the upper area.

MOT centre repair centres and other industrial units would be retained on the lower site. The existing accesses are a non standard arrangement but they have been shown to operate in a safe manner.

The existing 20 driver owner bays will be removed from site and most of these vehicles will work double shifts (day and night) but the operator confirms that only 30% of them operate in this manner. If operating at full capacity it could generate 166 movements a day. When off set against the proposed industrial units there would be a significant reduction in vehicle movements.

The Head of Strategic Transport raises no objection to the proposal and states the following; "It is clear that this site has generated industrial trips for some time that has included HGV trips and as such the types of vehicle associated with the proposed industrial units will not be new to the local road network. The likely traffic generation from the site spread over the two access points will not lead to a material detrimental impact on capacity and is considered acceptable bearing in mind that a number of HGV trips are being removed associated with the 20 HGV bays.

Whilst the comments from the Highways Authority are acknowledged, the limited width of Croker Lane does have to be noted. Croker Lane is a very narrow rural lane, which is not ideally suited to HGV movements. However, there has clearly been some historical use of the lane by such vehicles, and in the absence of an objection from the Highways Authority, and their observations that there will not be a detrimental impact upon the local road network arising from the proposed development, a reason for refusal on highways grounds cannot be justified.

### **Accessibility / Sustainable Development**

Policy CO1 of the CELPS relates to sustainable travel and transport. Amongst other things, this policy seeks to guide development to sustainable and accessible locations, and ensure development gives priority to walking, cycling and public transport. Policy EG2 of the CELPS

also expects rural economic development to meet sustainable development objectives as set out in policies MP 1, SD 1 and SD 2 of the CELPS, some of which reiterate the need to ensure that development is accessible by public transport, walking and cycling. Policy SD1 also expects development, wherever possible, to:

- Prioritise investment and growth within the Principal Towns and Key Service Centres;
- Provide access to local jobs, services and facilities, reflecting the community's needs;
- Provide safe access and sufficient car parking in accordance with adopted highway standards;
- Support the achievement of vibrant and prosperous town and village centres;
- Contribute to protecting and enhancing the natural, built, historic and cultural environment;
- Prioritise the most accessible and sustainable locations.
- 

In respect of policy CO1 of CELP, the site is in a very remote location in terms of its relationship with the majority of services, facilities and populations of Sutton, Gawsorth and Macclesfield. Whilst there is a bus route on London Road, there are no footways or street lighting to connect the site with the nearest bus route. Access would be along quite rural lanes that would not be conducive to walking, particularly in the winter months. These issues and the topography of the land leading up from London Road would also serve to deter cyclists. It is considered to be inevitable that most journeys to the site will be made by car. The development therefore does not give priority to walking, cycling and public transport, due to its location.

Given the absence of any information to demonstrate that the proposal would meet an identified need for local rural businesses that cannot be located in designated centres, it would compete against the strategic objectives of the Council and allocated, and more accessible, employment sites as identified in the CELPS. By drawing businesses and employees away from more accessible locations, the proposed development promotes a very unsustainable pattern of development, contrary to the sustainable development objectives of policies SD1 and SD2 of the CELPS and the Framework.

### **Design**

Policy SE1 requires development proposal to make a positive contribution to their surroundings in respect of a sense of place, design quality, sustainable urban architectural and landscape design workability and safety.

The design of the units on the lower quarry would form part of a reserved matters application and therefore will be subject to consideration at that point

The units on the upper quarry would be steel portal framed buildings lined with blockwork and covered with dark grey corrugated sheeting. There would be three single units, 1 small and 2 larger and a row of three units on the eastern boundary and a row of two on the southern boundary.

They are typical of modern functional industrial buildings with flexible internal areas, making them suitable for various uses. They vary in floor areas from 64sqm to 112sqm and in height from 2.7m to 3.5m high.

It is considered that the design of the units on the upper quarry comply with policy SE1 of CELP. The design of the units on the lower quarry will be subject to a reserved matters application.

Policy SE9 requires non-residential development over a 1,000 sqm to secure at least 10% of predicted energy requirements from decentralised renewable of low carbon sources, unless the applicant can demonstrate this is not feasible. The proposed development would equate to 2913 sqm therefore should the application be approved it would be subject to a condition requiring the submission of details to show how 10% of energy requirements would be obtained from decentralised renewable resources.

### **Flood Risk**

The LLFA initially raised concerns with the proposed layout. Their mapping data indicates an ordinary watercourse to be situated directly under a number of proposed plots within the lower quarry development. A revised plan has been submitted to address this concern, and an easement has been shown to ensure future maintenance is achievable. Comments are awaited from the LLFA to confirm whether their concerns have been addressed and will be reported as an update.

### **Planning Balance**

As an employment proposal, the development will create a number of new jobs (approximately 21) within the surrounding area. In isolation, this is a material consideration that attracts moderate weight. The proposal also raises no significant concerns that cannot be mitigated through the use of planning conditions regarding the impact upon the living conditions of nearby properties, design and impact upon the character of the area, and the impact upon the wider Peak Fringe Local Landscape Designation Area (formerly Area of Special County Value). Neutral weight is therefore given to these matters.

Given the rural location of the site, vehicular access is along relatively quiet rural lanes, which do not immediately appear suitable for commercial traffic including HGVs. However, the lower site has an established employment use, which involves HGV vehicle movements to and from the site. There is also evidence of HGVs (or certainly their trailers) accessing the upper site. The view of the Highways Authority is that there would be no significant impact upon the local highway network arising from the proposed development, given the existing use of the site. Neutral weight is therefore afforded to the vehicular traffic generation aspect of the proposal.

However, the application site is located outside of any designated centre in the CELPS where new employment development is directed towards. It is located in the open countryside with poor access to means of transport other than a car, such as buses, cycling and walking. Conflict with policies SD1, SD2 and CO1 of the CELPS can be identified on this basis.

The proposed development is not identified as one of the exceptions of development types permitted in the open countryside listed under policy PG6 of the CELPS. Policy EG2 sets out specific requirements for rural economic development outside the Principal Towns, Key Service Centres and Local Service Centres, and the proposal also does not accord with any of the development types listed under that policy either.

The Council's nature conservation officer has identified that there will be some loss of unimproved grassland to the north of the application site, and also an area of immature woodland on the western boundary, that would be lost to the development. This would result in significant harm to Gawsorth Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site (LWS). Whilst compensation proposals have been put forward, there appears to be no reason why the harm cannot be avoided, in accordance with paragraph 175 of the Framework, through a redesign of the layout. Accordingly there is considered to be conflict with policy SE3 of the CELPS. Furthermore, the detail within submitted Arboricultural Impact Assessment is vague in parts and does not give confidence that the full impact of the development upon proximate trees has been identified. In addition, the AIA suggests that no mitigation is required for the loss of immature woodland and relies on gaps and other areas within the site for natural regeneration. Given the loss of trees within the site, the reliance on natural regeneration cannot be guaranteed and would not provide the degree of mitigation required by policy SE5.

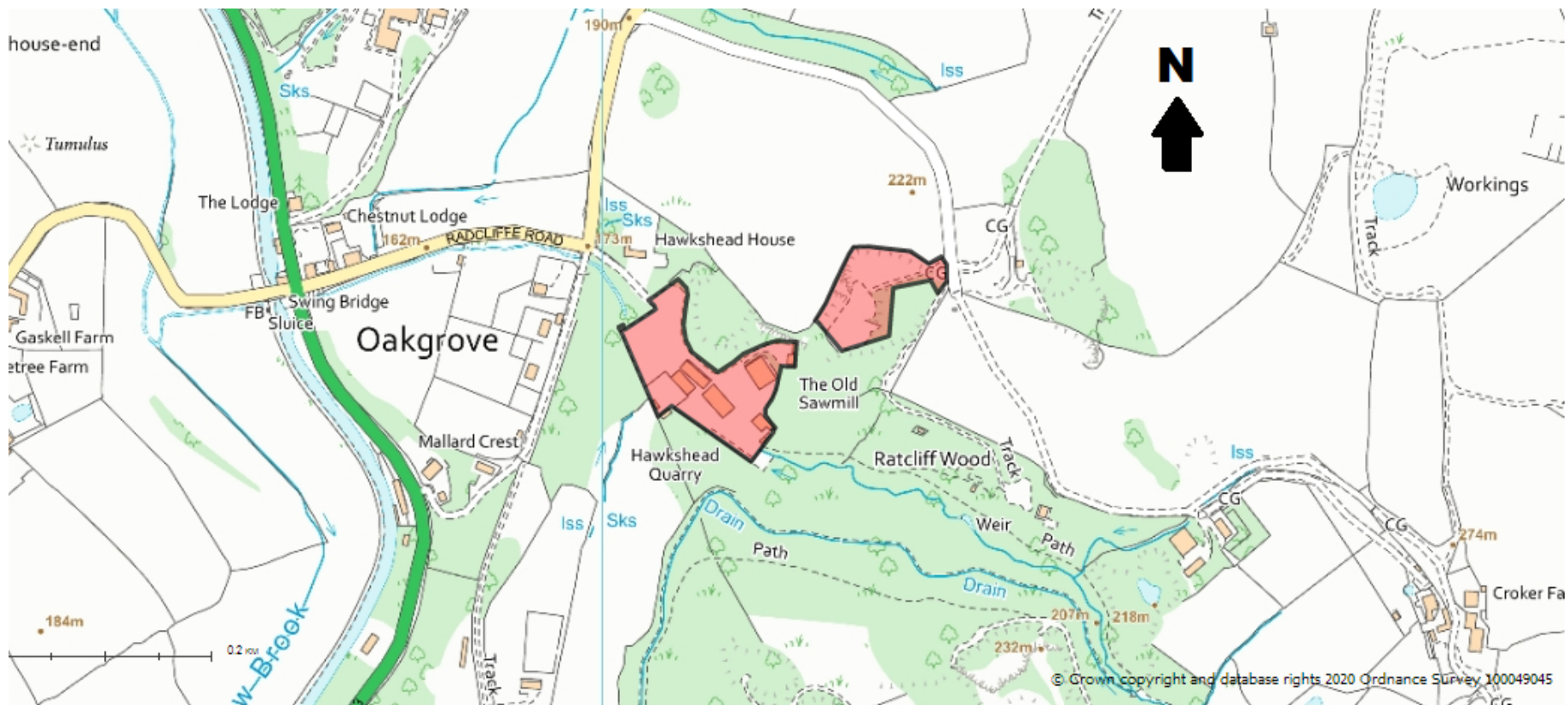
Overall whilst some employment would be created by the proposed development, there is conflict with a number of local plan policies, specifically policies PG6, EG2, CO1, SD1, SD2, SE3 and SE5 of the CELPS, and the development results in harm to the objectives of these policies. It is not considered that the modest job creation would outweigh the conflict with the development plan in this case. The proposal is not considered to be a sustainable form of development and accordingly the application is recommended for refusal for the following reasons:

- 1. The application site is located within the Open Countryside, which is defined as the area outside of any settlement with a defined settlement boundary. The proposed development is not for one of the permitted types of development within the Open Countryside listed under policy PG6 of the CELPS, and is not for one of the specified exceptions to these development types. Policy EG2 sets out the circumstances where rural economic development proposals (outside the Principal Towns, Key Service Centres and Local Service Centres) will be supported. From the information provided with the application, the proposed development does not meet any of the identified circumstances for the development to be supported. The proposal is therefore contrary to policies PG6 and EG2 of the CELPS.**



- 2. By reason of the nature and location of the development, the application is not a sustainable form of development, and conflicts with policies SD1, SD2 and CO1 of the CELPS, and the objectives of the NPPF.**
- 3. The proposed development of the upper quarry site will result in significant harm to the Gawsword Common, Whitemoor Hill and Ratcliffe Wood Local Wildlife Site, and does not provide adequate detail relating to the impact of the development upon proximate trees or appropriate mitigation. The proposal is therefore contrary to policies SE3 and SE3 of the CELPS and the provisions of the NPPF.**

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



Application No: 20/4003M

Location: Rydal, 8, Moss Road, Alderley Edge, Wilmslow, Cheshire, SK9 7HZ

Proposal: Demolition of existing dwelling and its replacement with a detached dwelling and detached infill dwelling.

Applicant: Mr & Mrs Hirst

Expiry Date: 09-Nov-2020

**SUMMARY:**

The application site lies within the Green Belt. However, it is considered that the site would meet the requirements for replacement buildings and infill development in the Green Belt and as such would not be inappropriate development.

The revised scheme has the garages omitted. It is considered that in the context of a varied streetscene, the proposed development would not appear incongruous.

The relationship with surrounding neighbours would be acceptable; subject to conditions, requiring the windows to be obscure glazed.

The proposal would meet the Council's parking standards. There are no highway implications arising from the development.

**RECOMMENDATION**

**Approve subject to conditions**

**REASON FOR REFERRAL**

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

*The application is called in following concerns expressed by local residents in relation to:*

- *the impact of the proposed development on the openness of the green belt*
- *perceived incursion of the proposed development into washed over green belt*
- *proximity of the proposed development to the boundary with neighbouring properties*
- *potential overlooking and subsequent impact on residential amenity*
- *scale and massing of the proposed infill dwelling*

**DESCRIPTION OF SITE AND CONTEXT**

The application site comprises a large detached two storey dwelling, which lies within a ribbon of development within the Green Belt. Alderley Edge village centre lies to west of the site.

The site is within a Local Landscape Designation and within the Manchester Airport Safeguarding Zone. There is a protected tree on the boundary with 10 Moss Road.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the demolition of the existing house and the construction of a pair of detached houses. The scheme has been amended during the lifetime of the planning application. The proposed integral garages have been omitted and the external dimensions of the infill plot have been reduced.

## **RELEVANT HISTORY**

18/4170M – approved – 11 October 2018  
Alterations, small ground floor extension and new garage

## **POLICIES**

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

PG 3 – Green Belt  
SD 2 – Sustainable Development Principles  
SE 1 – Design  
SE 3 – Biodiversity and Geodiversity  
SE 4 – The Landscape  
SE 5 – Trees, Hedgerows and Woodland  
SE 13 – Flood Risk and Water Management  
CO 1 – Sustainable Travel and Transport  
Appendix C – Adopted Parking Standards

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

GC1 – Green Belt – New Buildings  
DC3 – Amenity  
DC6 – Circulation and Access  
DC9 – Tree Protection  
DC38 – Space, light and privacy

### **Other Material Policy Considerations**

National Planning Policy Framework (NPPF 2019)

Alderley Edge Neighbourhood Plan (regulation 16 – consultation on submitted plan)

AE1 – Alderley Edge Development Strategy  
AE2 – Design, Scale and Type of New Housing  
AE3 – Sustainable Housing Design

AE4 – Rear Garden and Backland Development  
AE9 – Landscape Character and Access  
AE12 – Local and Historic Character

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

**Head of Strategic Transport** - No material highway implications

**Lead Local Flood Authority (LLFA)** - Comments awaited

**Environmental Health** - No objections, subject to conditions relating to electric vehicle charging and ultra-low emission boilers.

**United Utilities** – Make general comments regarding drainage, water supply and United Utilities assets.

**Alderley Edge Parish Council** - Recommend refusal. It is overdevelopment and, on its side of the road, isn't appropriate in density, scale, or grain of the area, contrary to emerging neighbourhood plan policy AE2. Infill development and increased density with a 3 storey house aren't consistent to this area. There is insufficient justification for supporting the increased density and is as such also against emerging neighbourhood plan policy AE4. Housing supply needs in CE and Alderley Edge are already being met.

## **OTHER REPRESENTATIONS**

Ten letters of representations have been received, nine objecting to the proposal and one making a general observation. A further four objections were received to the initial set of revised plans, which showed the garages to be removed.

The main concerns are summarised as follows:

- Proposed development would conflict with emerging Neighbourhood Plan policies AE2 due to scale and AE4 due to loss of openness and increase in density
- Concerns regarding the density of development
- Proposed garages would be too far forward and too dominant
- Houses would look out of character in streetscene – three storey build, large glass windows and 'in-out' area
- Proposed area of built form exceeds what is allowed under green belt rules
- Loss of light/overshadowing, loss of privacy and overbearing character to adjoining neighbours
- Would set a precedent for infilling garden space between properties
- Disturbance to local residents during construction works
- Development includes below ground level construction. Area regularly floods – proposed development would make this work

- Development would put additional burden on the existing drainage and sewer system, adding to surface water drainage problems
- Oak trees along the boundary, which are TPO'd should be protected.
- Support demolition and replacement with two houses in principle

## **OFFICER APPRAISAL**

### **Principle of development – Green Belt**

The application site lies within the Green Belt. National and local policies attach great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. The two essential characteristics of Green Belts are their openness and their permanence.

Green Belts serve the following five purposes:

- a) to check the unrestricted sprawl of large built-up areas;
- b) to prevent neighbouring towns merging into one another;
- c) to assist in safeguarding the countryside from encroachment;
- d) to preserve the setting and special character of historic towns; and
- e) to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

To achieve this, there are restrictions on the types of development which may be carried out. These are detailed within NPPF paragraphs 145 and 146 and reiterated within CELPS policy PG 3.

Development not falling within one of the listed exceptions is inappropriate. NPPF paragraph 143 confirms that inappropriate development is by definition harmful to the Green Belt and should not be approved except in very special circumstances.

NPPF paragraph 144 directs Local Planning Authorities to give substantial weight to any harm to the green belt. It confirms that 'very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

NPPF Paragraph 145 states that all new buildings other than those specifically listed as exceptions should be viewed as inappropriate development. The following exceptions are relevant to this application:

- d) the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces
- e) limited infilling in villages

g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt than the existing development.

These listed exceptions are also reiterated within CELPS policy PG 3.

In this case, it is considered that the development would not meet NPPF 145g). this is because the definition of 'previously developed land' specifically excludes land in residential gardens in built up areas. The increase in built form would also result in the development having a greater impact on openness.

However, it needs to be considered whether the development would fall within any of the other exceptions, notably whether the development could be considered as limited infilling in villages or a replacement building which is not materially larger.

#### *Replacement buildings in the Green Belt*

NPPF paragraph 145 includes as an exception the demolition and replacement of existing buildings, provided that they are in the same use and not materially larger than the building they would replace.

Given that one of the proposed dwellings would be located on the footprint of the existing, it would be reasonable to assess this as a replacement dwelling for the purposes of CELPS policy PG 3 and NPPF paragraph 145. A comparison of the existing and proposed figures is set out in the table below:

	<b>Dwelling as existing</b>	<b>Dwelling proposed</b>	<b>as</b>	<b>Percentage change</b>
<b>Footprint</b>	209.7sqm	181sqm		-13.7%
<b>Height</b>	7.5m	7.5m		0
<b>Volume</b>	897m <sup>3</sup>	1012m <sup>3</sup>		+12.8%

The above figures indicate that the replacement dwelling would have a slightly greater volume but a reduction in footprint. There would be no change in the height. Based on the above, it is considered that the proposed replacement dwelling would not be materially larger than the dwelling it would replace. It would therefore fall within the exception and would not be inappropriate within the Green Belt.

#### *Limited Infilling in Villages*

It also needs to be established whether the proposed infill dwelling would fall within one of the listed exceptions or whether it would be inappropriate development.

The NPPF does not provide a definition of what should be considered to be limited infilling in villages, but the CELPS defines "infill development" as *"the development of a relatively small gap between existing buildings"*, and the MBLP defines "infilling" as *"the infilling of a small gap in an otherwise built up frontage (a small gap is one which could be filled by one or two houses)"*.

Excluding the existing house, which is to be demolished and the open car port at no.6, the gap between the built forms of 6 and 10 Moss Road is approximately 51m. When the existing house, 8 Moss Road is included, the gap shrinks to around 29m. The gap remaining between the proposed replacement dwelling and 6 Moss Road will be approximately 33m, and if the open car port within the grounds of number 6 is included, the gap reduces to approximately 19m.

In some circumstances, the gap between the two existing buildings would be able to comfortably accommodate more than one or two houses and as such could not be considered as relatively small. However, the assessment of whether or not the gap is relatively small, depends on the context. In the surrounding area, there is a variety of plot widths. In the surrounding context, it would not be unusual for a gap of a similar size to be filled with either a single house or a pair of houses. As such, in this location the gap is considered to be relatively small.

The next test is whether or not the site lies within a village. The Courts have held that *“while a village boundary as defined in a Local Plan would be a relevant consideration, it would not necessarily be determinative, particularly in circumstances where the boundary as defined did not accord with the inspector’s assessment of the extent of the village on the ground.”* (Wood v SSCLG and Gravesham Borough Council [2014] EWHC 683).

The application site lies along Moss Road within the Green Belt. The village boundary of Alderley Edge lies approximately 54m to the west of the site. The site is visually connected to the village, with a continuous run of development linking it to the site. Given its proximity and visual connection to the defined settlement of Alderley Edge, it is considered that the site lies within the village for the purposes of CELPS policy PG 3 and NPPF paragraph 145.

Having regard to the size and scale of the development and its location within a village, it is accepted that the development may be considered as limited infilling in villages and would not be inappropriate development within the Green Belt.

### **Character and Appearance**

NPPF chapter 12 deals with achieving well-designed places. Paragraph 127 states that planning decisions should ensure that amongst other matters, developments should be:

- Visually attractive as a result of good architecture, layout and appropriate and effective landscaping
- Sympathetic to local character and history, including the surrounding built environment and landscape setting

Paragraph 130 directs local authorities to refuse development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It also states that where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development.



CELPs policy SD 2 sets out the sustainable development principles for Cheshire East. It requires all development to contribute positively to an area's character and identity, in terms of, amongst other matters, its:

- Height, scale, form and grouping,
- External design features
- Massing of development – the balance between built form and green spaces.
- Relationship to neighbouring properties, streetscene and wider neighbourhood.

CELPs policy SE 1 deals with design. Similar to policy SD 2, it requires developments to make a positive contribution to their surroundings. This includes a requirement to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements.

Draft Neighbourhood Plan policy AE2 deals with the design, scale and type of new housing. Similar to CELPs policies SD 2 and SE 1, this requires scheme to be appropriate to their site in scale and character and relate well to their context. As this policy has not yet been through examination, it can only be given limited weight.

The application site is currently occupied by a two-storey detached house, which is sited on the eastern and central portions of the plot. The site has a side garden, which has an outdoor swimming pool.

The area is characterised by detached two storey houses, with a wide range of architectural styles. There is also a variety in terms of plot size. 8 Moss Road is one of the wider plots along Moss Road along with those properties neighbouring it, 6, 19 and 12 Moss Road. Immediately opposite the site, the plots are narrower, this is also the case, further to the east of the site, from no. 14 onwards. In all, plot widths along this part of Moss Road are not uniform.

There is a reasonably clear building line along Moss Road. While there are some examples of outbuildings to the front of properties, these tend to be on the wider plots. Overall, the buildings to the front do not materially encroach on the streetscene, or the spacious and leafy character to the front of plots.

Concerns have been raised that the proposed development would appear at odds with the prevailing density of development in the surrounding area and would appear as overdevelopment. Concerns have also been raised regarding the prominence of the garages to the front of the properties. The scheme has been revised during the lifetime of the application and the proposed garages to the front of the properties have been omitted. The height and width of the proposed infill dwelling have also been reduced.

Given the width of the application site, when subdivided into two properties, the plots would not be dissimilar to those of the houses opposite, or those slightly further to the east along Moss Road. The infill plot has been reduced in height and width during the lifetime of the application. It has been moved further from the boundary with 6 Moss Road. Given the variety of plot widths within the immediate context, the revised plot layout would not appear unduly cramped or at odds with the surrounding density of development.

Concerns have been raised regarding the design of the house, the changes to land levels and the provision of accommodation at third floor level.

The applicant has clarified that the land levels as shown on the plan are existing. The levels were built up to accommodate the swimming pool and drop down from the road.

The third floor would be accommodated within the roof space. The streetscene elevation indicates that the proposed dwellings would be similar in height to neighbouring properties. The third floor would be served by rear dormer windows. From the road frontage both properties would read as having two storeys.

There is no one uniform architectural design along this part of Moss Road. The proposed dwellings would each be of a different design, reflecting the variety of styles. The plans indicate that the infill dwelling would use a buff brick, which is not typical of the area. As such a condition requiring details of alternative materials is required. Subject to this, the proposed dwellings would be of an acceptable design and would not adversely affect the character and appearance of this part of Moss Road.

A number of objectors, including the Parish Council, have raised concerns that the development would conflict with AE4, which relates to backland development and development in rear gardens. Once again, this policy is only of limited weight. However, as the proposed development is along the frontage and within the side garden of the existing house, this policy is not considered to be applicable.

### **Local Landscape Designation**

The application site lies within the Alderley Edge and West Macclesfield Wooded Estates - Local Landscape Designation. Within this area, CELPS policy SE 4 applies. This policy seeks to conserve and enhance the quality of the landscape and protect it from development, which is likely to have adverse effect on its character, appearance and setting. It also states that where development is considered to be acceptable in principle, measures will be sought to integrate it into the landscape character of the area.

The Council's Landscape Officer has been consulted on the proposal. They have advised that the proposal would not have an adverse impact on the character, appearance and setting of the wider designated landscape.

However, they have recommended that the area of hardstanding should be reduced if possible. Where required, hard surfaces should be permeable to minimise the impact on protected trees. They have also requested further details regarding site levels along the boundaries.

Conditions are recommended regarding boundary treatments, site levels, landscaping details and implementation. Subject to these conditions, the proposal would be acceptable in landscape terms and would comply with CELPS policy SE 4.

### **Residential Amenity**

NPPF paragraph 127f) requires developments to achieve a high standard of amenity for existing and future users.

Saved MBLP policy DC3 states that development should not significantly injure the amenities of nearby residential property due to loss of privacy; overbearing effect and loss of sunlight and daylight. MBLP policy DC38 sets out the guidelines for space, light and privacy.

### 6 Moss Road

Concerns have been raised regarding the impact of the development on this neighbouring property. These relate to the potentially overbearing nature of the built form and loss of privacy. The built form of this neighbour lies within the western portion of the site, away from the boundary with the application site. Adjacent to the boundary, this neighbour has an open car port.

The proposed development would bring two storey-built form substantially closer to the common boundary. However, this would be partially off-set. The development would inevitably have some impact on the area of garden closest to the boundary. Given the distance between the built forms of the properties, the development would be unlikely to have an adverse impact on the outlook or light when viewed from the house itself. While there would be some overbearing impact on the area of garden closest to the property, given the spacious nature of the garden and the distance from the dwelling, this would be unlikely to reach the level of significant injury required to justify a refusal in accordance with MBLP policy DC3.

A condition is required to ensure that upper floor windows along this elevation are obscure glazed and fixed shut below 1.7m to prevent issues of overlooking.

### 10 Moss Road

The application sites lies to the west of this neighbour. The plans show that at two storey level the replacement dwelling would be broadly in line with the rear elevation of this neighbour. The single storey projection would be set in from the common boundary by approximately 5m. The southern portion of this projection would be open on all sides, reducing its perceived massing when viewed from this neighbouring property.

The proposal does not include any windows along the flank elevation facing this neighbour. The proposed development would have an acceptable relationship with this neighbouring property.

Additionally, to ensure an acceptable future relationship with neighbours and between the properties, a condition is required removing permitted development rights for classes A, AA, B and E.

### **Parking and Highway Safety**

Saved MBLP policy DC6 sets out the circulation and access criteria for new developments. Amongst other matters, it requires new vehicular access to be safe and convenient. It also requires provision for manoeuvring vehicle, servicing and parking. CELPS Appendix C sets

out the adopted parking standards. In this location, houses with four or more bedrooms should have a minimum of three off-street parking spaces.

The Council's Highways Officers have been consulted on the proposal. They have raised no objection to the proposed access and have noted that sufficient space would be available on site to provide parking in line with the above standards. The proposal would comply with saved MBLP policy DC6.

### **Flood Risk**

CELPs policy SE 13 deals with Flood Risk and Water Management. It requires all developments at risk of flooding to be supported by an appropriate Flood Risk Assessment (FRA). It also requires all developments to seek improvements to the current surface water drainage network.

The application site lies within Flood Zone 1, which is at the lowest risk of fluvial or tidal flooding. As the proposal is not a major application, a Flood Risk Assessment is not required as part of this application.

Concerns have been raised regarding the existing surface water drainage systems. Following on from these concerns, the LLFA has been consulted on the proposal. Their response will be reported to the Committee as an update, once received.

### **Forestry**

CELPs policy SE 5 deals with trees, hedgerows and woodlands. It states that where a development would result in threat to or loss of trees of amenity value, it will not normally be permitted, unless there are clear overriding reasons and no suitable alternatives. Saved MBLP policy DC9 broadly reiterates the same requirements.

There is a protected Oak tree on the boundary between 9 and 10 Moss Road (TPO reference: 03-037).

The application is accompanied by an arboricultural implications assessment. This has been reviewed by the Council's Forestry Officer. They have advised that while the relationship between the proposed buildings and the trees could be improved, it would be defensible. No significant tree issues are therefore identified.

In the event planning permission is granted, conditions requiring tree protection and method statements are recommended. The proposal would not conflict with CELPs policy SE 5.

### **Nature Conservation**

CELPs policy SE 3 deals with biodiversity and geodiversity. It seeks to protect designated sites, habitats and protected species from development which would adversely affect it. It also requires developments to aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity.

As the proposal is for the demolition of the existing dwelling, a bat survey has been included within the application. This found no evidence of roosting bats, with only limited potential bat roosting features, which were cobwebbed over.

The submitted bat survey has been reviewed by the Council's Nature Conservation Officer. They have not raised any concerns with the findings.

They have advised that subject to the retention of the pond and a condition requiring provisions for nesting birds, the development would comply with the requirements of CELPS policy SE 3. No ecological issues are therefore raised.

### **Other matters**

Concerns have been raised regarding disruption during building works. It is acknowledged that building works can be disruptive. However, as any disturbance is likely to be temporary, they are not a material planning consideration.

House values are not a planning matter and have not been considered.

The electric vehicle charging will be included. It is not considered that the suggested condition requiring the provision of ultra-low emission boilers would be necessary, reasonable or enforceable and as such would not meet the tests set out within the NPPF and Planning Practice Guidance.

### **CONCLUSIONS**

For the reasons outlined above, the application is recommended for approval subject to the following conditions:

1. Three-year time limit
2. Development in accordance with the approved plans
3. Finished levels to be submitted
4. Details of materials to be submitted
5. Tree protection details to be submitted
6. Arboricultural method statement to be submitted
7. Method statement for foundations within the RPA to be submitted
8. Details for No dig hard surface to be submitted
9. Landscaping scheme to be submitted
10. Implementation of landscaping scheme
11. Boundary treatments to be submitted
12. Protection for nesting birds to be submitted
13. Ecological enhancements to be submitted
14. Electric Vehicle charging points to be provided
15. Obscure glazing on eastern elevation of infill plot
16. Details of garden sheds / external storage to be provided
17. Removal of permitted development rights – class A, AA, B and E



Application No: 20/1866M

Location: Fairways, 70, Macclesfield Road, Prestbury, SK10 4BH

Proposal: Demolition of existing dwelling and construction of replacement building comprising 6 apartments

Applicant: Mrs Brenda Crothers

Expiry Date: 30-Jun-2020

**SUMMARY**

The application site comprises an existing dwelling with its surrounding garden and driveway in a sustainable location with good access to local services and facilities. 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 highways 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 neighbours and the Parish Council are 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 at the request by Cllr Sewart who is making the request for a call in on behalf of the Prestbury PC as a neighbouring ward member for the following reasons;

*“The proposal would be in contravention of the extant HS12 low density housing policy in the Macclesfield Borough Local plan.; It would be significantly greater in mass than the existing one; The development would be at odds with CE Council's decision in respect of application*

*19/1955M- land adjacent to Withinlee Hollow, Withinlee Road; It would increase traffic flows on Macclesfield Road to those expected once the new King's School is opened as there would be traffic generated by 6 households instead of one.*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site currently contains a large dwelling house located to the north of its entrance. The land rises to the north of the site and the house is therefore clearly visible from the entrance. The house is two storeys high

The site lies within a predominantly residential area and a low density housing area. It is accessed from the access road to Prestbury Golf Club which lies within the Green Belt. The site is the subject of a TPO - The Macclesfield Borough Council (Prestbury - Land West of Macclesfield Road) Tree Preservation Order 1997.

The application site is located approximately 145m along the private drive to the west of Macclesfield Road and is located on a ridge of higher land that slopes to the west towards Spencer Brook, located to the western side of the golf course at a distance of approximately 300m, and eastwards to the River Bollin approximately is 530m to the east. The site itself covers an area of approximately 0.6 hectares and the existing dwelling is located approximately towards the central part of the site, which has mature vegetation along the site boundaries.

Three Public Rights of Way are close to the site - Footpath 36 Prestbury follows a route along the private drive to the front of the property, Footpath 16 Prestbury follows a route off the drive in a north easterly direction along the eastern site boundary and Footpath 23 Prestbury follows a route off the drive in a northerly direction immediately to the west of the site

Land to the west of the site is Green Belt land occupied by Prestbury golf club.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish the existing dwelling on site and erect a replacement building comprising 6 apartments. It would be located on a similar footprint to the existing building but due to an increase in the scale of the building's footprint, it would be set slightly forward of the existing building. The new building would have a basement containing parking bays and storage areas and three floors above with two apartments on each floor. It would measure 19m deep with an overall width of 36m and be between 14m – 15m high. It be constructed from Cheshire brick with glazed balustrades and timber louvres and brick chimney structures

The front elevation would be broken into vertical and horizontal blocks and contain recessed windows and balconies. The entrance to the car park would be set down to the right-hand side of the building when viewed from the access to the site. The garden area would be managed as a communal amenity space under a management agreement.



## RELEVANT HISTORY

18/5917M

Demolition of an existing dwelling and the erection of 16 no apartments with associated landscaping and infrastructure

Refused 15.3.2019 for following reasons:

1. *The approval of the development proposed would be contrary to policies SE1 and SE4 of CELPS and guidance contained with Prestbury Village Design statement due to its scale, design and density and would thereby cause harm to the objectives of those policies by virtue of being overly large in this location.*
2. *There is evidence of bat activity the form of minor roosts within the house which would be lost as a result of the proposed development. The loss of the buildings on this site in the absence of mitigation is likely to have a low impact on bats at the local level and a low impact upon the conservation status of the species as a whole. The proposed development fails two of the tests contained within the Habitats Directive and as a result would also be contrary to Policies NE 11 of the saved Macclesfield Borough Local Plan and SE 3 of the Cheshire East Local Plan Strategy and guidance contained within the National Planning Policy Framework.*
3. *Insufficient information has been submitted with the application relating to the impact of the proposal upon the loss of protected trees in order to assess adequately the impact of the proposed development having regard to loss of amenity. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.*

## 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

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability  
SC4 Residential Mix  
SC5 Affordable homes  
SE13 - Flood risk and water management  
C01- Sustainable travel and transport

Appendix C – Parking Standards

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

Policy DC3 - Amenity  
Policy DC6 - Circulation and access  
Policy DC8- Landscaping  
Policy DC9 Tree protection  
Policy DC35 Materials and finishes  
Policy DC37 Landscaping in housing developments  
Policy DC38 - Space, light and privacy  
Policy DC41 - Infill housing development or redevelopment  
Policy NE11 - Nature conservation  
Policy H12 - Low density housing  
Policy DC41 - Infilling housing or redevelopment

### **Other Material Considerations**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)  
Cheshire East Design Guide  
Cheshire east Parking standards – Guidance note  
Prestbury Village Design Statement  
Prestbury SPD

\*There is no Neighbourhood Plan for Prestbury

### **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)**

**Environmental Health** - No objection subject to conditions and informatives relating to hours of construction, dust management, contamination, electric vehicle points

**United Utilities** - No objection subject to conditions relating to surface and foul water drainage

**Strategic Housing Manager** – No objection

**Head of Strategic Infrastructure – No objection**

**Public Rights of Way Team** -No objection subject to advice note to keep the adjacent public footpaths FP23 FP36 and FR16 clear during construction

**Prestbury Parish Council – Object on the following grounds :**

- The development would be in contravention of the extant HS12 low density housing policy in the Macclesfield Borough Local Plan which will continue to apply unless it is changed through Part 2 of the Cheshire East Local Plan, the Site Allocations and Development Plan Document.
- Would be very significantly greater in mass than the existing one, it would spread over a significantly larger area than the existing property, possibly by as much as 100% and it would be higher as well as bulkier.
- It would also consist of four storeys - a basement (hewn into sandy soil) and three storeys above ground, as opposed to two storeys at present.
- It would be at odds with Cheshire East Council's decision in respect of application no.19/1955M – Land adjacent to Withinlee Hollow, Withinlee Road, Prestbury, which was refused for the following reasons: *“The proposed development would be contrary to policy H12 of the Macclesfield Borough Local Plan and policies SE1 and SD2 of the Cheshire East Local Plan Strategy by virtue of the development not being commensurate with the surrounding area in terms of the size, form and mass of the building within its plot”*.
- Would further increase traffic flows on Macclesfield Road to those expected once the new King's School is opened as there would be traffic generated by six households instead of one.

**OTHER REPRESENTATIONS**

One letter of representation has been received signed by the occupants of 4 apartments in the adjacent apartment building at Fallibroome House which states that they have no objection in principle but raise the following concerns:

- Footprint considerably larger than the present one.
- Ground levels appear to be disproportionately altered to facilitate a new basement.
- 6 flats is excessive given the area of the site and is out of keeping with the densities of this particular Prestbury location.
- Damage to protected trees. Building is far too near those facing the golf course (West) to avoid future tree loss.
- Two substantial properties would be more in keeping.
- Any approval should be specific to be cover permitted normal working hours and deliveries etc.

**OFFICER APPRAISAL**

## **Principle of Development and impact on character of the area.**

The site lies in a predominantly residential area which is also a low density area as defined in the MBLP.

A previous proposal for the erection of two separate apartment blocks containing 16 apartments was refused on 15.3.2019 due to the scale, design and density of the development, the lack of information regarding the impact upon protected species and insufficient information relating to the impact of the proposal upon the loss of protected trees.

This submission has sought to deal with the previous reason for refusal and address below and was the subject of pre-application discussions.

### Density

Saved MBLP Policy H12 relating to Low density housing areas states that within low density housing areas *“new housing development will not normally be permitted unless the following criteria are met:*

- *The proposal should be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access*
- *The plot width and space between sides of the housing should be commensurate with the surrounding area*
- *The existing low density should not be exceeded in any particular area*
- *Existing high standards of space light and privacy should be maintained*
- *Existing tree and ground cover of public amenity value should be retained; and*
- *In Prestbury, both the new housing plots and the remaining plot should be approximately 0.4 hectares (1 acre)”*

It is considered that the proposal is sympathetic to the character of the area. The proposed building would be on a similar, albeit slightly larger footprint as the existing house. The plot width would remain the same as existing and the space between dwellings remains commensurate as the surrounding area. The existing high standards of space light and privacy would be maintained and the existing tree and ground cover of public amenity value still available to public view from the road frontage and the adjacent Public rights of way. The size of the plot would remain at 0.58 ha which is slightly bigger than the 0.4 noted as being appropriate for Prestbury.

The Prestbury Village Design Statement states “that within this area (Dale Head Road and Squirrels Chase and part of Macclesfield Road in the vicinity) the average plot size is 0.25 ha with an average density of 4 dwellings per hectare. However Cheshire East Design guide states “the average of 5 dwellings per hectare is typical of this area of Prestbury.

The density of the proposal would be 10 dwellings per hectare. However the 6 apartments would be in one single building, not spread across a site, thereby significantly reducing the impact upon the character of the area. In addition the proposed parking would be at basement level avoiding the spread of built development across the site. This allows for the retention of existing mature landscaping and the protection of the TPO trees, which are part of the existing character of the area.

In this respect the proposed development would be very similar to the 6 apartments at Fallibroome House immediately adjacent to the site. This site is very well screened but much closer to the road frontage than Fairways. The retention of the large open area to the front of the site would assist with retaining the character of low density housing.

### Design / Character

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.

CELPs 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 of the CELPs 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

Saved Macclesfield Local Plan policy DC41, relates to infill housing or redevelopment and requires development to have appropriate space light and privacy standards; not result in overlooking of existing private gardens or excessive overshadowing; have reflect the typical ratio of garden space in the area suitable for the intended purpose; not introduce excessive amounts of new traffic into a quiet area; enjoy an open outlook onto a highway or open space from one elevation; not result in tandem or backland development; have sufficient parking and have safe vehicular and pedestrian access

In respect of this saved policy it is considered that the proposal would continue to enjoy a higher space light and privacy standard due to the apartment block being sited in a similar position to the existing large dwelling. There would be no overshadowing or overlooking of existing private gardens or neighbouring properties resulting from the development. The garden space would remain similar to that which currently exists and the adjacent properties. There would not be excessive amounts of traffic and there would be adequate parking and turning space within the site for resident's vehicles.

It would not result in backland or tandem development and the vehicular and existing access would remain safe.

In respect of the design of the proposed building, detailed discussions took place with the councils design officer and it was requested that reference be taken from the buildings in Prestbury village as well as the immediate context. There is a wide variety of residential

buildings on Macclesfield Road with variable styles, including large houses immediately adjacent to the site and a large apartment block to the south east.

The proposed building includes traditional eaves, chimneys, projecting gables, a front door and an articulated frontage to create an interesting frontage more akin to a dwelling rather than an apartment “block”.

Therefore, 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 character of the area and is in accordance with policies SE1 and SD2 of the CELPS, and the Cheshire East Design Guide.

### **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 and types and sizes to help support the creation of mixed, balanced and inclusive communities”*.

The creation of six 2 bed apartments within this residential area would contribute to the mix of housing types and sizes and would complement the existing provision in the area, in accordance with SC4 of the CELPS.

### **Affordable housing**

Policy SC 5 of the CELPS requires In developments of 11 or more dwellings (or have a maximum combined gross floorspace of more than 1,000 sqm) in Local Service Centres and all other locations at least 30% of all units are to be affordable.

In this case the proposed development of 6 apartments lies within a site of 0.58 ha in the local service centre of Prestbury. The gross internal floor space exceeds 1,000sqm. Therefore 30% of the units (1.8 units) should be affordable units.

The applicant has submitted an affordable housing statement that states that the payment of a financial contribution in lieu of the provision of affordable units on site is the only practical means by which the requirement to provide affordable housing can be addressed in connection with the subject site. Due to the nature of the type of accommodation and the ongoing maintenance costs associated with the site management.

Additional information was submitted which detailed how the applicant has approached three Registered Social Housing providers who all confirmed that they would not be willing to take the units proposed on site as affordable dwellings for social rent or intermediate housing.

Therefore, a financial contribution of £106,917 is proposed which would be secured through a suitably worded planning obligation sufficient to secure the delivery of 1.8 affordable dwellings off-site. The contribution has been calculated by estimating an open market value of 2 x 1 bed apartments based on the residential sales price adopted for viability testing in the “Prime “ are of Cheshire East (which includes Prestbury) in the Council’s CIL Viability Study. The price that a Registered Provider would pay for the two affordable units is then deducted from

the open market values to calculate the contribution, which is then adjusted to relate to a 30% contribution (1.8 dwellings) as opposed to a 33% contribution (2 dwellings).

Following this additional information being submitted, the Strategic Housing Officer has withdrawn their initial objection, is satisfied with the financial contribution, and the proposal is considered to comply with policy SC5 of the CELPS.

### **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 is the subject of The Macclesfield Borough Council (Prestbury - Land West of Macclesfield Road) Tree Preservation Order 1997 protects a number of trees within the site and a linear group off site to the east which are considered to be a material consideration.

The submitted arboricultural report states that the proposal would require the removal of some mainly low quality trees and most of the higher quality trees can be retained and protected during construction. Some works are proposed within the RPAs of three of the retained trees but given the minor nature of the incursions the risk of long term damage is low. The proposed relationship of the development with the retained trees is no worse than the current situation and details can be resolved by planning condition.

Comments are awaited from the Council's Tree officer to confirm this position and will be reported as an update.

### **Landscaping**

Policy SE 4 relates to the landscape and requires all development to conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

The proposal has been submitted with a detailed landscaping scheme to ensure the development is integrated within the existing landscaping to maintain and retain existing trees and shrubs within the site and ensure an appropriate transition from the residential plot to the surrounding green belt.

The existing views of the site from the adjacent Fairways are restricted and appropriate conditions to ensure the implementation of the suggested landscaping scheme would ensure the plot remains well screened and appropriate to its location. It is therefore considered that the proposal would comply with policy SE4 of the local plan.

### **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 proposed eastern elevation of the new building would contain balconies and habitable room windows but they would be 49m way from the eastern boundary of the site and 115m away from the nearest point of Fallibroome House located to the south east. In addition there is a significant amount of landscaping along the boundary which would be retained and a Public footpath running between the two sites with further landscaping either side of the path.

The southern elevation would be 102m from the southern boundary of the site and the access road serving the golf club. There are no properties to the north or west of the site as this land from part of the golf club fairways.

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 6 apartments. Whilst this proposal is 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. 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 the 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.

The Contaminated land officer raises no objections to the proposal, and whilst no Contamination report has been submitted, they draw the applicant's attention to their duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land via an informative.

### **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.

United Utilities raise no objection subject to appropriate conditions regarding the drainage of surface and foul water details being submitted and agreed.

Therefore subject to this condition the proposal will comply with policy SE13 of the CELPS.

### **Highways**

The existing access lies adjacent to the public footpath which runs alongside Prestbury golf club and it would be reused and not relocated.

The parking standards within the CELPS require 2 parking spaces to be provided for each of the 6 dwellings, which are shown on the latest site plan, thereby meeting the relevant parking standards. 14 parking spaces are proposed.

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 property is adjacent to public footpaths Prestbury Nos. 23, 36 and 16.

The footpaths remain unaffected and no objection is raised by the Public Rights of Way team but request an advice note to make the applicant aware of their obligations.

### **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.

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

Bat surveys were carried out in 2018 and evidence of bat activity in the form of a minor roost of a relatively common bat species was recorded within the house. An updated survey was carried out and no bat roosts were identified. The report concluded that that property likely no longer contained a legally protected roost therefor a mitigation licence is not required. But conformity with the submitted reasonable avoidance measures detailed within the provided *Bat Activity Survey* report is suggested as a condition.

Should there be any loss of hedging a bird nesting survey is required. And is suggested as a condition..

Subject to these conditions, the proposal will comply with policy SE3 of the CELPS.

### **Heads of Terms**

If the application is approved a Section 106 Agreement will be required, to secure a financial contribution in lieu of onsite provision of affordable housing of £106,917.

### **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 an affordable housing contribution 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 previously developed site in a sustainable location, with good access to a range of local services and facilities. 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.

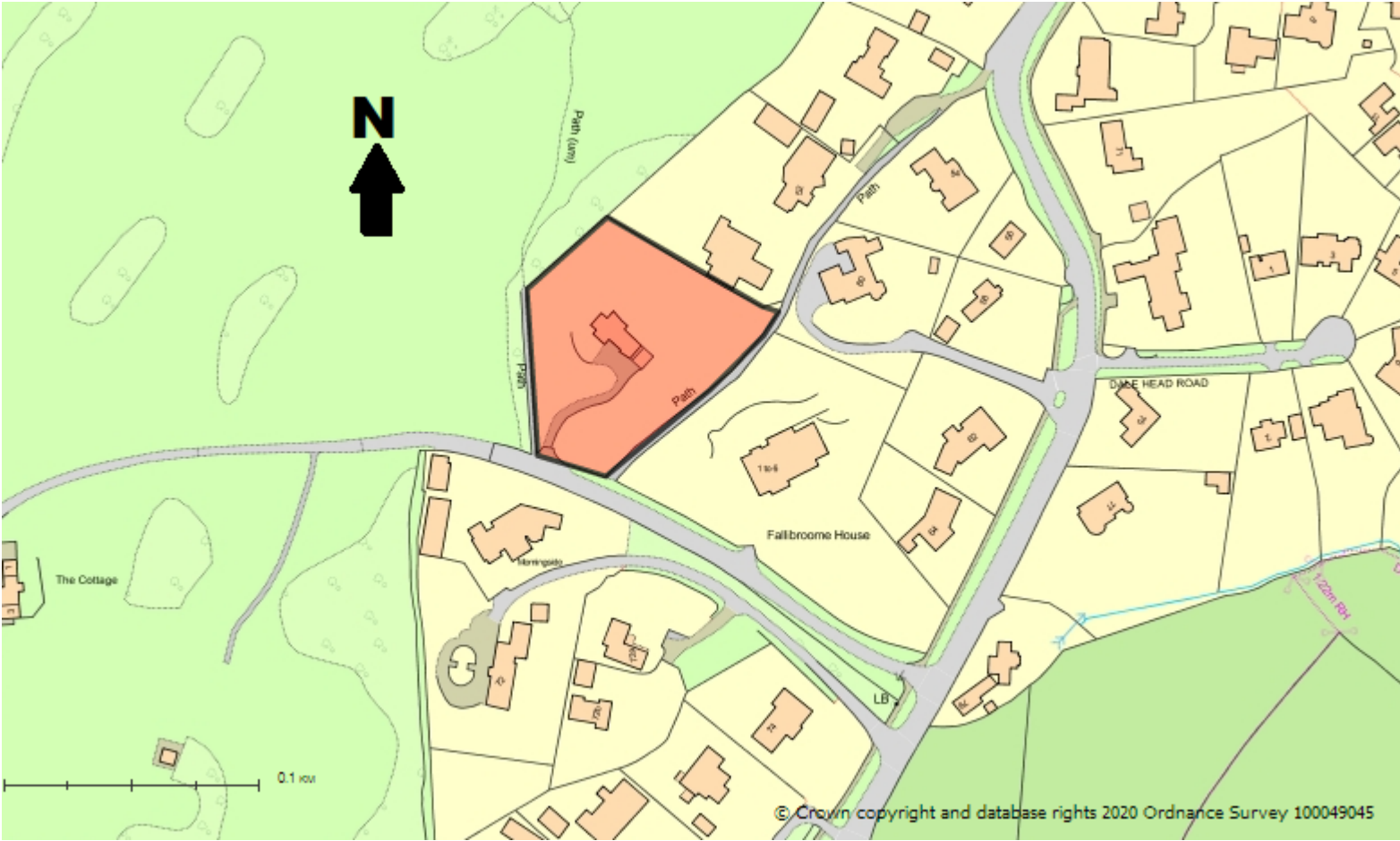
The comments from the neighbours and Parish are acknowledged and have been considered within this report; however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay,

**RECOMMENDATION:** Approve subject to the following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans

3. Submission of samples of building materials
4. Implementation of submitted landscape scheme
5. Nesting bird survey to be submitted
6. The implementation of reasonable avoidance measures detailed within the provided *Bat Activity Survey* report (Rachel Hacking Ecology, 2020).
7. Foul and surface water shall be drained on separate systems.
8. Surface water drainage details to be submitted
9. Electric vehicle infrastructure to be provided
10. Car parking spaces to be provided and retained at all times thereafter (including garages)
11. Details of proposed finished floor levels and land levels to be submitted
12. Cycle storage 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.*



Application No: 20/3684M

Location: Longview Hotel, 51-55, Manchester Road, Knutsford, WA16 0LX

Proposal: Change of use of existing Hotel (C1) to Sui Generis; house in multiple occupation and two residential apartments (C3)

Applicant: Massoud Ahooie, Longview Hotel

Expiry Date: 06-Nov-2020

**SUMMARY**

The proposal is for the conversion of part of the existing Longview Hotel into a nine-bedroom House in Multiple Occupation, with two self-contained apartments. It is considered that the proposed HMO would not have a materially different impact on the character of the area and residential amenity than the hotel use.

No off-street parking is proposed for the HMO. However, the site lies within a sustainable location, close to services, facilities and public transport. The proposal includes cycle storage.

The proposed internal areas would meet the minimum standards set out within the draft HMO SPD.

**SUMMARY RECOMMENDATION**

Approve subject to conditions, consultee responses and any further neighbour responses.

**REASON FOR REPORT**

The planning application has been called to committee by the Local Ward Member, Cllr Gardiner, for the following reasons:

*“The proposal would be detrimental to the Character of the Knutsford Town Centre Conservation Area. Furthermore as part of a terrace of buildings the proposal would have detrimental impact upon the amenity of the occupiers of the adjoining residential (C3) properties; especially as the hotel accommodation is in two properties with a private C3 unit in between. As such this proposal would fall foul of the recently adopted Draft SPD on HMOs. Finally there is insufficient parking to accommodate the number of units proposed in an area where on-street parking is at a premium and additional parking pressure would ensue.”*

**DESCRIPTION OF SITE AND CONTEXT**

The application site is a terrace property, which forms part of the Longview Hotel. The remainder of the hotel is at 55 Manchester Road and 4 Victoria Street. The current site accommodates 13 hotel rooms over three floors with an additional basement area.

The site lies within a predominately residential area of Knutsford and within the Knutsford Town Centre Conservation Area. The building, along with the remainder of the terrace, is identified as being of townscape merit within the Conservation Area Appraisal.

The Site lies across the road from the Heath and is within the impact zone for the Tatton Mere Site of Special Scientific Interest (SSSI).

## **DETAILS OF PROPOSAL**

The proposal is for the partial conversion of the existing Hotel (C1) to a nine-bedroom House in Multiple Occupation, with two apartments. The scheme has been amended during the lifetime of the planning application, with the number of bedrooms reduced from ten to nine. Further information has also been provided regarding the cycle and refuse storage.

## **RELEVANT PLANNING HISTORY**

20/3505M – pending consideration  
Change of use from C1 (hotel) to C4 (HMO)

20/2023M – approved – 28 July 2020  
Removal and reinstatement on a like-for-like basis of existing chimney stack to number 51 on health and safety grounds

20/0227M – approved – 6 March 2020  
Non-material amendment on approval 17/6467M

17/6467M – approved – 16 November 2018  
Existing hotel to be converted into 8no. apartments (within conservation area) 2no. new build town houses to be built on associated parking area (outside of conservation area)

## **POLICIES**

### Cheshire East Local Plan Strategy (CELPS)

MP 1 – Presumption in Favour of Sustainable Development  
PG 2 – Settlement Hierarchy  
SD 2 – Sustainable Development Principles  
SE 1 – Design  
SE 3 – Biodiversity and Geodiversity  
SE 7 – The Historic Environment  
SE 12 – Pollution, Land Contamination and Land Instability  
CO 1 – Sustainable Travel and Transport  
Appendix C – Parking Standards

Macclesfield Borough Local Plan (MBLP)

H6 – Town Centre Housing  
DC3 – Amenity  
DC6 – Circulation and Access

Knutsford Neighbourhood Plan (KNP)

ER5 – Overnight Accommodation  
E3 – Habitat Protection and Biodiversity  
E5 – Pollution  
HW1 – Health and Wellbeing  
HE2 – Heritage Assets  
HE 3 – Conservation Areas  
H1 – Housing Mix  
T2 – Cycling in Knutsford  
T4 – Parking

**OTHER MATERIAL POLICY CONSIDERATIONS**

National Planning Policy Framework (NPPF 2019)

Chapter 12 - Achieving well-designed places  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

Knutsford Design Guide

Revised Publication Draft Site Allocations and Development Policies Document

ENV 13 – Aircraft Noise  
HOU 4 – Houses in Multiple Occupation  
HOU 10 – Amenity  
HOU 11 - Residential Standards

Draft Houses in Multiple Occupation Supplementary Planning Document (SPD)

**CONSULTATIONS (EXTERNAL TO PLANNING)**

**Strategic Housing** – No affordable housing requirement

**Housing Standards** – No objection subject to development being compliant with Planning and Building Control legislation, as well as the Council's adopted standards for Houses in Multiple Occupation. Further information is required, showing how background and rapid ventilation for bedroom 2 and communal lounge would be achieved, as well as natural daylight within these areas. HMO properties containing five or more occupants, forming two or more households are required to obtain a licence under Part 2 of the Housing Act 2004, prior to its occupation as a HMO.

**Head of Strategic Transport** - No objection

**ANSA Greenspace** - No comments received

**Environmental Health** - Aircraft noise is a material consideration and the applicant has not assessed or addressed aircraft noise impact in the submission documents. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations.

**Natural England** - Awaiting response. To be reported to the Planning Committee.

**Knutsford Town Council** - Object on the following grounds:

- a. The proposed development would present an unneighbourly relationship with the adjacent property
- b. The proposal is out of keeping of the residential character of the other private residential properties in the area
- c. The proposal fails to meet policies T2 and T4 of the Knutsford Neighbourhood Plan.
- d. The accommodation proposed within the application falls below unit-size requirements outlined by the draft supplementary planning policy on HMOs of Cheshire East Council

## **REPRESENTATIONS**

Two representations received to date objecting to the proposal. The main concerns are summarised below. The consultation period expires on 25 November 2020. Any further responses will be relayed to the committee as written updates.

- bins stored by hotel result in smells during the summer, which causes distress to the next-door funeral home. Increased occupancy proposed would make this situation worse
- Existing parking issues will be made worse
- Increase in noise disturbance from full time occupation.
- Development would create high density, low quality accommodation, not in keeping with the current character of the street.
- In the current COVID pandemic – creating high density housing would create an increased risk of disease spread.

## **OFFICER APPRAISAL**

### **Principle of development**

The application site lies within Knutsford, which CELPS policy PG 2 identifies as a Key Service Centre. This policy supports development within Key Service Centres, where it is of a scale, location and nature that recognises and reinforces the distinctive of the individual towns.



The existing building is currently used as a hotel, along with 4 Victoria Street and 55 Manchester Road. 4 Victoria Street is the subject of a separate planning application (20/3505M refers). 55 Manchester Road would be retained as hotel accommodation.

Planning permission 17/6467M established the principle of converting the building from a hotel to residential accommodation. This permission, which was granted in November 2018, is still extant.

The principle of the proposed development on this site is therefore acceptable, subject to compliance with the other relevant policies of the adopted development plan.

### **Character and Appearance**

#### Conservation Area

The application site lies within the Knutsford Town Centre Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The NPPF identifies Conservation Areas as designated heritage assets. NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

CELPs policy SE 7 relates to the historic environment. This states that the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets. Conversely, clear and convincing justification will be required, where a scheme would result in harm to a heritage asset and its significant.

KNP policy HE2 relates to Heritage Assets and states that development which causes unacceptable harm to the significance of heritage assets will be resisted. KNP policy HE 3 relates to Conservation Area. It requires developments to comply with design principles.

The Hotel is identified as being a building of townscape merit within the Knutsford Town Centre Conservation Area Appraisal.

The proposal is for the change of use of the existing building and internal alterations. It does not propose any changes to the exterior of the building.

The proposal has been reviewed by the Council's Heritage Officer. On the basis that the works are internal only, they have raised no objections.

It is considered that the proposal would preserve the character and appearance of the Conservation Area, complying with the requirements of the 1990 Act. The development would not cause harm to the significance of the Conservation Area. It would comply with CELPS policy SE 7 and KNP policies HE2 and HE3.

### Impact of use

CELPS policy SD 2 requires developments to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. This includes its relationship to neighbouring properties, streetscene and the wider neighbourhood.

The application site lies within an area that is classified as predominately residential. However, the site is not in a residential use. It is currently occupied as a hotel, which falls within a C1 use class. The nature of hotels means that residents are transient, coming and going for short periods of time. A hotel would typically function in a different way to a C3 residential property, generating greater levels of activity and movement.

It is not considered that the proposal for a house and multiple occupation, with two separate flats would be materially different to the current use as a hotel or would result in an increase of movement that would be detrimental to the area.

An HMO of the size proposed would require a licence. This would cover the management of the HMO and the maximum number of residents, who could live at the property.

There is nothing within the submission to indicate a conflict with CELPS policy SD 2, particularly having regard to its current use as a hotel.

### **Neighbour amenity**

NPPF paragraph 127f) requires developments to have a high standard of amenity for existing and future users. As above, CELPS policy SD2 requires proposals to contribute positively to an area's character, including its relationship with neighbouring properties.

Saved MBLP policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to, amongst other matters, noise, smells, traffic generation, access and car parking.

As above, the baseline for assessing the impact of the development on the amenities of neighbouring properties, is its current use as a hotel. Hotels are likely to generate more activity than would typically be expected in a residential dwelling, due to the presence of employees and a regular turnover of guests.

The part of the hotel to be converted currently has 14 bedrooms. This would be converted to a 9-bedroom HMO and two self-contained flats. While it is acknowledged that the hotel is unlikely to be fully occupied at all times of year, the proposed HMO would provide two less bedrooms than the hotel. Residents are also likely to be living at the property for longer periods than hotel guests would be. Similarly, it would be unlikely to require the same number of employees to maintain the premises. It is not considered that the development would result in an increase in activity or noise which would be detrimental to the amenities of neighbouring residents.

With the exception of a privacy screen, no changes are proposed externally to the building. The relationship between the built form of the property and neighbours would be maintained.

Concerns have also been raised regarding an increase in unpleasant odours, as a result of additional bins being stored on the property. The proposed site plan indicates that the bins would be stored to the rear of 55 Manchester Road, which is also owned by the applicant. Further details of this storage should be required by condition.

Given the current use as a hotel it is not considered that the proposed use would result in such an increase in refuse storage as to adversely affect the amenities of nearby properties.

The Local Ward Member has raised concerns that the proposal would fall foul of the requirements of the draft SPD on HMOs. Specifically, that it would result in a C3 residential use being sandwiched between two HMOs.

This SPD is only in draft form so carries only very limited weight. The consultation on the draft document will conclude on 23 December 2020. In any case, 53 Manchester Road is already sandwiched between a hotel to both sides. As a result of this proposal, this neighbour would be between a hotel and an HMO. It is not considered that this would be materially different in terms of impact. It is not considered that there would be a conflict with this draft SPD.

### **Residential amenity standards**

As with neighbouring properties, NPPF paragraph 127f) requires a high standard of amenity. This is reiterated within CELPS policies SC 2 and SE 1.

The draft local plan includes policies relating to amenity, including HOU 4, which is specific to houses in multiple occupation and HOU 10 and 11, which relate to amenity and residential standards respectively.

The LPA is also producing a Supplementary Planning Document, for Houses in Multiple Occupation. The draft form of this document is currently out for consultation.

The draft SADPD policies and the SPD only carry very limited weight, as they have not yet been adopted.

The Town Council have raised concerns that the proposed rooms would not meet the minimum room sizes as set out within the draft SPD. This requires a double room to have a minimum size of at least 10.22sqm, along with access to at least one opening window.

Of the rooms proposed, the smallest would have an area of 12.4sqm, including the ensuite. This is in excess of the minimum size required within the draft SPD. One of the bedrooms (former bedroom 2) has been omitted and is now proposed to be an additional communal lounge area for residents. All of the bedrooms would have access to opening windows. To ensure an acceptable degree of privacy between bedroom 3 and apartment 2, a privacy screen is proposed. To ensure that this is of an acceptable design and still lets light in, a condition requiring details is recommended. It is considered that the internal amenity space for the inhabitants would be acceptable.

Externally a communal amenity space is proposed. A landscaping plan for this area will be required by condition.

## **Aircraft Noise**

CELPS policy SE 12 relates to pollution land contamination and land instability. It states that amongst other matters, development for new housing will not normally be permitted where existing noise levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Saved MBLP policy T18 deals with new development in areas affected by aircraft noise. In areas subject to daytime noise levels between 57 and 66 LAeq 16hr (0700-2300), and/or night-time noise levels between 48 and 57 LAeq 8 hr (2300 -0700), planning permission for residential development, will only be granted if soundproofing is provided to the satisfaction of the Local Planning Authority.

The Council's Environmental Health Team has advised that the application site lies within the following noise contours:

- 54 to 57 LAeq 16 hr (daytime)
- 48 - 51 LAeq 8 hr (night-time)

They have advised that a Noise Impact Assessment is required to demonstrate that adequate soundproofing can be provided, in accordance with saved MBLP policy T18.

However, it is noted that a Noise Impact Assessment was not submitted as part of the extant permission 17/6467M. The officer report states that:

*"Environmental Health initially requested that an acoustic assessment be submitted as the site lies within the Manchester Airport aircraft contours map. However, they have subsequently advised that a planning balanced approach be taken. Therefore, as the sites are close to The Heath, which is large open public area available for recreation and the site is within the lower end of the dba contours 54-57, as is most of the town centre, it is considered that the proposal is acceptable."*

The extant permission for the conversion of the building to apartments is a material consideration. Given that a noise impact assessment was not requested for this previous scheme, it is not considered that it could now reasonably form a reason for refusal.

## **Parking and highway safety**

CELPS policy CO1 relates to sustainable travel and transport. It seeks to deliver a safe, sustainable and high-quality transport system. This includes by ensuring developments provide secure cycle parking facilities. CELPS appendix C sets out the Council's Adopted Parking Standards. This states that for hotels (C1), one parking space should be provided per bedroom. Smaller HMOs, which fall within use class C4 (i.e. up to six residents), require the same amount of parking spaces as a residential property. There is no standard set for larger HMOs.

KNP policy T2 requires all new developments to show how they will seek to support cycling within the Town. It also requires new developments to provide appropriate cycle infrastructure and parking.

KNP policy T4 requires all new developments to provide parking to meet needs in line with the CELPS, Design Guide and the Knutsford Design Guide.

No on-site parking is proposed as part of the proposal. As such this would not meet the requirements set out within the adopted Parking Standards. Highways Officers were consulted on the proposal. They highlighted the sustainability of the location, in terms of its proximity to local shops and services, as well as public transport routes. They have also advised that the car parking demand for HMOs is generally very low. Taking these factors into account, they have not raised any objections to the lack of parking provision associated with the scheme.

The proposal has been amended during the lifetime of the application to include cycle parking. This is required to ensure compliance with CELPS policy CO1 and KNP policy T2. A condition is necessary requiring details of the cycle storage and its installation, prior to first occupation.

### **Nature Conservation**

CELPS policy SE 3 relates to biodiversity and geodiversity. It seeks to protect and enhance areas of high biodiversity and geodiversity. It states that development proposals likely to have an adverse impact on a Site of Special Scientific Interest (SSSI) will not normally be permitted.

The application site lies within one of the Impact Zones for the Tatton Meres SSSI. Natural England and the Council's Nature Conservation Officers have been consulted on the proposal. Their response will be reported once received. However, it is noted that Natural England has raised no comments to the related application 20/3505M.

### **Other matters**

Concerns have been raised that the permitting of a large-scale HMO could pose a potential risk during the Covid-19 pandemic. While these concerns are noted, it is not considered that this would be a valid reason for withholding planning permission, particularly given that any national or local restrictions would apply to future residents.

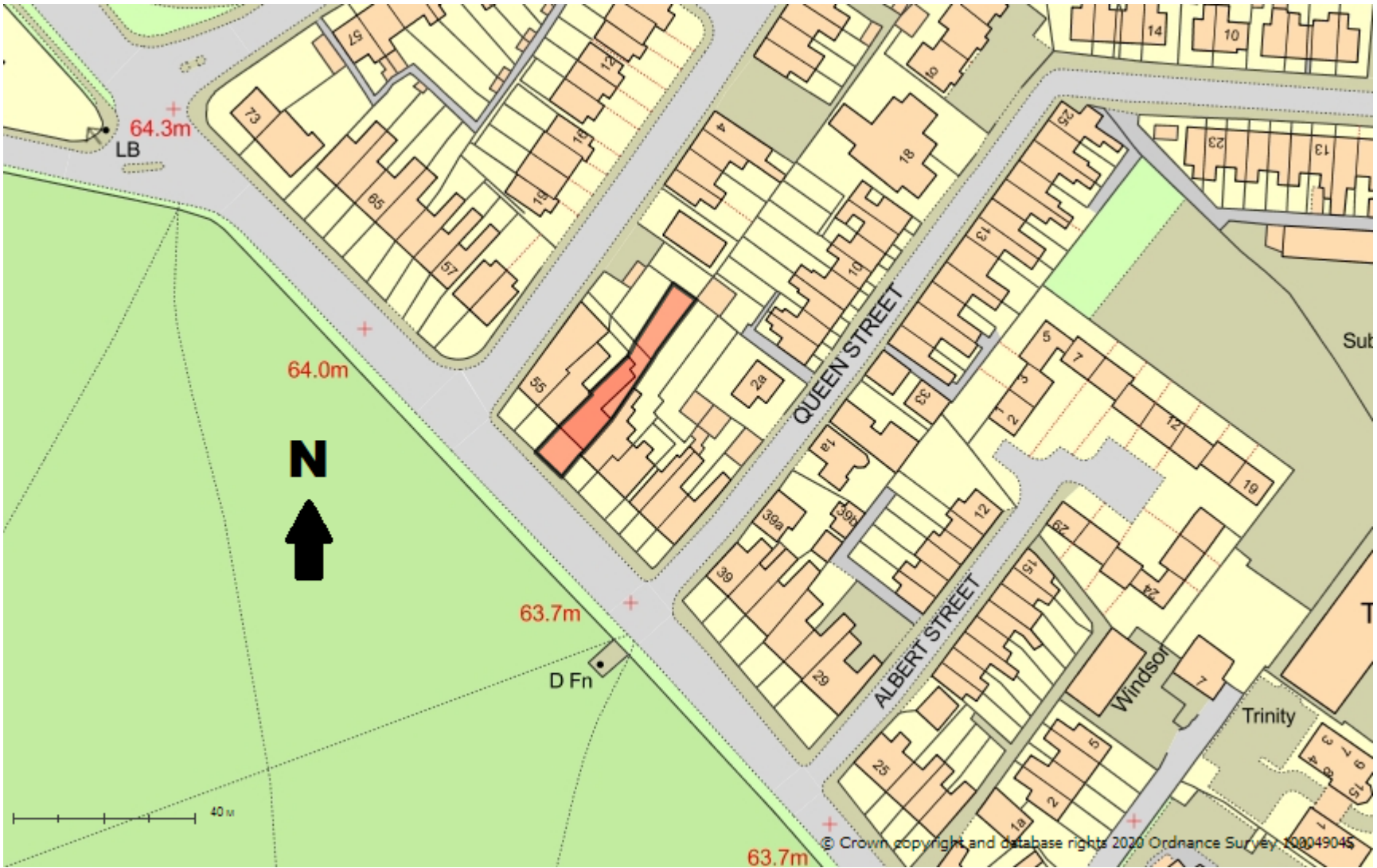
### **Conclusions**

It is considered that the proposed HMO would not have a materially different impact on the character of the area and residential amenity than the hotel use.

While no off-street parking is proposed, it is considered that this could not reasonably form a reason for refusal, given the sustainability of the location. The proposal would comply with the relevant planning policies and is recommended for approval subject to the following conditions:

- 1. Commencement of development within three years**
- 2. Development in accordance with the approved plans**
- 3. Details and implementation of cycle storage (prior to first occupation)**
- 4. Details and implementation of refuse storage (prior to first occupation)**
- 5. Details and implementation of privacy screen (prior to first occupation)**
- 6. Details of landscaping for amenity space and implementation within first planting season following occupation**

*In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.*



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Application No: 20/3505M  
Location: 4, Victoria Street, Knutsford, WA16 6HY  
Proposal: Change of use from C1 (Hotel) to C4 (HMO)  
Applicant: Mr Massoud Ahoovie, Longview Hotel  
Expiry Date: 06-Nov-2020

**SUMMARY**

The proposal is for the conversion of part of the existing Longview Hotel into a six-bedroom House in Multiple Occupation. It is considered that the proposed HMO would not have a materially different impact on the character of the area and residential amenity than the hotel use.

No off-street parking is proposed for the HMO. However, the site lies within a sustainable location, close to services, facilities and public transport. The proposal includes cycle storage.

The proposed internal areas would meet the minimum standards set out within the draft HMO SPD.

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**REASON FOR REPORT**

The planning application has been referred to the Northern Planning Committee, as it is related to another planning application for the conversion of another part of the hotel (20/3684M). This related planning application was called to committee by the Local Ward Member for the following reasons:

*“The proposal would be detrimental to the Character of the Knutsford Town Centre Conservation Area. Furthermore as part of a terrace of buildings the proposal would have detrimental impact upon the amenity of the occupiers of the adjoining residential (C3) properties; especially as the hotel accommodation is in two properties with a private C3 unit in between. As such this proposal would fall foul of the recently adopted Draft SPD on HMOs. Finally there is insufficient parking to accommodate the number of units proposed in an area where on-street parking is at a premium and additional parking pressure would ensue.”*

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is an end terrace property, which forms part of the Longview Hotel. The current site accommodates 5 hotel rooms over three floors with an additional basement area.

The site lies within a predominately residential area of Knutsford. It is an attractive Victorian Property. It lies outside of the Town centre Conservation Area.

The Site is within the impact zone for the Tatton Mere SSSI.

## **DETAILS OF PROPOSAL**

The proposal is for the partial conversion of the existing Hotel (C1) to a six-bedroom House in Multiple Occupation (HMO). Further information has also been provided regarding the cycle and refuse storage.

## **RELEVANT PLANNING HISTORY**

20/3684M – pending consideration  
Change of use from C1 (hotel) to 9 bed HMO and 2 apartments

20/2023M – approved – 28 July 2020  
Removal and reinstatement on a like-for-like basis of existing chimney stack to number 51 on health and safety grounds

20/0227M – approved – 6 March 2020  
Non-material amendment on approval 17/6467M

17/6467M – approved – 16 November 2018  
Existing hotel to be converted into 8no. apartments (within conservation area) 2no. new build town houses to be built on associated parking area (outside of conservation area)

03/2625P – approved – 13 November 2003  
Change of use from residential to additional hotel accommodation for longview hotel. Erection of 2no. Dormer windows to side elevation and a single storey rear extension.

## **POLICIES**

### Cheshire East Local Plan Strategy (CELPS)

MP 1 – Presumption in Favour of Sustainable Development  
PG 2 – Settlement Hierarchy  
SD 2 – Sustainable Development Principles  
SE 1 – Design  
SE 3 – Biodiversity and Geodiversity  
SE 7 – The Historic Environment  
SE 12 – Pollution, Land Contamination and Land Instability  
CO 1 – Sustainable Travel and Transport  
Appendix C – Parking Standards

Macclesfield Borough Local Plan (MBLP)

H6 – Town Centre Housing  
DC3 – Amenity  
DC6 – Circulation and Access

Knutsford Neighbourhood Plan (KNP)

ER5 – Overnight Accommodation  
E3 – Habitat Protection and Biodiversity  
E5 – Pollution  
HW1 – Health and Wellbeing  
HE 2 – Heritage Assets  
HE 3 – Conservation Areas  
H1 – Housing Mix  
T2 – Cycling in Knutsford  
T4 – Parking

**OTHER MATERIAL POLICY CONSIDERATIONS**

National Planning Policy Framework (NPPF 2019)

Chapter 12 - Achieving well-designed places  
Chapter 15 - Conserving and enhancing the natural environment  
Chapter 16 – Conserving and enhancing the historic environment

Knutsford Design Guide

Revised Publication Draft Site Allocations and Development Policies Document

ENV 13 – Aircraft Noise  
HOU 4 – Houses in Multiple Occupation  
HOU 10 – Amenity  
HOU 11 - Residential Standards

Draft Houses in Multiple Occupation Supplementary Planning Document (SPD)

**CONSULTATIONS (EXTERNAL TO PLANNING)**

**Strategic Housing** – No comments to make

**Housing Standards** - No objection subject to development being compliant with Planning and Building Control legislation, as well as the Council's adopted standards for Houses in Multiple Occupation. HMO properties containing five or more occupants, forming two or more households are required to obtain a licence under Part 2 of the Housing Act 2004, prior to its occupation as a HMO.

**Head of Strategic Transport** - No objection

**ANSA Greenspace** - No comments received

**Natural England** – No comments to make

**Knutsford Town Council** - Object on the following grounds:

- a. The proposed development would present an unneighbourly relationship with the adjacent property.
- b. The proposal is out of keeping of the residential character of the other private-residential properties in the area
- c. The proposal fails to meet policies T2 and T4 of the Knutsford Neighbourhood Plan.
- d. The accommodation proposed within the application falls below unit-size requirements outlined by the draft supplementary planning policy on HMOs of Cheshire East Council

## **REPRESENTATIONS**

Two representations received objecting to the proposal. The main concerns are summarised below:

- Not enough parking. The building is already occupied by various tenants who have cars
- Existing traffic issues congestion being made worse by significant housing developments on the outskirts of Knutsford.
- More houses being bought to let, rather than people living in the town and creating the community. Prime target for people looking to buy them as an investment.

## **OFFICER APPRAISAL**

### **Principle of development**

The application site lies within Knutsford, which CELPS policy PG 2 identifies as a Key Service Centre. This policy supports development within Key Service Centres, where it is of a scale, location and nature that recognises and reinforces the distinctive of the individual towns.

Planning permission was granted for the building to be used as ancillary accommodation for the Longview Hotel at 51 and 55 Manchester Road hotel in 2003 (03/2625P refers). 51 Manchester Road is proposed to be converted into an HMO and is subject to a separate planning application (20/3684M refers). 55 Manchester Road would be retained as hotel accommodation.

The principle of the proposed development on this site is therefore acceptable, subject to compliance with the other relevant policies of the adopted development plan.

### **Character and Appearance**

CELPS policy SD 2 requires developments to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness. This includes its relationship to neighbouring properties, streetscene and the wider neighbourhood.

The application site lies within an area that is classified as typically residential. However, the site is not in a residential use. It is currently occupied as a hotel, which falls within a C1 use class. The nature of hotels means that residents are transient, coming and going for short periods of time. A hotel would typically function in a different way to a C3 residential property, generating greater levels of activity and movement.

It is not considered that the proposal for a six-bedroom house of multiple occupation would be materially different to the current use as a hotel or would result in an increase of movement that would be detrimental to the area.

An HMO of the size proposed would require a licence. This would cover the management of the HMO and the maximum number of residents, who could live at the property.

There is nothing within the submission to indicate a conflict with CELPS policy SD 2, particularly having regard to its current use as a hotel.

### **Heritage Assets**

The application site lies within the Knutsford Town Centre Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 requires local planning authorities to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

The NPPF identifies Conservation Areas as designated heritage assets. NPPF paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

CELPS policy SE 7 relates to the historic environment. This states that the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets. Conversely, clear and convincing justification will be required, where a scheme would result in harm to a heritage asset and its significant.

KNP policy HE2 relates to Heritage Assets and states that development which causes unacceptable harm to the significance of heritage assets will be resisted. KNP policy HE 3 relates to Conservation Area. It requires developments to comply with design principles. The Hotel is identified as being a building of townscape merit within the Knutsford Town Centre Conservation Area Appraisal.

The application site is not listed and lies just outside of the Knutsford Town Centre Conservation Area. The Council's Heritage Officer has not raised any objections to the

proposal, on the basis that the works are internal only. The proposal would not adversely affect the appearance of the existing building or the setting of the Conservation Area.

### **Neighbour amenity**

NPPF paragraph 127f) requires developments to have a standard of amenity for existing and future users. As above, CELPS policy SD2 requires proposals to contribute positively to an area's character, including its relationship with neighbouring properties.

Saved MBLP policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property or sensitive uses due to, amongst other matters, noise, smells, traffic generation, access and car parking.

As above the baseline for assessing the impact of the development on the amenities of neighbouring properties, is its current use as a hotel. As above, hotels are likely to generate more activity than would typically be expected in a residential dwelling, due to the presence of employees and a regular turnover of guests.

The part of the hotel to be converted currently has five hotel bedrooms. This would be converted to six-bedroom HMO. Residents are also likely to be living at the property for longer periods than hotel guests would be. Similarly, it would be unlikely to require the same number of employees to maintain the premises. It is not considered that the development would result in an increase in activity or noise which would be detrimental to the amenities of neighbouring residents.

As no changes are proposed externally, the relationship between the built form of the property and neighbouring properties would be maintained.

It is considered that the proposal have an acceptable relationship with neighbouring properties.

### **Residential amenity standards**

As with neighbouring properties, NPPF paragraph 127f) requires a high standard of amenity. This is reiterated within CELPS policies SC 2 and SE 1.

The draft local plan includes policies relating to amenity, including HOU 4, which is specific to houses in multiple occupation and HOU 10 and 11, which relate to amenity and residential standards respectively.

The LPA is also producing a Supplementary Planning Document, for Houses in Multiple Occupation. The draft form of this document is currently out for consultation.

The draft SADPD policies and the SPD only carry very limited weight, as they have not yet been adopted.

The Town Council have raised concerns that the proposed rooms would not meet the minimum room sizes as set out within the draft SPD. This requires a double room to have a

minimum size of at least 10.22sqm. Single rooms should have minimum dimensions of 6.51m along with access to at least one opening window.

Of the rooms proposed, the smallest would have an area of 9.02sqm (including the en-suite), which is proposed to be a single room. This is in excess of the minimum size required within the draft SPD. All of the bedrooms would have access to opening windows.

It is considered that the internal amenity space for the inhabitants would be acceptable.

Externally a small communal amenity space is proposed, along with cycle and refuse storage areas. Details of these areas will be required by condition.

### **Aircraft Noise**

CELPs policy SE 12 relates to pollution land contamination and land instability. It states that amongst other matters, development for new housing will not normally be permitted where existing noise levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Saved MBLP policy T18 deals with new development in areas affected by aircraft noise. In areas subject to daytime noise levels between 57 and 66 LAeq 16hr (0700-2300), and/or night-time noise levels between 48 and 57 LAeq 8 hr (2300 -0700), planning permission for residential development, will only be granted if soundproofing is provided to the satisfaction of the Local Planning Authority.

Formal comments are awaited from The Council's Environmental Health Team, however in terms of the similar application 51 Manchester Road (20/3684M), which is in very close proximity to the applications site, they advised that the related application site lies within the following noise contours:

- 54 to 57 LAeq 16 hr (daytime)
- 48 - 51 LAeq 8 hr (night-time)

The application site lies within the same noise contour, so the requirement for a Noise Impact Assessment would be required to demonstrate that adequate soundproofing can be provided, in accordance with saved MBLP policy T18.

However, it is noted that a Noise Impact Assessment was not submitted as part of the extant permission 17/6467M. The officer report states that:

*"Environmental Health initially requested that an acoustic assessment be submitted as the site lies within the Manchester Airport aircraft contours map. However, they have subsequently advised that a planning balanced approach be taken. Therefore, as the sites are close to The Heath, which is large open public area available for recreation and the site is within the lower end of the dba contours 54-57, as is most of the town centre, it is considered that the proposal is acceptable."*

It is considered that given the conclusions on this previous scheme, it would not be reasonable to now request a noise impact assessment.

## **Parking and highway safety**

CELPS policy CO1 relates to sustainable travel and transport. It seeks to deliver a safe, sustainable and high-quality transport system. This includes by ensuring developments provide secure cycle parking facilities. CELPS appendix C sets out the Council's Adopted Parking Standards. This states that for hotels (C1) use, one parking space should be provided per dwelling. Smaller HMOs, which fall within use class C4 (i.e. up to six residents), require the same amount of parking spaces as a residential property.

KNP policy T2 requires all new developments to show how they will seek to support cycling within the Town. It also requires new developments to provide appropriate cycle infrastructure and parking.

KNP policy T4 requires all new developments to provide parking to meet needs in line with the CELPS, Design Guide and the Knutsford Design Guide.

No on-site parking is proposed as part of the proposal. As such this would not meet the requirements set out within the adopted Parking Standards. Highways Officers were consulted on the proposal. They highlighted the sustainability of the location, in terms of its proximity to local shops and services, as well as public transport routes. They have also advised that the car parking demand for HMOs is generally very low. Taking these factors into account, they have not raised any objections to the scheme.

The proposal has been amended during the lifetime of the application to include cycle parking. This is required to ensure compliance with CELPS policy CO1 and KNP policy T2. A condition is necessary requiring details of the cycle storage and its installation, prior to first occupation.

## **Nature Conservation**

CELPS policy SE 3 relates to biodiversity and geodiversity. It seeks to protect and enhance areas of high biodiversity and geodiversity. It states that development proposal likely to have an adverse impact on a Site of Special Scientific Interest (SSSI) will not normally be permitted.

The application site lies within one of the Impact Zones for the Tatton Meres SSSI. Natural England confirmed that they have no comments to make on the proposal. As such an assessment of likely Effects is not required. It is not considered that the development would be likely to have an adverse impact on the nearby SSSI.

## **Conclusions**

It is considered that the proposed change of use would not materially alter the character and appearance of the wider area and would not adversely affect the residential amenities of neighbouring properties. While no on-site parking is proposed, it is considered that this would be acceptable, given the sustainable location of the site. It is recommended that the application is approved subject to the following conditions:



- 1. Commencement of development within three years**
- 2. Development in accordance with the approved plans**
- 3. Details and implementation of cycle storage (prior to first occupation)**
- 4. Details and implementation of refuse storage (prior to first occupation)**
- 5. Details of landscaping for amenity space and implementation within first planting season following occupation**

*In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.*





*Working for a brighter future together*

## Northern Planning Committee

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**Date of Meeting:** 2 December 2020

**Report Title:** Cheshire East Borough Council (Knutsford – 2 Grassfield Way) Tree Preservation Order 2020

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

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

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### 1.0 Report Summary

- 1.1 To inform the committee about the background and issues surrounding the making of a Tree Preservation Order on 14th August at 2 Grassfield Way; to consider representations made to the Council with regard to the contents of the TPO and to determine whether to confirm or not to confirm the Order.

### 2.0 Recommendation

- 2.1 The Head of Planning (Regeneration) recommend that the Northern Area Planning Committee confirm the Tree Preservation Order at 2 Grassfield Way with no modifications

### 3.0 Reason for Recommendation

- 3.1 The loss of the tree could have a significant impact upon the amenity and landscape character of the area. The confirmation of this Tree Preservation Order will ensure that the Council maintains adequate control over a tree of amenity value.

### 4.0 Background

#### 4.1 Introduction

- 4.2 The mature Oak is located in the garden of 2 Grassfield Way sited at the junction of Grassfield Way and Summers Way. The tree is a prominent and valued feature in the locality and makes an important contribution to the landscape character of the area.

- 4.3 The circumstances are that further to 2 Grassfield Way becoming vacant and advertised for sale, a number of residents had contacted the Council to request that a TPO be made on the tree. An assessment by the Council in November 2019 found the Oak to be of high amenity and worthy of a TPO and subsequently placed it on the list for an Order to be made.
- 4.3 Following the submission of a Planning application (20/2894M) on 12th July 2020 for the demolition of the existing garage, a two storey side extension, and single storey front and rear extension, reports were received on 11th August 2020 from local residents that a Tree Contractor had arrived on site to dismantle the tree.
- 4.4 No arboricultural information was submitted in support of the original planning application, however following service of the Order being, a supporting arboricultural report was submitted and the layout revised and reduced to accommodate the retention of the tree. The planning application was subsequently approved on 16th November 2020.
- 4.5 An amenity evaluation has determined that the tree contributes to the visual amenity and landscape character of the area and there was a risk of the tree being removed and therefore it was considered expedient to make an Order to protect the tree.
- 4.6 Under powers delegated to the Head of Planning (Regeneration), a Tree Preservation Order was made on 14th August 2020.

#### Report Format

- 4.6 The information contained in this report is divided into three sections:
- 4.7 Section 5 provides a summary of the TPO service and consultation process
- 4.8 Section 6 provides a summary of the objections/representation made (see Appendix 3 &4).
- 4.9 Section 7 provides the Councils appraisal and consideration of the objection.

#### **5.0 Consultation**

- 5.1 On making the TPO a planning authority must publish and serve copies on owners and occupiers of land directly affected by it. There is a 28 day period to object or make representations in respect of the Order. If no objections are made the planning authority may confirm the Order itself if they are satisfied that it is expedient in the interests of amenity to do so. Where objects or representations have been made, then the planning

authority must take them into consideration before deciding whether to confirm the Order.

- 5.2 The Order was served on the owner/occupiers of the land and their Agents on 14th August 2020. Copies of the Order were also sent to residents that had requested the Order and Ward Members.

## **6.0 Objections/representations**

- 6.1 The Council has received two objections to the Tree Preservation Order one from Cheshire Woodlands Ltd on behalf of their client, and one from Philip Hobbs

### **6.2 Objection 1**

- 6.3 Cheshire Woodlands objects to the Order and its implementation for the reasons detailed below;

- 1. Aspects of the Councils assessment of the Tree – as set out in their Amenity Evaluation Checkless (AEC) – overstate its visual and historic importance.*
- 2. The basis of the Councils conclusion that making the Order is ‘expedient in the circumstances’ is therefore questionable*
- 3. Two of the Councils reasons for making the Order (C and d) are not fully justified.*

### **6.4 Objection 2**

- 6.5 Philip Hobbs objects to the Order and its implementation for the reasons below;

- 1. Undermining of the structure of the property – As you will see from the attached report. The tree, now subject to a provisional TPO, is adversely affecting the foundations of the property...the owner sought confirmation from the Council that the tree was not subject to a TPO because she was minded to remove it given the apparent damage to the property.*
- 2. Tree condition and habitat – As you will see from the report commissioned from Cheshire Woodlands (sent under separate cover), the tree is in poor condition and requires attention to preserve it. Contrary to assertions, there is no evidence of bats roosting in the tree.*

3. *Due process and precedent – We feel that the letter received from the Council (attached) provided sufficient comfort for the Executors to market the property without notice of a TPO. The fact that a TPO request was initiated in December 2019 without reference to the executors has resulted in potential buyers being misled. We believe, having been in receipt of a Letter of Comfort, the Council was under a Duty of Care to inform the Executors when a application for a TPO was made. As a result of the TPO the sale price has been further reduced and the Executors have paid IHT on the estate in excess of that properly due.*

## **7.0 Appraisal and consideration of the objection**

### **7.1 Objection 1 by Cheshire Woodlands**

- 7.2 It is agreed that following re - evaluation the trees landscape function is predominantly 'road frontage' rather than as a landmark tree at conurbation level. Nevertheless trees of the size and maturity of the Oak are not frequently occurring on the housing estate, and its prominent position at the junction of Grassfield Way and Summers Way presents a significant contribution to the street scene, is publically visible and therefore justifies protection in accordance with Government Guidance.
- 7.3 The statement that references the 1975 Ordnance Survey Map is a typographic error, and should refer to the 1875 Ordnance Survey Map. The presence of a tree in this location on this version of the OS confirms its presence as being of significant enough to be recorded 145 years ago and to be of historic importance.
- 7.4 The basis of making of an Order was determined following reports from members of the public and Knutsford Town Council that a tree surgeon had arrived on site on 11th August 2020 and that the tree was under threat of being removed . A site visit confirmed that this was the case, that the threat was immediate and motivated the service of the Order as it had been demonstrated as expedient in the public interest to serve a TPO.
- 7.5 The objection has referenced two subsections of the Regulation 5 notice as not justifying the making of the Order:
- The objection to Section c) is accepted notwithstanding this, the tree is clearly visible as a public amenity feature and contributes significantly to the street scene. .The expediency of making the TPO has been clearly demonstrated as the tree was found to be under immediate threat of removal on 11<sup>th</sup> August.
  - Section d) The tree is considered to be of historic importance as confirmed on the attached plan showing 1875 overlay onto present day OS.



7.6 Objection 2 by Philip Hobbs

7.7 The submitted Engineers Report dated 19/8/2020 by Anthony Roylance – Chartered Civil Engineer provides a description of the property and refers to cracking in three locations internal to the property and garage. The report is not supported by a floor plan which indicates the location of the cracking in relation to the tree, but confirms that two areas are located within the main structure of the property, and that one is within the garage adjacent to a man hole. No information has been submitted as regards the type of soil present, its moisture content and plasticity, foundation depth of the property, crack appearance/direction, or level monitoring that would assist in demonstrating the cause of movement. Reference is made to movement and cracking adjacent to a man hole and the possibility that movement could be attributed to water escaping from leaking drains should not be discounted. In conclusion, it is considered that the report does not sufficiently demonstrate that subsidence at the property can be directly attributable to the Oak tree.

7.8 Contrary to the suggestion that the tree is in poor condition, the Cheshire Woodlands survey found the Oak to be a high amenity Category A tree with an estimated life expectancy of at least 40 years, the report also states that no works are currently required. Further to suggestions that a bat roost was present in the tree an assessment was undertaken by a bat surveyor at the request of the Rural Crimes Officer who subsequently confirmed that no bat roost was present but that an active birds nest was found and therefore demonstrated habitat value.

7.9 The letter dated 18<sup>th</sup> September 2008 from Cheshire East Council confirmed that a TPO was not in place at that time. The letter was in response to a query made 12 years ago and does not have a bearing on the current situation.

7.9.1 The Council is under no obligation to notify a tree owner that it intends to make a TPO as this can often result in pre-emptive felling of important trees prior to the service of the Order. The Order was formally served on Mr Hobbs on 14<sup>th</sup> August 2020 in accordance with Planning Practice Guidance Tree Preservation Orders and Conservation Areas (Paragraph 031) which states that;

*The local authority must, as soon as practicable after making an Order and before it is confirmed, serve ‘persons interested in the land affected by the Order’;*

- *a copy of the Order (including the map); and*
- *a notice (a ‘Regulation 5 notice’) containing specified information*

7.9.2 Planning Practice Guidance (Paragraph 010) advises on the expediency of making an Order if the authority believes there is a risk to trees as a

result of development pressures. In this instance, the submission of a planning application, and the subsequent threat to the tree prompted the service of the Order

- 7.9.3 The Town and Country Planning Act (Tree Preservation) (England) Regulations 2012 provides the mechanism for Local Authorities to afford long term protection to trees of amenity value. The tree has been found to be worthy of formal protection in accordance with Cheshire East Council's Amenity Evaluation Checklist and in accordance with Government Guidance. There was therefore no requirement, or obligation for Cheshire East Council to agree to a legally binding covenant.

## **8.0. Implications of Recommendation**

### **8.1 Legal Implications**

- 8.1.1 The validity of a TPO may be challenged in the High Court on the grounds that the TPO is not within the powers of the Act or that the requirements of the Act or Regulations have not been complied with in respect of the TPO. When a TPO is in place, the Council's consent is necessary for felling and other works, unless the works fall within certain exemptions e.g. to remove a risk of serious harm. It is an offence to cut down, top, lop, uproot, willfully damage or willfully destroy any tree to which the Order relates except with the written consent of the authority.

### **8.2 Finance Implications**

- 8.2.1 No direct implication

### **8.3 Policy Implications**

- 8.3.1 Cheshire East Local Plan – SE5 - Trees, hedgerows and woodland

### **8.4 Equality Implications**

- 8.4.1 No direct implication

### **8.5 Human Resource Implications**

- 8.5.1 No direct implication

### **8.6 Risk Management Implications**

- 8.6.1 No direct implication

### **8.7 Rural Communities Implications**

- 8.7.1 No direct implication



**8.8 Implication for Children & Young People/Care for Children**

8.8.1 No direct implication

**8.9 Climate Change -**

8.91 The retention of mature trees where possible is in accordance with the Councils Climate Change Agenda

**8.10 Public Health Implications**

8.10.1 No direct implication

**8.11 Ward Members Affected**

8.11.1 Knutsford

**9.0 Access to Information**

9.1 The following document is appended to this report

Appendix 1 – Provisional TPO document  
Appendix 2 – Amenity Evaluation Checklist  
Appendix 3 – Objection 1  
Appendix 4 – Objection 2

**10.0 Contact Information**

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

Name: Emma Hood

Job Title: Arboricultural Officer (Environmental Planning)

Email: [emma.hood@cheshireeast.gov.uk](mailto:emma.hood@cheshireeast.gov.uk)

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**Town and Country Planning Act 1990**

**CHESHIRE EAST BOROUGH COUNCIL  
(KNUTSFORD – 2 GRASSFIELD WAY  
TREE PRESERVATION ORDER 2020**

The Cheshire East Borough Council, in exercise of the powers conferred on them by section 198 of the Town and Country Planning Act 1990 make the following Order—

**Citation**

This Order may be cited as **CHESHIRE EAST BOROUGH COUNCIL (KNUTSFORD – 2 GRASSFIELD WAY) TREE PRESERVATION ORDER 2020**

**1. Interpretation**

**2.—** (1) In this Order “the authority” means the Cheshire East Borough Council.

(2) In this Order any reference to a numbered section is a reference to the section so numbered in the Town and Country Planning Act 1990 and any reference to a numbered regulation is a reference to the regulation so numbered in the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

**Effect**

**3.—** (1) Subject to article 4, this Order takes effect provisionally on the date on which it is made.

(2) Without prejudice to subsection (7) of section 198 (power to make tree preservation orders) or subsection (1) of section 200 (tree preservation orders: Forestry Commissioners) and, subject to the exceptions in regulation 14, no person shall—

(a) cut down, top, lop, uproot, wilfully damage, or wilfully destroy; or

(b) cause or permit the cutting down, topping, lopping, uprooting, wilful damage or wilful destruction of,

any tree specified in the Schedule to this Order except with the written consent of the authority in accordance with regulations 16 and 17, or of the Secretary of State in accordance with regulation 23, and, where such consent is given subject to conditions, in accordance with those conditions.

**Application to trees to be planted pursuant to a condition**

**4.** In relation to any tree identified in the first column of the Schedule by the letter “C”, being a tree to be planted pursuant to a condition imposed under paragraph (a) of section 197 (planning permission to include appropriate provision for preservation and planting of trees), this Order takes effect as from the time when the tree is planted.

Dated this 14th day of August 2020

The Common Seal of **Cheshire East Borough Council**

was affixed to this Order in the presence of—

Deborah C. Nicholson





CONFIRMATION OF ORDER

This Order was confirmed by **Cheshire East Borough Council** without modification on the day of

OR

This Order was confirmed by the **Cheshire East Borough Council** subject to the modifications indicated by on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

DECISION NOT TO CONFIRM ORDER

A decision not to confirm this Order was taken by **Cheshire East Borough Council** on day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf]

VARIATION OF ORDER

This Order was varied by the **Cheshire East Borough Council** on the day of by a variation order under reference number a copy of which is attached

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

REVOCATION OF ORDER

This Order was revoked by the **Cheshire East Borough Council** on the day of

Signed on behalf of the **Cheshire East Borough Council**

.....

Authorised by the Council to sign in that behalf

**SCHEDULE**  
**Specification of trees**

**Trees specified individually**

(encircled in black on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
T1	Oak	Located at 2 Grassfield Way on the junction with Summers Way Grid Ref: 375,333 – 378,455

**Trees specified by reference to an area**

(within a dotted black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Groups of trees**

(within a broken black line on the map)

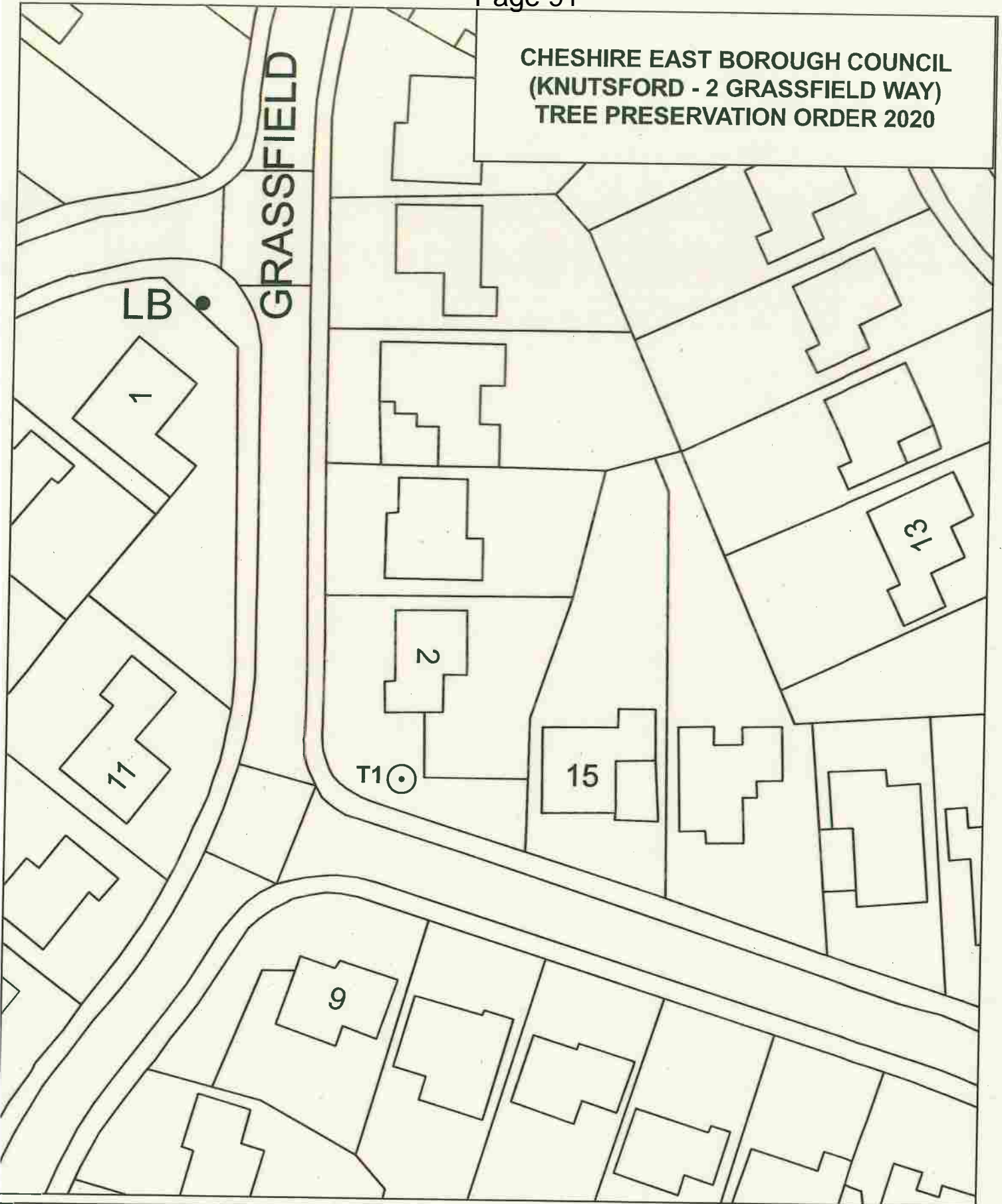
<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**Woodlands**

(within a continuous black line on the map)

<i>Reference on Map</i>	<i>Description</i>	<i>Situation</i>
	None	

**CHESHIRE EAST BOROUGH COUNCIL  
(KNUTSFORD - 2 GRASSFIELD WAY)  
TREE PRESERVATION ORDER 2020**







# Amenity Evaluation Checklist

Completed by:

E HOOD

Date form  
completed:

17/07/2020

Form status:

Completed

Reference

18-077

Attachments

Address

2 GRASSFIELD WAY

Town

KNUTSFORD

Postcode

WA16 9AF

Ward:

Knutsford

## 1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the  
site/land?

No

Is the site within a conservation area?

No

Is the conservation area designated partly  
because of the importance of trees?

N/A

Is the site adjacent to a Conservation Area?

No

Are there any Listed Buildings on or adjacent  
to the site?

No

Local Plan land-use designation

Predominantly residential

Are there currently and designated nature  
conservation interests on or adjacent to the  
site?Active birds nest identified in tree, which also has confirmed  
bat roost potential.Relevant site planning history (incl. current  
applications)20/2894M - demolition of existing garage and store, proposed  
two storey side extension, proposed single storey front and  
rear extension, render to existing, re roof existing - not yet  
determined

## STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments  
on or adjacent to the site?

No

Is the land currently safeguarded under the  
Town & Country Planning (Aerodromes &  
Technical Sites) Direction 1992?

No

Does the Forestry Commission currently have

No

an interest in the land?

Grant scheme

☐

Forestry Dedication Covenant

☐

Extant Felling Licence

☐

Are any of the trees situated on Crown Land?

No

Are any of the trees situated on NHS land?

No

Is the land owned by this Local Authority

No

Is the land owned by another Local Authority

No

## 2. MOTIVATION

Development Control

☒

- Application Ref

20/2894M

- Committee deadline

- Development Control Office comments

Conservation Area Notification

☐

Application ref

Date of registration

Expiry date

Emergency action  
(immediate threat to the trees)

☐

Strategic inspection

☐

Change to Local Plan land-use

☐

Change in TPO legislation

☐

Sale of Council owned land

☐

Reviewing existing TPO

☐

Hedgerow Regulations 1997

☐

## 3. SOURCE

Source

Public

## 4. LANDSCAPE APPRAISAL


Site visit date

20/11/2019

Inspecting Officer

E HOOD

Site description

	<p>The tree is located within the domestic garden area of a residential property on a residential estate to the south of Knutsford. The mature Oak is sited within a corner plot on a junction and is a prominent feature of the locality and makes an important contribution to the landscape character of the area.</p>
Description of surrounding landscape character	<p>The tree is sited on the corner of Grassfield Way and Summers Way - 2 Grassfield Way to the north, the garden area of a residential property on Summers Way immediately to the east, Summers Way to the south and Grassfield Way to the west</p>
Statement of where the trees are visible from	<p>Summers Way, Grassfield Way. junction of Lowland Way with Grassfield Way, junction of Summers Close with Summers Way, with filtered views between properties</p> <p>annotate map</p>
Photograph the trees, the site and surroundings	<div>  <span>No picture inserted</span> </div> <p>annotate map</p>
Landscape function	<div> <input checked="" type="checkbox"/> Landmark trees           <input checked="" type="checkbox"/> Road frontage (classified)           <input checked="" type="checkbox"/> Backdrop           <input checked="" type="checkbox"/> Glimpses between properties or through gateways         </div>
Visual prominence	<div> <input checked="" type="checkbox"/> Conurbation           <input checked="" type="checkbox"/> Neighbourhood, estate, locale           <input checked="" type="checkbox"/> Site and immediate surroundings         </div>
Species suitability for the site	<div> <input type="text" value="Particularly suitable"/> </div>
Condition	<div> <input type="text" value="Good"/> </div>
Past work consistent with prudent arboricultural management?	<div> <input type="text" value="Yes"/> </div>
Are past works likely to have compromised long term retention?	<div> <input type="text" value="No"/> </div>
Will past work necessitate any particular future management requirements?	<p>Evidence of past pruning is evident to maintain clearance of the canopy over the southern side garage extension of the property .</p>
Tree size (at maturity)	<div> <input type="text" value="Medium ( between 8m and 15m)"/> </div>
Presence of other trees	<div> <input type="text" value="Low percentage tree cover"/> </div>

Define visual area/reference points

**BENEFITS**

Are the benefits current?

Yes

Assessment of future benefits  
(future growth potential;  
continuity/sustainability of tree cover;  
development)

The tree presents both current and future growth potential  
and can be managed in its present condition

Assessment of importance as a wildlife habitat

The tree has the potential to support nesting birds

Additional factors

☒ Historical associations**5. EXEMPTIONS (TCPA 1990)**

Are any of the trees obviously dead, dying or dangerous

No

Are there any statutory obligations which  
might apply?  
(consider: Highways Act 1980, Electricity Act  
1989, Civil Aviation Act 1982)

No

Is there any obvious evidence that the trees are currently causing any actionable nuisance?

No

Based on the trees in their current locations, is the likelihood of future actionable nuisance reasonably foreseeable?

No

Is there any Forestry Commission interest in the land?

No

**6. EXEMPTIONS (MODEL ORDER):**

Are there any extant planning approvals on the site which might compromise retention of the trees?

No

Are there any lapsed planning approvals which might have compromised the trees?

No

Are any of the trees obviously cultivated for commercial fruit production?

No

Are any of the trees situated on or adjacent to a statutory undertaker's operational land?

No

Are any of the trees situated on or adjacent to land in which the Environment Agency has an

No

interest?

**7. COMPENSATION:**

Do any of trees currently show any obvious signs of causing damage? ☐

If Yes provide details

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable? ☒

If yes provide details

Approximately 6 meters from existing single storey garage structure

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

Yes

If yes provide details

Any proposed construction could be designed with the rooting area and future growth potential of the tree in mind. Occasional remedial pruning is likely to maintain acceptable clearance for structures.

**8. HEDGEROW TREES:**

Individual standard trees within a hedge No

An old hedge which has become a line of trees of reasonable height No

Are the "trees" subject to hedgerow management? No

Assessment of past hedgerow management

Assessment of future management requirements

**9. MANAGEMENT:**

Are the trees currently under good arboricultural or silvicultural management? Yes

Is an order justified? Yes

Justification (if required)

To provide protection to ensure the long term retention and management of a high amenity tree in accordance with best practice recommendations

**10. DESIGNATIONS:****a. Individual**

Do the trees merit protection as individual specimens in their own right? Yes

**b. Group**

Does the overall impact and quality of the trees merit a group designation?	<input type="text" value="No"/>
Would the trees reasonably be managed in the future as a group?	<input type="text" value="No"/>
<b>c. Area</b>	
Area	
<b>d. Woodland</b>	
Woodland	
<b>11. MAP INFORMATION:</b>	
Identify the parcel of land on which the trees are situated. (Outline in <b>red</b> on the attached location plan)	<input type="checkbox"/>
Identify all parcels of land which have a common boundary with the parcel concerned (Outline in <b>green</b> on the attached plan)	<input type="checkbox"/>
Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime (Cross hatch on the plan)	<input type="checkbox"/>
<b>12. LAND OWNERSHIP:</b>	
Land ownership details (if known)	See persons served with Order
Land Registry search required?	<input checked="" type="checkbox"/>
<b>13. SUPPLEMENTARY INFORMATION:</b>	
Has a detailed on-site inspection been carried out?	<input type="text" value="Yes"/>
Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection	<input type="text" value="No"/>
Provide details of trees to be excluded	A semi-mature Lime is located to the rear eastern boundary of the site however the proximity and growth habit of the tree is considered unsustainable in the long term and it is not considered appropriate for formal protection.
Additional publicity required?	<input type="checkbox"/>
Relevant Local Plan policies	

Statement of reasons for promoting this Order

In the interests of maintaining the area in which the tree stands, in that it is considered to be a long term amenity feature

Such amenities are enjoyed by the public at large and without the protection an Order affords there is a risk of the amenity being destroyed

The tree has been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient to make provision for its long term retention

The tree is of historic importance in that it is located on the 1975 Ordnance Survey Map of the area

## 14. SUMMARY:

Would loss of the trees have a significant impact on the local environment?

Yes

Will a reasonable degree of public benefit accrue?

Yes

Is an Order in the interests of amenity?

Yes

Is an Order expedient in the circumstances?

Yes

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## LOCATION OF TPO AT 2, GRASSFIELD WAY

1:1250 at A4

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Tel: [REDACTED]

Email: [REDACTED]

Emma Hood  
Arboricultural Officer  
Environmental Planning, Cheshire East Council  
PO Box 606  
Municipal Buildings  
Earle Street  
Crewe  
CW1 9HP  
UK

9 September 2020

Dear Ms Hood

LETTER OF APPEAL OF PROVISIONAL TPO 2020 - 2 GRASSFIELD WAY

As the Executor of the Estate of the late Pamela Fraser, I am writing to appeal the decision to grant a Tree Preservation Order on the tree on the lands of 2 Grassfield Way (reference 2020)

We are appealing on three grounds:

- Undermining of the Structure of the Property
- Tree Condition & Habitat
- Due Process & Precedent

BACKGROUND

Pam passed away in June 2019 and had lived at 2 Grassfield Way for c.30 years. In that time, she has enjoyed good relations with her neighbours and had never objected to the various planning requests for extensions and associated tree felling, although she had felt they impacted on her amenity. Her view was that it was better to develop the estate to "modern" standards than allow it to become tied to the design style of the 1970s.

The estate on which 2 Grassfield Way is located was built in the 1970s and reflects the expectation of accommodation at that time. In the interim, many (the vast majority) of the new purchasers have sought to extend and modernise their properties.

Since Pam passed away in June 2019, we have been trying to sell 2 Grassfield Way. In that time, we have had to reduce the asking price as the consistent feedback has been that the

accommodation “as-is” is too small and too dated. Families now want more living space, en-suite bedrooms, etc. Indeed, many of her neighbours have extended their own properties as times and tastes have changed.

Anyone who has been interested in purchasing had plans to extend the property. Based on the letter Pam had sought from the Council (enclosed), we assured them that the tree on corner of the property did not have a Tree Preservation Order.

On the basis of this assurance, the current buyer, Mr Wadsworth, has gone to significant expense in obtaining architects’ plans for planning permission, etc. So, it was embarrassing to learn that Pam’s neighbours had sought a TPO back in December 2019.

We knew nothing about this application for a TPO, and have misled not only Mr Wadsworth, but all the potential buyers since late 2019. If, as a courtesy, Pam’s neighbours had let us know the level of local interest to retain the tree we would have acted differently and briefed prospective buyers that this might impact their plans. As it is, we have wasted peoples’ time and money.

The confirmation of the TPO will significantly reduce the flexibility in terms construction method of any developer of the property. As you will appreciate, a TPO places a significant burden on the landowner and most contractors, fearing the significant fines and oversight, will steer clear of work in the vicinity of a tree with a TPO. The additional cost of piling and rafting makes the cost of purchasing 2 Grassfield Way potentially uneconomic.

### GROUNDNS FOR OUR APPEAL

#### UNDERMINING OF THE STRUCTURE OF THE PROPERTY

As you will see from the attached report. The tree, now subject to a provisional TPO, is adversely affecting the foundations of the property. Indeed, Pam sought confirmation from the Council that the tree was not subject to a TPO because she was minded to remove it given the apparent damage to the property.

She also worried that the tree shed limbs in high winds and, given it overhangs the footpath and road, was concerned about the danger to passers-by and road users.

However, being elderly she never felt able to manage the felling process. Sadly, she passed away before she was able to remove the tree.

#### TREE CONDITION & HABITAT

As you will see from the report we commissioned from Cheshire Woodlands (sent under separate cover), the tree itself is in poor condition and requires attention in order to preserve it. Contrary to assertions made, there is no evidence of bats roosting in the tree.

DUE PROCESS & PRECEDENT

We feel that the letter received from the Council (attached) provided sufficient comfort for the Executors to market the property without notice of a TPO. The fact that a TPO request was initiated in December 2019 without reference to the executors has resulted in potential buyers being misled. We believe, having been in receipt of a Letter of Comfort, the Council was under a Duty of Care to inform the Executors when an application for a TPO was made. As a result of the TPO the sale price has been further reduced and the Executors have paid IHT on the estate in excess of that properly due.

From the TPO map for the area it is evident that the TPO at 2 Grassfield Way is standalone, save for those properties that abut the ground originally sold to create the estate. The area previously had many other trees of similar civic amenity. They have all been removed; mostly by owners on the estate seeking to develop and extend their properties. We are now in the position whereby those who have extended their properties, and likely removed trees, are preventing one of the last unmodernised properties being developed.

WAY FORWARD

We are not seeking to remove the tree. Indeed, we spoke to East Cheshire Council before the granting of the provisional TPO to offer a legally binding guarantee not to remove the tree in return for it not being granted a TPO. This offer was to ensure any buyer has sufficient degrees of freedom for the development of the property while not being constrained by the onerous conditions of a TPO.

We are proposing the following compromise, which is the same as we have previously offered East Cheshire Council:

- 1) We provide a binding letter confirming the tree will not be removed,
- 2) The TPO is not Confirmed
- 3) A covenant regarding "no-removal, no-damage" of the Tree is reflected in any Sales & Purchase Agreement relating to 2 Grassfield Way
- 4) This covenant is added to the Deeds of 2 Grassfield Way

If you have questions, I would happy to discuss them with you.

Yours sincerely,



Phil Hobbs  
Executor for Pamela Fraser

Enc. Structural Engineers Report

Letter from Macclesfield Borough Council





**Anthony Roylance**

Chartered Civil Engineer

Eur. Ing. A. Roylance, C.Eng. M.I.C.E

Tel: 0161 343 2724

Tel: 07957 165 324

Email: anthonyroylance@yahoo.co.uk

19<sup>th</sup> August 2020

2, Grassfield Way  
Knutsford  
WA16 9AF

**Attention of Paul Wadsworth**

Dear Sir

**Re: Engineer's Report on 2, Grassfield Way Knutsford, WA16 9AF**

As requested, we visited the above property on 18<sup>th</sup> August 2020, so as to assess the impact of an adjacent, mature, oak tree, on its structural integrity.

The detached property is of 'cross wall', construction, typical for its time of construction. This two-storey, detached, dwelling accommodates a single storey garage structure extending from its right-hand gable (viewed from front).

Adjacent to and standing approximately five metres away from the side wall of the garage, stands a mature oak tree. We have been informed that this tree is subject to a Tree Preservation Order.

Inspecting the property internal areas, we noted cracking to the gable wall panel within the front bedroom area, we further noted, a slight run down of the staircase towards the gable wall, to which it stands adjacent.

Inspecting within the garage area, we noted a slight run down of its floor construction towards its gable wall; in accommodating this slight settlement, the concrete slab has cracked at a central position, adjacent the manhole.

It is our considered opinion that the integrity of the property is being compromised by the adjacent mature Oak tree and we would recommend that the property and in particular the garage and right-hand gable wall are suitably underpinned.

Should any extensions be undertaken to the dwelling, particularly to its right hand gable then a system of mini-piles and reinforced concrete ground beam foundations will need to be incorporated within the work

We trust this meets with your approval

Yours faithfully

**A Roylance**

**Eur. Ing. ANTHONY ROYLANCE C.Eng. M.I.C.E**  
**Chartered Civil Engineer**



# Borough of Macclesfield

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## Planning

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Please Contact: Gary Newsome  
Direct Dial: 01625 504674  
Fax: 01625 504675  
E Mail : [g.newsome@macclesfield.gov.uk](mailto:g.newsome@macclesfield.gov.uk)  
Date: 18<sup>th</sup> September 2008

Town Hall  
Macclesfield  
SK10 1DP  
Tel : 01625 500500  
[www.macclesfield.gov.uk](http://www.macclesfield.gov.uk)

Dear, Mrs Fraser

Thank you for your enquiry regarding trees within your boundaries.

I can confirm there are no Tree Preservation Orders in place at 2 Grassfield Way, Knutsford, nor is it part of a Conservation Area.

Should you have any further queries in the meantime, please contact me on the above telephone number.

Yours faithfully,

Gary Newsome  
Assistant Arboricultural Officer



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**TOWN & COUNTRY PLANNING ACT 1990**  
**TOWN & COUNTRY PLANNING (TREE PRESERVATION ORDERS)**  
**(ENGLAND) REGULATIONS 2012**

OBJECTION ON BEHALF OF

PHIL HOBBS  
RADHARC NA MARA, TOURNAHOON, DOOLIN  
COUNTY CLARE, IRELAND

TO THE MAKING OF  
  
THE CHESHIRE EAST BOROUGH COUNCIL  
(KNUTSFORD - 2 GRASSFIELD WAY)  
TREE PRESERVATION ORDER 2020

**OUR REFERENCE:** CW/10142-OBJ-1

**DATE:** 9 September 2020

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## **1. INTRODUCTION**

- 1.1** This representation has been prepared by Glyn Thomas, Senior Arboricultural Consultant with Cheshire Woodlands Limited, on behalf of Phil Hobbs, executor to the estate of the former owner of the property affected by the Cheshire East Borough Council (Knutsford – 2 Grassfield Way) Tree Preservation Order (the Order).
- 1.2** The representation is submitted under the provisions of Section 199(3)(b) of the Town and Country Planning Act 1990, and Regulation 6 of the Town and Country Planning (Tree Preservation)(England) Regulations 2012.

## **2. BACKGROUND**

- 2.1** Phil Hobbs is the executor to the estate of the former owner of 2 Grassfield Way, Knutsford (the Property), which is currently for sale.
- 2.2** Planning application 20/2894M (the Application) – seeking permission for demolition of the existing garage and store, and erection of a two-storey side extension and single-storey front and rear extensions - was submitted to the Local Planning Authority (LPA) on 9 July 2020 by a prospective purchaser of the Property. The Application is still to be determined.
- 2.3** The Order was made and served by Cheshire East Borough Council on 14 August 2020. For the purpose of this representation, I have assumed that the Order was properly served.

## **3. THE ORDER**

- 3.1** The First Schedule of the Order identifies an individually specified oak tree T1 (the Tree) situated 'at 2 Grassfield Way on the junction with Summers Way'.
- 3.2** The 1:500 scale map included with The Order identifies the location of the Tree within a black circle.
- 3.3** The Regulation 5 Notice served with the Order lists the following reasons for making the Order:
- a) 'In the interests of maintaining the area in which the tree stands, in that it is considered to be a long term amenity feature.'
  - b) 'Such amenities are enjoyed by the public at large and without the protection an Order affords there is a risk of the amenity being destroyed.'
  - c) The tree has been assessed in accordance with the Council's Amenity Evaluation Checklist and it is considered expedient to make provision for its long term retention.'

- d) 'The tree is of historic importance in that it is located on the 1975 Ordnance Survey map of the area.'

#### **4. MY ASSESSMENT OF THE TREE**

- 4.1** I visited the Property on 2 September 2020, surveyed the Tree and assessed its amenity value and its visual contribution to the surrounding area. My survey data are set out in the Tree Survey Schedule at Appendix 1 (the Schedule), which includes a Guidance Note describing the basis for my assessments of 'visual prominence and tree categorisation'.
- 4.2** The Tree stands at the front of the Property, at the junction of Grassfield Way and Summers Way, and is visible from surrounding properties and sections of public highway to the north, south and east. In visual terms it contributes to the character and appearance of the Property, its immediate surroundings, and the local neighbourhood.
- 4.3** I do not consider the Tree to have 'exceptional landscape value'.
- 4.4** The Tree's visual contribution is limited to the local neighbourhood and it is not of sufficient visual significance to contribute at a wider conurbation level.

#### **5. THE COUNCIL'S ASSESSMENT OF THE TREE**

- 5.1** The Council's assessment of the Tree is included in the Amenity Evaluation checklist at Appendix 2.
- 5.2** The following points are relevant to this representation:
- The Tree's 'landscape function' is predominantly 'road frontage'. It is not a 'landmark tree', nor does it contribute in any significant way as a 'backdrop' to, or in 'glimpses between' existing properties.
  - In terms of its 'visual prominence' the Tree has no particular significance at a 'conurbation' level.
  - That the Tree is included on a 1975 Ordnance Survey map of the area is not evidence of 'historical importance'. That it is more than 45 years old could not be said to confer any significant additional amenity benefits.

#### **6. OBJECTION**

- 6.1** Phil Hobbs, executor to the estate of the former owner of the Property, objects to the Order on the following grounds:
- Aspects of the Council's assessment of the Tree – as set out in their Amenity Evaluation Checklist – overstate its visual and historical importance.

- The basis for the Council's conclusion that making the Order is 'expedient in the circumstances' is therefore questionable.
- Two of the Council's reasons for making the Order (c and d) are not fully justified.

**6.2** Phil Hobbs requests that the Order is not confirmed.

**6.3** We request that the Council takes into account the objections contained herein when deciding whether or not to confirm the Order and when giving weight to the Order in relation to current and future planning applications, appeals and negotiations.

**6.4** The representations, objections and opinions, actual or implied, contained herein are given without prejudice to any future interest, of any party, in the land affected by The Order.



Glyn Thomas  
Cheshire Woodlands Limited

On behalf of Phil Hobbs

**Appendices:**

**Appendix 1** – Tree Survey Schedule CW/10142-SS and Guidance Note - Visual Prominence and Tree Categorisation

**Appendix 2** - Amenity Evaluation Checklist

**APPENDIX 1**

## TREE SURVEY SCHEDULE



**PROJECT:** 2 GRASSFIELD WAY, KNUITSFORD  
**CLIENT:** PHIL HOBBS  
**REF:** 10142-SS

**SURVEYED BY:** G THOMAS  
**DATE:** 2 SEPTEMBER 2020  
**PAGE:** 1

### REVISIONS:

No.	Species	Age Range	Height (m)	Crown Spread (m)	Stem Dia. (mm)	Vitality	Comments	Management	Visual Prominence	Retention Category
T1	Oak	M	11	10	890	N	<ul style="list-style-type: none"> <li>First main branch at 1.5m</li> <li>Ground clearance of between 1 and 3m</li> <li>Low ground clearance to highway footway</li> <li>Ivy colonising stem and first-order branches</li> <li>Low vigour</li> <li>Minor peripheral shoot/twig dieback in crown</li> </ul>	<ul style="list-style-type: none"> <li>No work currently required</li> </ul>	3	A

This survey has been commissioned for the sole purpose of collecting data to inform the design of a development project in relation to trees. Whilst this is not a tree safety inspection record, the surveyor may record obvious defects when they are observed and considered to be significant to safety. Unless otherwise agreed, data in this schedule are time limited to one year, after which they should be reviewed.

### HEADINGS & ABBREVIATIONS

**Age Range** Y = young SM = semi-mature EM = early-mature M = mature PM = post-mature V = veteran  
**Stem Dia** Stem diameter (measured in accordance with Figure C.1 of BS5837: 2012) (MS = multi-stemmed EST = estimated)  
**Crown Spread** Maximum crown spread (EST = estimated)  
**Vitality** A measure of physiological condition. N = normal range for the species and age R = reduced, P = poor, MD = moribund, D = dead  
**Visual Prominence** Broad indication of prominence in the landscape (1 = low up to 4 = very high) (G = contributes to a wider group)  
**Retention Category** Broadly in accordance with Table 1 of BS5837: 2012 (considers the merits of the tree or group in the context of the existing land-use)  
**Common Plant names** Only common names are used in this schedule. For scientific names refer to Mitchell, A. 2001. *Collins Field Guide – Trees of Britain & Northern Europe*. Harper Collins, London. pp. 420.

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## **Guidance Note - Visual Prominence and Tree Categorisation**

### **Visual Prominence**

A broad indication of visual contribution to the landscape. The evaluation considers:

- location
- public views
- landscape function
- tree size
- growth potential
- useful life expectancy

Visual prominence values are classified as follows:

- (1)** Low - visual contribution restricted to the site
- (2)** Moderate - visual contribution to the site and immediate surroundings
- (3)** High - visual contribution to the site, immediate surroundings and neighbourhood, estate or locale
- (4)** Very high - visual contribution to a conurbation, or trees of exceptional landscape value

Groups of trees are assessed as a single unit.

### **Tree Categorisation**

Broadly in accordance with section 4.5 and Table 1 of British Standard 5837:2012 Trees in relation to design, demolition and construction – Recommendations.

Trees or groups of trees are evaluated twice. Firstly, they are assessed and categorised in the pre-development context to provide a broad valuation of all of their attributes and their contribution to the amenity of the area. Secondly, they are similarly assessed and categorised in the context of a development proposal. The evaluations consider:

- useful life expectancy
- visual prominence (see above)
- landscape function
- numbers of other trees and their maturity (continuity for landscape, amenity, habitat)
- wildlife habitats (including continuity)
- safety
- conflicts with the built environment or other land-use
- cultural, historical or other value

Groups of trees are assessed and categorised as a single unit.



### **Pre-Development assessment**

The tree or group of trees is assessed and placed into one of the following categories (A, B, C or U)

The valuation considers the benefits and disbenefits of retaining the tree or group of trees in the pre-development context

Any specific issues are noted in the tree survey schedule

**(A)** High quality - Trees the retention of which is most desirable and that have an estimated useful life expectancy of at least 40 years

Wholly appropriate and without significant conflict

**(B)** Moderate quality - Trees the retention of which is desirable and that have an estimated useful life expectancy of at least 20 years

Appropriate but not of highest value

**(C)** Low quality - Trees that could be retained and have an estimated useful life expectancy of at least 10 years

Ill-suited but could be retained with moderate conflicts

Trees of no particular merit

**(U)** Trees unsuitable for retention

Could not reasonably be retained for longer than 10 years

### **Post-Development assessment**

The tree or group of trees is assessed and placed in one of the following categories (A, B, C or U)

The valuation considers the benefits and disbenefits of retaining the tree or group of trees in the context of a development proposal

Any specific issues are noted in the tree survey schedule.

**(A)** High quality - Trees the retention of which is most desirable and that have an estimated useful life expectancy of at least 40 years

Wholly appropriate and without significant conflict

**(B)** Moderate quality - Trees the retention of which is desirable and that have an estimated useful life expectancy of at least 20 years

Appropriate but not of highest value and/or having only minor conflicts

**(C)** Low quality - Trees which could be retained and have an estimated useful life expectancy of at least 10 years

Ill-suited but could be retained with moderate conflicts

Trees of no particular merit

**(U)** Trees for removal

Would need to be removed to accommodate the development proposal, or could not reasonably be retained for longer than 10 years

**APPENDIX 2**

# Amenity Evaluation Checklist

Completed by:

E HOOD

Date form completed:

17/07/2020

Form status:

Completed

Reference

18-077

Attachments

Address

2 GRASSFIELD WAY

Town

KNUTSFORD

Postcode

WA16 9AF

Ward:

Knutsford

## 1. BACKGROUND FILE CHECK:

Any existing TPOs on or adjacent to the site/land?

No

Is the site within a conservation area?

No

Is the conservation area designated partly because of the importance of trees?

N/A

Is the site adjacent to a Conservation Area?

No

Are there any Listed Buildings on or adjacent to the site?

No

Local Plan land-use designation

Predominantly residential

Are there currently and designated nature conservation interests on or adjacent to the site?

Active birds nest identified in tree, which also has confirmed bat roost potential.

Relevant site planning history (incl. current applications)

20/2894M - demolition of existing garage and store, proposed two storey side extension, proposed single storey front and rear extension, render to existing, re roof existing - not yet determined

## STATUTORY CONSULTEES

Are there any Scheduled Ancient Monuments on or adjacent to the site?

No

Is the land currently safeguarded under the Town &amp; Country Planning (Aerodromes &amp; Technical Sites) Direction 1992?

No

Does the Forestry Commission currently have

No

an interest in the land?

Grant scheme ☐

Forestry Dedication Covenant ☐

Extant Felling Licence ☐

Are any of the trees situated on Crown Land?

Are any of the trees situated on NHS land?

Is the land owned by this Local Authority

Is the land owned by another Local Authority

## 2. MOTIVATION

Development Control ☒

• Application Ref

• Committee deadline

• Development Control Office comments

Conservation Area Notification ☐

Application ref

Date of registration

Expiry date

Emergency action  
(immediate threat to the trees) ☐

Strategic inspection ☐

Change to Local Plan land-use ☐

Change in TPO legislation ☐

Sale of Council owned land ☐

Reviewing existing TPO ☐

Hedgerow Regulations 1997 ☐

## 3. SOURCE


Source

## 4. LANDSCAPE APPRAISAL

Site visit date

Inspecting Officer

Site description

	<p>The tree is located within the domestic garden area of a residential property on a residential estate to the south of Knutsford. The mature Oak is sited within a corner plot on a junction and is a prominent feature of the locality and makes an important contribution to the landscape character of the area.</p>
Description of surrounding landscape character	<p>The tree is sited on the corner of Grassfield Way and Summers Way - 2 Grassfield Way to the north, the garden area of a residential property on Summers Way immediately to the east, Summers Way to the south and Grassfield Way to the west</p>
Statement of where the trees are visible from	<p>Summers Way, Grassfield Way. junction of Lowland Way with Grassfield Way, junction of Summers Close with Summers Way, with filtered views between properties</p> <p>annotate map</p>
Photograph the trees, the site and surroundings	<p> No picture inserted</p> <p>annotate map</p>
Landscape function	<p><input checked="" type="checkbox"/> Landmark trees</p> <p><input checked="" type="checkbox"/> Road frontage (classified)</p> <p><input checked="" type="checkbox"/> Backdrop</p> <p><input checked="" type="checkbox"/> Glimpses between properties or through gateways</p>
Visual prominence	<p><input checked="" type="checkbox"/> Conurbation</p> <p><input checked="" type="checkbox"/> Neighbourhood, estate, locale</p> <p><input checked="" type="checkbox"/> Site and immediate surroundings</p>
Species suitability for the site	<input type="text" value="Particularly suitable"/>
Condition	<input type="text" value="Good"/>
Past work consistent with prudent arboricultural management?	<input type="text" value="Yes"/>
Are past works likely to have compromised long term retention?	<input type="text" value="No"/>
Will past work necessitate any particular future management requirements?	<p>Evidence of past pruning is evident to maintain clearance of the canopy over the southern side garage extension of the property .</p>
Tree size (at maturity)	<input type="text" value="Medium ( between 8m and 15m)"/>
Presence of other trees	<input type="text" value="Low percentage tree cover"/>

Define visual area/reference points

## BENEFITS

Are the benefits current?

Yes

Assessment of future benefits  
(future growth potential;  
continuity/sustainability of tree cover;  
development)

The tree presents both current and future growth potential  
and can be managed in its present condition

Assessment of importance as a wildlife habitat

The tree has the potential to support nesting birds

Additional factors

☒ Historical associations

## 5. EXEMPTIONS (TCPA 1990)

Are any of the trees obviously dead, dying or  
dangerous

No

Are there any statutory obligations which  
might apply?  
(consider: Highways Act 1980, Electricity Act  
1989, Civil Aviation Act 1982)

No

Is there any obvious evidence that the trees  
are currently causing any actionable  
nuisance?

No

Based on the trees in their current locations,  
is the likelihood of future actionable nuisance  
reasonably foreseeable?

No

Is there any Forestry Commission interest in  
the land?

No

## 6. EXEMPTIONS (MODEL ORDER):

Are there any extant planning approvals on  
the site which might compromise retention of  
the trees?

No

Are there any lapsed planning approvals  
which might have compromised the trees?

No

Are any of the trees obviously cultivated for  
commercial fruit production?

No

Are any of the trees situated on or adjacent to  
a statutory undertaker's operational land?

No

Are any of the trees situated on or adjacent to  
land in which the Environment Agency has an

No

interest?

**7. COMPENSATION:**

Do any of trees currently show any obvious signs of causing damage?

☐

If Yes provide details

Based on the trees in their current locations, is the risk of future damage reasonably foreseeable?

☒

If yes provide details

Approximately 6 meters from existing single storey garage structure

Are there any reasonable steps that could be taken to avert the possibility of future damage or to mitigate its extent?

Yes

If yes provide details

Any proposed construction could be designed with the rooting area and future growth potential of the tree in mind.

Occasional remedial pruning is likely to maintain acceptable clearance for structures.

**8. HEDGEROW TREES:**

Individual standard trees within a hedge

No

An old hedge which has become a line of trees of reasonable height

No

Are the "trees" subject to hedgerow management?

No

Assessment of past hedgerow management

Assessment of future management requirements

**9. MANAGEMENT:**

Are the trees currently under good arboricultural or silvicultural management

Yes

Is an order justified?

Yes

Justification (if required)

To provide protection to ensure the long term retention and management of a high amenity tree in accordance with best practice recommendations

**10. DESIGNATIONS:****a. Individual**

Do the trees merit protection as individual specimens in their own right?

Yes

**b. Group**



Does the overall impact and quality of the trees merit a group designation?	<input type="text" value="No"/>
Would the trees reasonably be managed in the future as a group?	<input type="text" value="No"/>
<b>c. Area</b>	
Area	
<b>d. Woodland</b>	
Woodland	
<b>11. MAP INFORMATION:</b>	
Identify the parcel of land on which the trees are situated. (Outline in red on the attached location plan)	<input type="checkbox"/>
Identify all parcels of land which have a common boundary with the parcel concerned (Outline in green on the attached plan)	<input type="checkbox"/>
Identify all parcels of land over which the physical presence of the trees is situated, or that they could reasonably be expected to cover during their lifetime (Cross hatch on the plan)	<input type="checkbox"/>
<b>12. LAND OWNERSHIP:</b>	
Land ownership details (if known)	See persons served with Order
Land Registry search required?	<input checked="" type="checkbox"/>
<b>13. SUPPLEMENTARY INFORMATION:</b>	
Has a detailed on-site inspection been carried out?	<input type="text" value="Yes"/>
Does the risk of felling justify making an order prior to carrying out a detailed on-site inspection	<input type="text" value="No"/>
Provide details of trees to be excluded	A semi-mature Lime is located to the rear eastern boundary of the site however the proximity and growth habit of the tree is considered unsustainable in the long term and it is not considered appropriate for formal protection.
Additional publicity required?	<input type="checkbox"/>
Relevant Local Plan policies	

Cheshire East Local Plan

SE5 Trees, hedgerows and woodlands

Statement of reasons for promoting this Order

In the interests of maintaining the area in which the tree stands, in that it is considered to be a long term amenity feature

Such amenities are enjoyed by the public at large and without the protection an Order affords there is a risk of the amenity being destroyed

The tree has been assessed in accordance with the Councils Amenity Evaluation Checklist and it is considered expedient to make provision for its long term retention

The tree is of historic importance in that it is located on the 1975 Ordnance Survey Map of the area

#### 14. SUMMARY:

Would loss of the trees have a significant impact on the local environment?

Will a reasonable degree of public benefit accrue?

Is an Order in the interests of amenity?

Is an Order expedient in the circumstances?



*Working for a brighter future together*

## Northern Planning Committee

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**Date of Meeting:** 2 December 2020

**Report Title:** Performance of the Planning Enforcement Service First Two Quarters 2020-2021

**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 2020 - 30<sup>th</sup> September 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.

### 4.0 Background

#### 4.1 Introduction

- 4.2 Members will no doubt have read many reports which highlight the impact which the current pandemic has had and continues to have on service delivery. Planning enforcement has not escaped this. The early part of the reporting period was impacted upon most significantly i.e. in April when the country was in full lockdown and officers were unable to make any visits other than those considered to be an emergency. Officers in Planning Enforcement, as they have across the Council, have displayed great flexibility and resilience during this time and continue to do so. Whilst,

in accordance with corporate guidance officers continue to work from home they are now able to carry out the majority of visits whilst still having careful regard to social distancing guidelines and a site visit protocol which has been put in place.

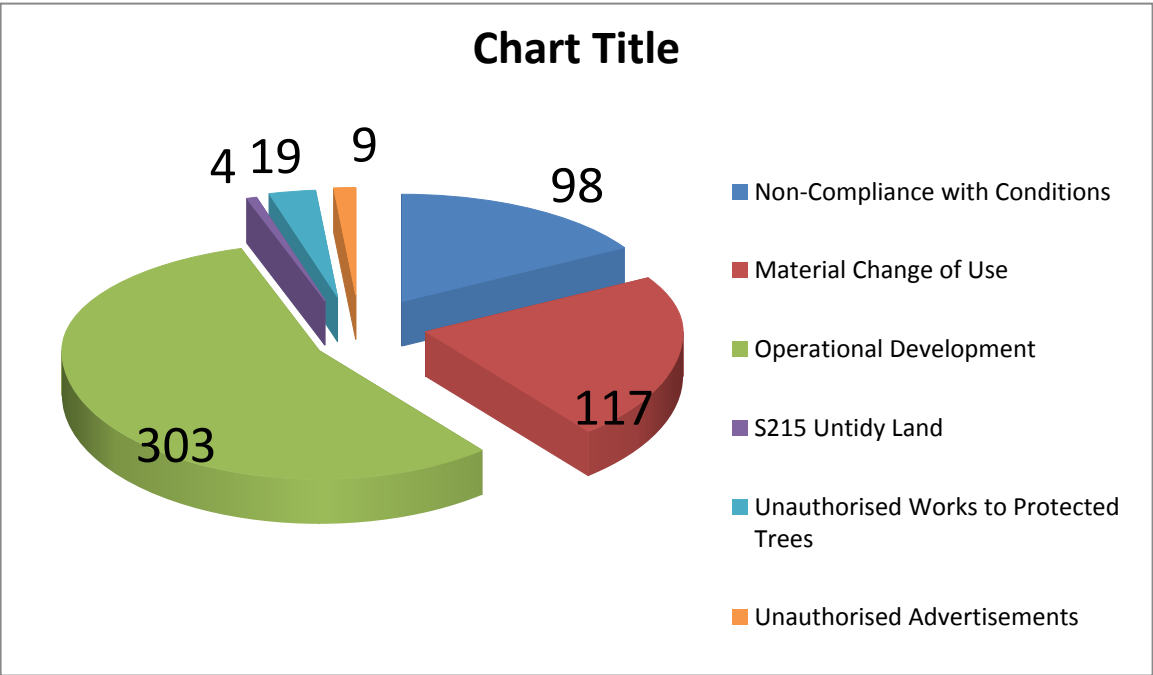
- 4.3 Other than during the early stages of lockdown, there has been no discernible downturn in the volume of cases being received however due to current circumstances investigations can be more protracted. Throughout this reporting period 550 new cases have been received compared to 561 cases during the same period in 2019.
- 4.4 Added to this, since early August a significant proportion of officer time has been taken up by one single case which relates to an unauthorised material change of use of land to a caravan site within the Green Belt in Mobberley.
- 4.5 The service specific Enforcement Policy has been reviewed and now approved. It will be placed on the Council's website where it will be available for viewing.

#### Report Format

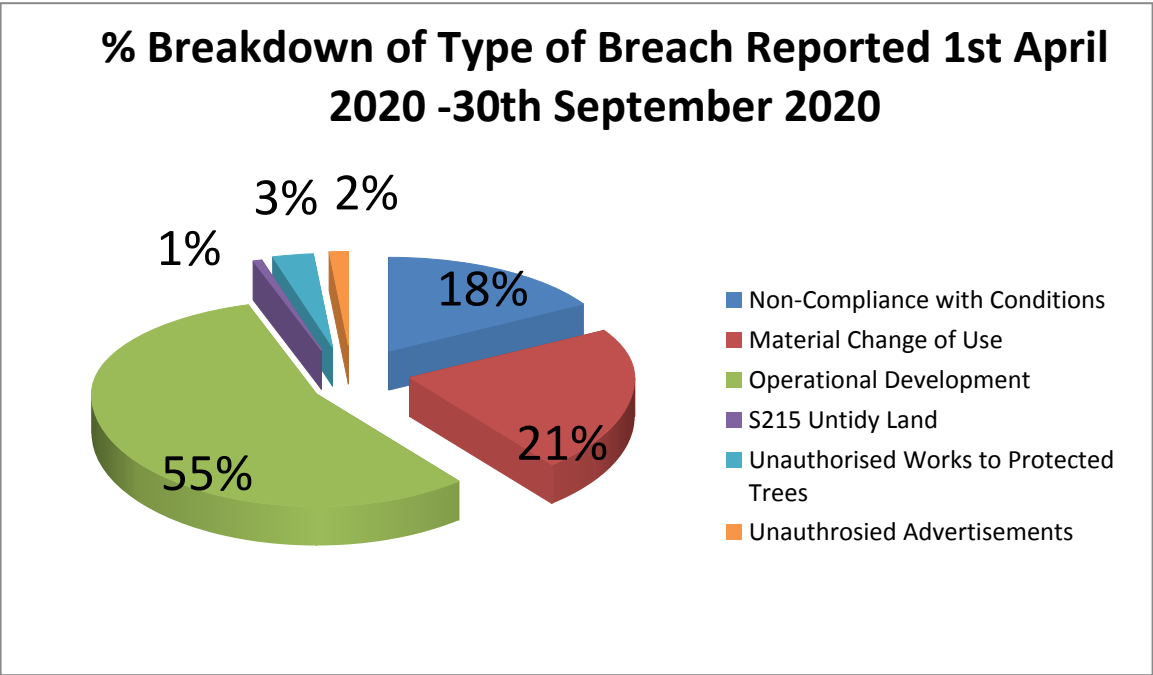
- 4.6 The information contained in this report is divided into three sections:
- 4.7 Section 5 provides a summary of investigative activity and formal enforcement action undertaken during the period 1<sup>st</sup> April 2020 – 30<sup>th</sup> September 2020.
- 4.8 Section 6 provides an update of those cases where formal enforcement action has been authorised and has taken place (see Appendix 1).
- 4.9 Section 7 advises on future reports.

### **5.0 Reported Information**

#### **CHART 1**



**CHART 2**



5.1 Incidences of reports of alleged unauthorised operational development have increased by 9% since the last report was presented. It appears that the lockdown period has seen an increase in the construction of outbuildings in gardens.

- 5.2 150 of the alleged breaches reported during this period were closed because no breach was identified i.e. 27%. Overall during the reporting period 165 cases were closed owing to no breach being identified. Chart 3 provides a more detail breakdown of all reasons for closure.

CHART 3

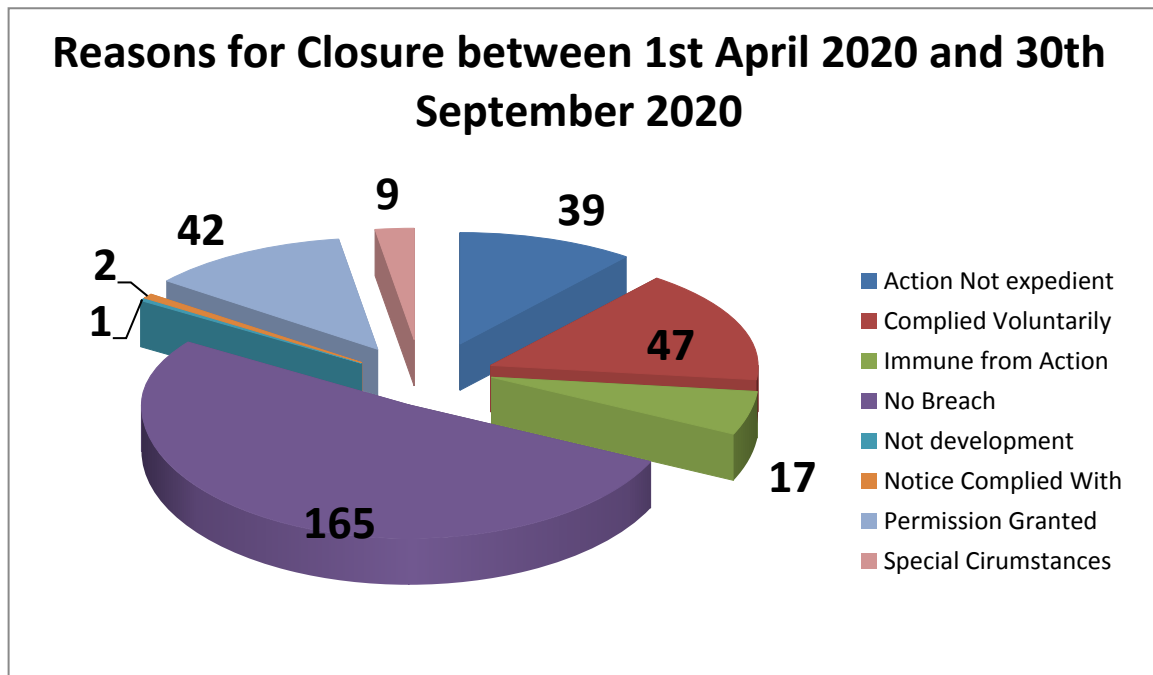
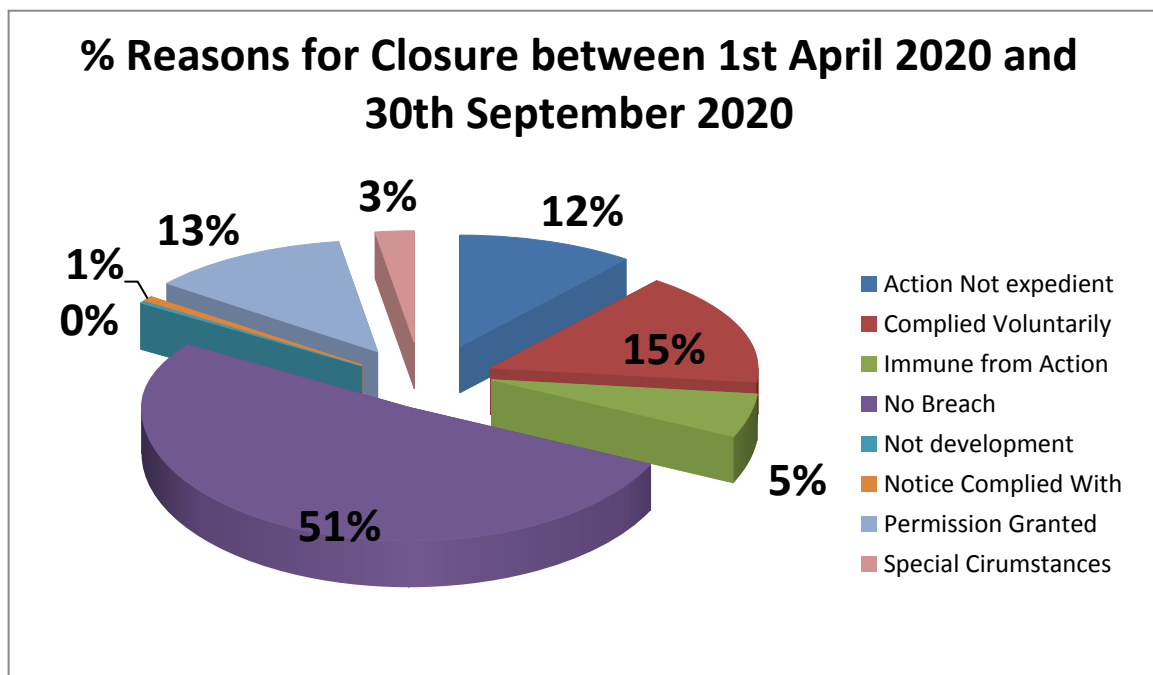


CHART 4



- 5.3 51% of overall cases closed during the reporting period did not equate to a breach of planning control. In many instances this is because the development itself is effectively granted planning permission by the Town and Country Planning (General Permitted Development) (England) Order 2015. Whilst this may be unpalatable to a complainant the Local Planning Authority has no power to take any action under these circumstances. In other circumstances it may be because there is insufficient evidence to prove that a material change of use has occurred. Any decision to take enforcement action must have an evidential base sufficient to be relied upon at any resultant appeal as well as having regard to local and national planning policy.
- 5.4 Enforcement cases are given an initial priority when they are received based on the apparent harm being or likely to be caused. The priority determines the timescale within which officers endeavour to carry out their first visit. (It is not always necessary to carry out a site visit). Chart 5 provides a breakdown of allocations.

**Priority 1 – High - Site visit within one working day**

A report of an alleged breach will only be allocated as a P1 where it appears to officers of the Council that irreparable harm is being, or is likely to be, caused to an historic/ecological asset or where there is the potential for irreparable harm to the environment, or members of the public. These include:

- Unauthorised works to listed buildings
- Unauthorised demolition in a Conservation Area
- Development causing immediate and irreparable harm to an area of land which has special protection.
- Development 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 that the Council cannot control and should be reported directly to 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 – Site visit within 5 working days**

A report of an alleged breach will be allocated as a P2 only where a significant degree of harm is likely to or is occurring in the opinion of officers of the Council. These include:

- Building work that is already in progress
- Development which is potentially immune from enforcement action within 6 months (following a period of 4 years in relation to building works already undertaken and 10 years in relation to a material change of use).
- Development causing serious harm to its surroundings or the environment

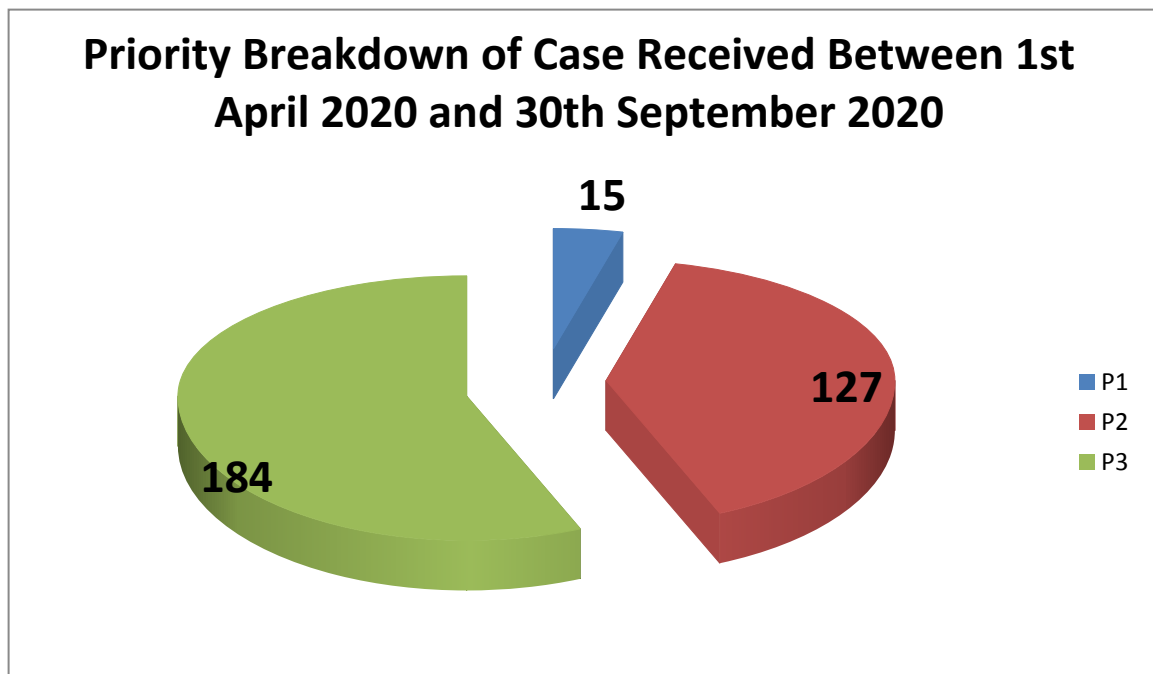
- Breaches of Condition/non compliance with approved plans which is considered by officers of the Council to be causing serious harm
- Development which represents a clear breach of planning policy and is unlikely to be granted planning permission.

### Priority 3 – Low – Site visit within 15 working days

In all other instances and where no significant degree of harm is likely to result the Council will allocate a report of an alleged breach as a P3. These include:

- Other building work which is complete, e.g. an extension which already has a roof on it.
- Development not causing significant harm to its surroundings or the environment - where the breach is technical in nature or is a minor deviation from a planning permission.
- Advertisements.
- Breaches of condition/non compliance with approved plans causing no significant harm to, or no harm to, the character or appearance of an area e.g. where a window has not been glazed with obscure glass and the development is not yet occupied.
- \*Development which is likely to be permitted development, - the erection of sheds, outbuildings, porches, rear single storey extensions. (See link below)
- \*Minor domestic development e.g. fences, satellite dishes (see link below)
- Untidy Land, i.e. where land is having an adverse impact on the appearance of an area. (This does not extend to land which is merely overgrown).

CHART 5

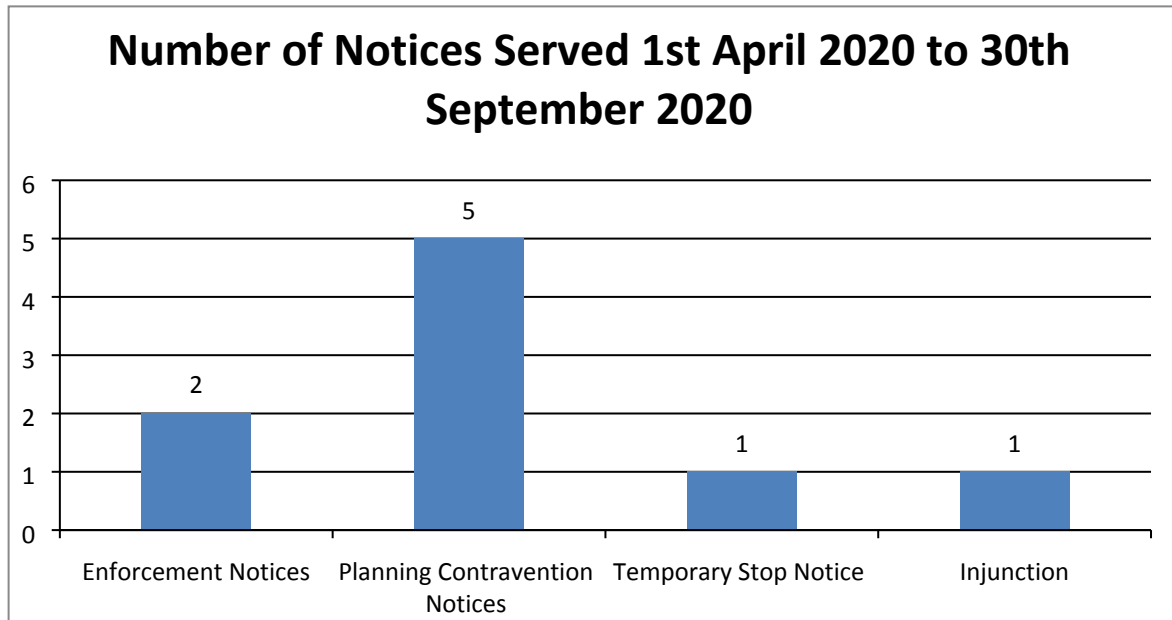




## 5.5 NOTICES SERVED

- 5.6 A total of 8 notices have been served during the reporting period. Chart 6 breaks those down by type. Of those enforcement notices issued one is currently under appeal. As previously referred to the Injunction is subject to committal proceedings in the high court.

**CHART 6**



- 5.7 During full lockdown courts were closed and have only more recently recommenced dealing with regulatory cases. It is only now that it is becoming realistic to progress outstanding cases where prosecution is considered to be an appropriate action. This has resulted in a delay in progressing some cases to this stage and other cases which were pending have also suffered a delay.
- 5.8 The ongoing pandemic will continue to have an impact on the end to end enforcement process but all reasonable steps will be taken to keep any delays to a minimum albeit there are instances where time tables are outside the control of the LPA - for example court or appeal proceedings.

## 5.9 Service Improvement

- 5.10 Work is underway to provide additional information for customers on the Planning Enforcement web pages of the Cheshire East website. This will not only inform them of the process but also signpost customers to other services/agencies which may be better placed to assist them with their enquiry where it is not a matter which falls under the jurisdiction of planning enforcement.

- 5.11 Work is also underway to improve the online form for reporting alleged breaches of planning control. Adapting its look and feel to ensure that relevant information is captured to assist in prioritising a case and also to filter out at an early stage those enquiries which fall outside the remit of planning enforcement.

## **6.0 Update on Formal Enforcement Action Already Taken**

- 6.1 Whilst the majority of the work of the enforcement team involves investigating reports of suspected breaches of planning control, Appendix 1 attached to this report details the status of those cases (in Ward order) where it was appropriate to take enforcement action and serve a formal notice.

- 6.2 The Appendix contains 54 cases. A breakdown on the status of the 54 cases at 22<sup>nd</sup> October 2020 is as follows

- 3 have already been closed
- 2 are the subject of active legal proceedings
- 4 have resulted in successful convictions
- 20 were the subject of appeals which were dismissed
- 2 were the subject of appeals which were part allowed and part dismissed
- 5 are the subject of an appeal and a decision is awaited
- 2 enforcement notices have been withdrawn

## **7.0 Future Reports**

- 7.1 The next report will be presented in April 2021 and will contain information for the last two quarters of 2020/2021.

## **8.0. Implications of Recommendation**

### **8.1 Legal Implications**

- 8.1.1 No direct implication

### **8.2 Finance Implications**

- 8.2.1 No direct implication

### **8.3 Policy Implications**

- 8.3.1 No direct implication

### **8.4 Equality Implications**

8.4.1 No direct implication

**8.5 Human Resource Implications**

8.5.1 No direct implication

**8.6 Risk Management Implications**

8.6.1 No direct implication

**8.7 Rural Communities Implications**

8.7.1 No direct implication

**8.8 Implication for Children & Young People/Care for Children**

8.8.1 No direct implication

**8.9 Climate Change** -

8.9.1 No direct implication

**8.10 Public Health Implications**

8.10.1 No direct implication

**8.11 Ward Members Affected**

8.11.1 All wards are affected

**9.0 Access to Information**

9.1 The following document is appended to this report

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

**10.0 Contact Information**

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

Name: Deborah Ackerley

Job Title: Principal Planning Officer (Enforcement)

Email: [Deborah.ackerley@cheshireeast.gov.uk](mailto:Deborah.ackerley@cheshireeast.gov.uk)

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## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - 22<sup>nd</sup> October 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.
Holashaw, Hassall Road, Hassall	<b>ALSAGER</b>	Unauthorised material change of use for stationing of a residential caravan	Enforcement Notice	Enforcement Notice issued 17 <sup>th</sup> July 2020. Appeal lodged. Decision awaited.
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.
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.
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. Notice not complied with. Pursuing compliance with the Notice.
George and Dragon, 61 Rainow Road,	<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 were present. The defendants were convicted in their absence and each fined £800 with a Victim

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## APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - 22<sup>nd</sup> October 2020

Macclesfield				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. Planning application currently under consideration for the demolition of the pub and erection of houses. Pursuing compliance with the Notice.
Land at Dragons Lane, Moston	<b>BRERETON RURAL WARD</b>	Unauthorised area of hardstanding	Temporary Stop Notice	TSN issued 22 <sup>nd</sup> July 2020 to prevent further hardstanding being created. Unauthorised area of hardcore now removed. <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 dismissed on 24 <sup>th</sup> August 2020. Compliance due by 24 <sup>th</sup> February 2021.
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, Chelford Road, Marthall	<b>CHELFORD</b>	Unauthorised change of use of land to an unauthorised waste transfer site	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 the Notice.
Wood Platt Cottage, Chelford	<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.

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## **APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - 22<sup>nd</sup> October 2020**

Road, Marshall				
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. Landowners convicted in their absence fined £220 each, £250 costs each and Victim surcharge £34 each. Further contact to be made requiring response to PCN.
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. Site visit required to check compliance and any necessary further action.
Coppenhall House, Groby Road, Crewe	<b>CREWE EAST</b>	Unauthorised material change of use of a stable building to B8 warehouse and distribution with ancillary	Enforcement Notice	Enforcement Notice issued. Appeal dismissed January 2020. Currently pursuing compliance with Notice.

## APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - 22<sup>nd</sup> October 2020

		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. Notice complied with <b>CASE CLOSED</b> .
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. Further site visit required.
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. If land has been sold further notice required. Recent planning application for a single dwelling refused. 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.
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. 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. Partial award of costs awarded to the Council. Compliance with the Notice due 17 <sup>th</sup> September 2021.
Mere End	<b>HIGH LEGH</b>	Unauthorised	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed

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## APPENDIX 1: Status Report On Cases Where Formal Enforcement Action Has Been Taken - 22<sup>nd</sup> October 2020

Cottage, Mereside Road, Mere, Knutsford		erection of dwelling house and detached garage		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.
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. <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 storage container and hardstanding	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.
Land Opposite	<b>MIDDLEWICH</b>	Unauthorised operation	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

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Five Acre Farm, Cledford Lane, Middlewich		development, erection of a building and boundary walls		complied with further proceedings required. Registered owner now deceased, case to be reviewed.
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.
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
Land at Broadoak Lane, Mobberley	<b>MOBBERLEY</b>	Unauthorised hardstanding and use of the land for the siting of residential caravans	Injunctions	An injunction was granted on 13 <sup>th</sup> August 2020 to prevent further operational development taking place and anymore caravans being brought on the land, a further injunction was granted on 1 <sup>st</sup> September 2020. Injunctions not complied with. Committal proceedings instigated for breaches of the court order. Trial date 14 <sup>th</sup> and 15 <sup>th</sup> October 2020 to consider committal proceedings and a final injunction on the land. Trial adjourned. Awaiting new trial date.
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 lodged. Further significant works undertaken to the property meaning notice no longer capable of compliance Notice withdrawn. Current retrospective application under consideration.
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 lodged. Walls subject to the notice removed, Amended walls erected, Notice withdrawn as no longer relevant. Current retrospective application under consideration.
Elm Beds Caravan Park,	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised residential caravan	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 not being pursued at the present time. Case remains open. Legal advice currently

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Poynton				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 undertaken to check compliance with the Notice. Notice not complied with. Pursuing 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.
Mottram Wood Farm Smithy Lane Mottram St Andrew	<b>PRESTBURY</b>	Unauthorised Dwelling	Enforcement Notice	Enforcement Notice issued 10 <sup>th</sup> June 2015. Notice due to be complied with by 10 <sup>th</sup> May 2018 (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.
Land at Willot Nurseries, Wilmslow Road, Prestbury	<b>PRESTBURY</b>	Unauthorised material change of use to residential and residential garden, with areas of hardstanding, pond, building and walls.	Enforcement Notice	Enforcement Notice issued 28 <sup>th</sup> September 2020. Notice comes into effect on 2 <sup>nd</sup> November 2020.
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.
Land at Gaw End Lane Lyme Green	<b>SUTTON</b>	Unauthorised change of use of land to	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.

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		agricultural and parking of vehicles, skips, formation of earth bunds, hardstanding, fencing and gate		
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 partially complied with. Unauthorised building used for residential purposes demolished.
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	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.

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Wilmslow Garden Centre, Manchester Road, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	hardstanding. Erection of a conservatory showroom building, associated decking, balustrade, glass screen and hardstanding	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. Planning application for retention of the decking was refused. Notice partly complied with. Pursuing compliance with the Notice.
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-incidental vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 <sup>th</sup> December 2014. Notice had been complied with but now possible further offence. Case to be reviewed.
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 Little Island Livery,	<b>WYNBUNBURY</b>	Unauthorised erection of a	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, awaiting decision.

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Haymoor Green Road, Wymbunbury		timber building used for grooms accommodation and raised decked area		
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, proceedings ongoing.
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, awaiting appeal decision.
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.