

Southern Planning Committee

Agenda

Date: Wednesday, 5th August, 2020

Time: 10.00 am

Venue: Virtual Meeting

How to Watch the Meeting

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

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or dial in via telephone on 141 020 3321 5200 and enter Conference ID 694 293 090# when prompted.

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

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

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

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

1. Apologies for Absence

To receive apologies for absence.

Please contact Helen Davies on 01270 685705

E-Mail: helen.davies@cheshireeast.gov.uk with any apologies or requests for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have pre-determined any item on the agenda.

3. **Minutes of Previous Meeting** (Pages 5 - 10)

To approve the minutes of the meeting held on 1 July 2020.

4. **Public Speaking**

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

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

A total period of 3 minutes is allocated for each of the planning applications for the following:

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **19/3667C- ALSAGER COURT, SANDBACH ROAD NORTH, CHURCH LAWTON, ST7 3RG: The demolition of a former care home and the construction of a new care home** (Pages 11 - 22)

To consider the above planning application.

6. **19/4463C- LAND AT FORMER ALSAGER ARMS HOTEL, SANDBACH ROAD SOUTH, ALSAGER: Erection of a residential building comprising 18 self-contained one-bedroom specialised supported living apartments together with associated open space and car parking (Use Class C3).** (Pages 23 - 36)

To consider the above planning application.

7. **20/0921C- 104, PORTREE DRIVE, HOLMES CHAPEL, CHESHIRE EAST, CW4 7JF: Proposal to increase the height of the brick pillars and install new quality feather edge timber fencing between the brick pillars along the right side garden wall** (Pages 37 - 42)

To consider the above planning application.

8. **20/0920C- 104, PORTREE DRIVE, HOLMES CHAPEL, CW4 7JF: Construction of a timber framed shed, timber framed gazebo and decked area.** (Pages 43 - 50)

To consider the above planning application.

9. **20/1769C- 71, MANCHESTER ROAD, CONGLETON, CW12 2HT: This application is for professional car valeting and hand carwash facility at existing vacant off Manchester Road, Congleton, CW12 2HT. (Pages 51 - 58)**

To consider the above planning application.

10. **Performance of the Planning Enforcement Service 2019-2020 (Pages 59 - 84)**

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

THERE ARE NO PART 2 ITEMS

Membership: Councillors S Akers Smith (Vice-Chairman), M Benson, J Bratherton, P Butterill, S Davies, K Flavell, A Gage, D Marren, D Murphy, J Rhodes, L Smith and J Wray (Chairman)

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Southern Planning Committee**
held on Wednesday, 1st July, 2020 at Virtual Meeting

PRESENT

Councillor J Wray (Chairman)
Councillor S Akers Smith (Vice-Chairman)

Councillors M Benson, P Butterill, S Davies, H Faddes (substitute for Cllr Bratherton), K Flavell, A Gage, D Marren, D Murphy, J Rhodes and L Smith

Non Committee Members in Attendance

Councillors S Pochin and P Williams

Officers in Attendance

Daniel Evans, Principal Planning Officer
Peter Hooley, Planning and Enforcement Manager
Paul Hurdus, Highways Development Manager
James Thomas, Senior Planning Solicitor
Rachel Graves, Democratic Services Officer

1 APOLOGIES FOR ABSENCE

Apologies were received from Cllr J Bratherton.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

With regard to application numbers 20/0947N and 19/5420M, in the interests of openness, Councillor D Marren declared that he knew the applicants and had not pre-determined either application.

3 MINUTES OF PREVIOUS MEETING**RESOLVED:**

That the minutes of the meeting held on 4 March 2020 be approved as a correct record.

4 20/0289C - 104 LAWTON ROAD, ALSAGER ST7 2DB: RESIDENTIAL DEVELOPMENT OF 4NO 3 BEDROOM DETACHED BUNGALOWS TOGETHER WITH A NEW ACCESS ROAD AND ASSOCIATED SITE WORKS FOR MR M BAILEY, ALCOCK & BAILEY LTD

The Committee considered a report on regarding the above planning application.

Ward Councillor Phil Williams and Alsager Town Councillor Sue Helliwell attended the meeting and addressed the Committee on this matter.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Standard time
2. Approved Plans
3. Nesting bird boxes provision
4. Breeding birds – timing of works
5. Hedgehog gaps in fencing to be provided
6. Tree Protection in accordance with submitted details
7. Tree felling/pruning in accordance with submitted details
8. Submission and approval of a drainage strategy
9. Land levels in accordance with the approved plans
10. Dust Management Plan
11. Electric Vehicle Charging points
12. Details of any soils imported onto the site
13. Works to stop if any unexpected contamination is discovered
14. Boundary Treatment 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
18. Cycle parking details to be submitted and approved

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 (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern 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.

**5 19/4979C - 65 SANDBACH ROAD NORTH, ALSAGER, ST7 2AQ:
REMOVAL OF EXISTING GARAGE AND ERECTION OF ONE
DWELLING**

The Committee considered a report on the above planning application.

Mr Steve Goodwin, Planning Consultant, attended the meeting and addressed the Committee on this matter.

RESOLVED:

(a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

1. Time (3 years)
2. Plans

3. Materials
4. Electric Vehicle Charging
5. Drainage
6. Boundary treatment prior to occupation
7. Piling
8. Soil importation
9. Land contamination
10. Dust management plan
11. Landscape Scheme to be submitted
12. Landscape to be implemented

- (b) In order to give proper effect to the Board's/Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern 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.

6 20/0394N - THE YARD, LEWIS STREET, CREWE: OUTLINE APPLICATION FOR 5 PAIRS OF SEMI DETACHED DWELLINGS WITH VEHICULAR ACCESS OFF LEWIS STREET

The Committee considered a report on the above application.

A statement was read out on behalf of the Councillor M Houston, Ward Councillor and Crewe Town Councillor.

RESOLVED:

- (a) That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:
1. Time – 3 years of within 2 of last Reserved Matter approval
 2. Reserved Matters within 3 years
 3. Layout, Scale, Appearance and Landscaping Matters to be submitted and approved
 4. Plans
 5. Levels to be submitted as part of the first RM application
 6. Construction Management Plan
 7. Compliance with noise assessment
 8. Piling
 9. Dust
 10. Electric vehicle charging
 11. Boilers
 12. Contaminated land
 13. Drainage strategy
 14. Landscaping scheme to be provided
 15. Landscaping scheme to be implemented

16. Breeding birds survey
17. Hedgehog mitigation
18. Lighting scheme
19. Ecological enhancement strategy
20. Removal of permitted development rights
21. Arboricultural Impact Assessment
22. Drainage strategy
23. the first RM application shall include details of covered cycling for each plot

- (b) In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) 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.

7 20/0947N - 50 CHARLCOTE CRESCENT, CREWE, CW2 6UH: REAR AND SIDE GROUND FLOOR EXTENSION

The Committee considered a report on the above application.

RESOLVED:

- (a) That, for the reasons set out in the report and written update, the application be APPROVED, subject to the following conditions:

- 1 Commencement within 3 years
- 2 Approved Plans
- 3 Materials to match existing

- (b) 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 (Regulation), in consultation with the Chair (or in his absence the Vice Chair) of Southern 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.

8 20/1197N - THE FORMER BOOT AND SLIPPER INN, LONG LANE, WETTENHALL, CHESHIRE, CW7 4DN: ERECTION OF 4 DWELLINGS

The Committee considered a report on the above applications.

Ward Councillor Sarah Pochin, Wettenhall and Cholmondeston Parish Councillor Keith Gilby, Mr Mike Moss, objector, and Mr Steve Goodwin,

Planning Consultant, attended the meeting and addressed the Committee on this matter.

RESOLVED:

That, contrary to the planning officer's recommendation for refusal, the application be APPROVED, subject to

That, contrary to the planning officer's recommendation for refusal, the application be APPROVED, subject to

1 a S106 Agreement to secure the following:

Affordable Housing	1no Bungalow – Discounted to sale by 20% market value	No more than 50% open market properties occupied prior to affordable provision provided.
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2 List of conditions delegated to the Head of Planning in Consultation with the Chair of Southern Planning Committee.

3 the list of conditions shall include materials to be submitted and approved.

9 **19/5420M - 27B ALMA LANE, WILMSLOW, SK9 5EY: CONVERSION OF GARAGE WITH SMALL EXTENSION (3M2) TO BRING IT IN LINE WITH THE FRONT OF THE HOUSE. CHANGING FLAT ROOF TO PITCHED ROOF.**

The Committee considered a report on the above application.

RESOLVED:

That, for the reasons set out in the report, the application be APPROVED subject to the following conditions:

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

The meeting commenced at 10.00 am and concluded at 1.10 pm

Councillor J Wray (Chairman)

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Application No: 19/3667C

Location: Alsager court, SANDBACH ROAD NORTH, CHURCH LAWTON, ST7 3RG

Proposal: The demolition of a former care home and the construction of a new care home

Applicant: Malvern Homes Limited Malvern Homes Limi, Malvern Homes Limited

Expiry Date: 07-Aug-2020

SUMMARY

The application site lies entirely within the Church Lawton settlement zone line as determined by the Congleton Borough Local Plan First Review 2005.

Within such locations there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with the other policies of the Development Plan. The proposed development is appropriate to the character of its locality in terms of the principle and the overall design and would not have a detrimental impact upon neighbouring amenity, ecology or trees.

Overall, the proposal development meets the criteria of the relevant policies of the Development Plan and is considered acceptable.

SUMMARY RECOMMENDATION

Approval subject to conditions

REASON FOR REFERRAL

This application is referred to Southern Planning Committee at the request of Cllr Elizabeth Wardlaw for the following reason;

"Scale, density and design of building is not in keeping with locality.

No access to amenities for staff or residents.

Poor roads and footpaths.

Strong local interest in providing the correct development for the site"

PROPOSAL

Outline planning permission is sought for the demolition of a former care home and the construction of a new care home.

Matters of appearance are reserved for subsequent approval. As such, this proposal seeks to establish the principle of the development and the access, layout, scale and landscaping of the development.

Revised plans have been received during the application process to clarify the proposed levels.

SITE DESCRIPTION

The application site comprises of a former care home (C2 use) known as Alsager Court Care Home, a single-storey development located on the eastern side of Sandbach Road North, within the Lawton Heath End infill boundary as defined by the Congleton Borough Local Plan proposals maps.

The former nursing home, according to the submitted Design and Access Statement, closed in December 2016 due to viability reasons due its small scale. The care home provided for 29 residents. The existing building is single-storey with a gross floor area of approximately 1,154 square metres on a site area of 0.58 hectares.

Although the application site itself is relatively flat, the surrounding land varies in level considerably. In very general terms, the land north of the application site lies at a higher ground level than the application site and land to the south lies at a lower ground level.

RELEVANT HISTORY

Various relating to the existing use and buildings;

17/4529C - Outline application for the demolition of the existing care and the erection of a new 60 bed care home – withdrawn

29351/3 - Change of use from day care (partial) to dining area – Approved 9th September 1997

28958/3 - Covered walkway between two buildings – Approved 18th April 1997

26418/3 - Removal of condition 2 on approval 20675/3 – Approved 26th July 1994

21128/3 - Extension to residential home – Approved 20th June 1989

20675/3 - Amendment of approval 20273/3 to demolition of outbuildings and construction of proprietors bungalow – Approved 14th February 1989

20273/3 - Alteration of existing outbuildings to form proprietors bungalow and retention of 2 residential caravans for temporary period (year) proprietors bungalow – Approved 25th October 1988

18496/3 - Conversion of existing property to form private residential nursing home – Approved 5th May 1987

14206/3 - C/O/U to residential bungalow for elderly gentlefolk – Approved 13th July 1982

5958/2 - Conversion of hatchery into a bungalow for domestic use – Approved 15th November 1977

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework
National Planning Practice Guidance

Cheshire East Local Plan Strategy (CELPS) (Adopted)

MP1 – Presumption in favour of Sustainable Development
PG2 – Settlement Hierarchy
SD1 - Sustainable Development in Cheshire East
SD2 - Sustainable Development Principles
EG1 – Economic Prosperity
SC3 – Health and Well-Being
SC4 – Residential Mix
SE1 – Design
SE2 - Efficient Use of Land
SE3 – Biodiversity and Geodiversity
SE4 – Landscape
SE5 – Trees, Hedgerows and Woodland
SE6 – Green Infrastructure
SE9 - Renewable and Low Carbon Energy
SE13 – Flood Risk and Water Management

Congleton Borough Local Plan (CBLP) (Saved Policies)

PS6 – Settlements in the Open Countryside and the Green Belt
GR6 - Amenity and Health
GR9 - Accessibility, Servicing and Parking Provision
GR17 - Car Parking
GR20 - Public Utilities

Church Lawton Neighbourhood Plan (Regulation 7 stage – no weight given)

CONSULTATIONS (Summary)

Environmental Health – No objections subject to conditions

United Utilities – No objection subject to conditions

Flood Risk and Drainage - No objection subject to condition

Strategic Highways Officer – No objection subject conditions

Cheshire Brine Subsidence Compensation Board – No objection

Landscape – No objection

Forestry – No objection

VIEWS OF THE PARISH COUNCIL

Church Lawton Parish Council – Summary of Church Lawton Parish Council's response;

- The scale of the building is excessive and is overbearing
- Impact on nearby residential amenity
- Impact on highway safety
- Parking is inadequate
- Light pollution
- Noise pollution

REPRESENTATIONS – 18 letters of representation have been received from 18 nearby dwellings and are summarised below;

- Design of the building, particularly the three storey portion of the building, is out of character with the area
- Scale of the building is excessive
- Increase in traffic movements, impact on highway safety and insufficient parking provision
- Impact on drainage
- Impact on nearby amenity, sunlight and overshadowing
- Noise and disturbance from the proposed use would be significant
- Landscaping and impact on trees
- Pedestrian safety and lack of public transport serving the application site
- Overdevelopment of the site
- On site waste storage is unclear
- Questions raised as to whether or not a new care home is required in this area
- Inaccuracies within submitted information

OFFICER ASSESSMENT

Principal of Development

The application site is situated within the Church Lawton settlement zone line. Church Lawton is identified within policy PG 2 (Settlement Hierarchy) of the CELPS as within the 'other settlements and rural areas' tier where:

"in the interests of sustainable development and the maintenance of local services, growth and investment in the other settlements should be confined to proportionate development at a scale commensurate with the function and character of the settlement and confined to locations well related to the existing built-up extent of the settlement. It may be appropriate for local needs to be met within larger settlements, dependent on location."

It is recognised that, whilst the application site is vacant, the existing use of the application site is a care home (a C2 – residential use) and the surrounding area is predominately residential in character. Within the CELPS, policy PG1 states that over the plan period sufficient land will be provided to accommodate 36,000 new homes between 2010 and 2030. This figure includes C2 uses.

Policy PS6 of the CBLP advises that within the settlements identified in the Open Countryside by an Infill Boundary Line (IBL), which includes Lawtongate & Lawton Heath, where the application site falls, limited development is permitted in accordance with Policy H6 of the CBLP and so long as the development is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the plan (CBLP).

Policy H6 of the CBLP was deleted upon the adoption of the CELPS. As such, in consideration of the principal acceptability of the proposals, an assessment of whether the development is appropriate to the local character in terms of use, intensity, scale and appearance and consideration as to whether the proposal conflicts with the other policies of the CBLP is required.

The application seeks the demolition of an existing care home which comprised of accommodation for persons who require nursing or personal care, and the erection of a larger new care home, comprising of 60 beds. Both the existing and the proposed use fall within the C2 (residential institution) use class. As such, the use is deemed appropriate to the site. It is considered that the proposed development is acceptable in principle subject to compliance with all other relevant policies within the Development Plan.

Design (Layout and Scale)

Policy SE1 (Design) of the CELPS sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings.

The proposal is for a single detached care home building with matters of appearance reserved for later approval.

Layout

In terms of layout, the building would sit centrally within the application site. The existing buildings occupy 1154 m² and the new building would occupy 1390 m². It is considered that the site can accommodate this 17% increase in footprint. The front portion of the application site would comprise the parking and access provision. In general terms, the front quarter of the proposed building would be three storey and the rear 3/4s would be two storey.

The submitted layout shows that the building would be inset from the highway (west) by approximately 21 metres, the southern boundary of the site by 14.4 metres, the rear of the plot (east), by approximately 21 metres and the northern part of the plot by approximately 6.2 metres, at the minimum.

Parking is proposed between the principal elevation and the highway. This will also allow for deliveries to be taken away from the site frontage. The remainder of the land within the plot is shown to be either grassed, planted and a footpath created.

The inset of the frontage building within the plot would respect the building line of the closest roadside properties to the north and south respecting the local layout in this regard. The proposed building would be elongated on an east to west axis respecting the elongated shape of the plot. The provision of shared private amenity space to the rear is appropriate.

As a result of the above reasons, the layout of the scheme is considered to be acceptable.

Scale

Levels are a significant consideration for this application. Early in the process details of existing, proposed and slab levels were requested. Levels information was further requested in response to a request by the council's landscape and forestry officer. This information was requested in order to make an effective assessment of various matters including design, particularly scale.

The building would include a three storey (with a maximum height of 12 m) portion at the front of the site, facing Sandbach Road North and then would be reduced to two storey (with a maximum height of 9.3 m) for the remaining, and majority, of the building. The existing building is single storey with varying roof heights (the maximum height is 5.7 m) and it is recognised that the area is characterised by a mix of house types, including two storey dwellings along Cherry Lane Estate, two storey dwellings on Rowan Close and two storey dwellings along Denford Place.

The existing site levels mean that the dwellings on Rowan Close and Denford Place are significantly higher than the application site. When considering Rowan Close, the submitting sectional drawings show that the proposed building will be 1.7 m taller than No. 3, Rowan Close due to the ground levels. When considering the relationship with Denford Place, the two storey element of the proposed building would be 3.2 m lower than the ridge height of No. 9, Denford Place due to the ground levels. When considering the relationship with Cherry Lane Estate, the two storey element of the proposed building would be 1.7 m taller than No.44, Cherry Lane Estate. When considering the three storey element of the proposed building, the ridge height of the proposed building would be 5.0 m taller than No. 52, Cherry Lane Estate.

Given that the levels increase from south to north and the surrounding, existing development being two storey the scale is considered to be acceptable in this location.

The parking will be located at the front of the building and this is the same as the existing parking scenario. The proposed development includes the loss of some of the grassed area of land at the front of the application site and replaced with parking. The proposed landscape plan shows a 4.5 m green 'buffer' along the frontage of the site with tree/hedge planting and landscaped areas on the corners of the application site. Whilst it is recognised that; as a result of the loss of some of the grassed areas at the front of the application site, given the location of the site in the settlement zone line and that a replacement green 'buffer' is proposed along the frontage, the proposed layout is acceptable in these terms.

Amenity

Policy GR6 (Amenity and Health) states that development will be permitted provided that the proposal would not have an unduly detrimental effect on amenity due to loss of privacy, loss of sunlight and daylight, visual intrusion, environmental disturbance or pollution, traffic generation, access and parking.

Supplementary Planning Document 2 (Private Open Space) (the SPD) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

The closest neighbouring properties to the proposed building would be the occupiers of the dwellings that enclose the site. These include the properties either side of the site frontage, the properties to the south and south-east on Cherry Lane and the properties to the north on Denford Place and Rowan Close.

The rear elevation of the dwelling No.3 Rowan Close would be approximately 16.6 metres away from the side elevation of the front building of the proposed development. This would adhere with the 13.8 metre minimum standard within SPG2 between rear and side elevations as the indicative elevations and floor plans suggest that two openings are proposed at ground level. No.3 Rowan Close is also sited at a higher level than the application site as indicated on the section data provided. As such it would appear as though the proposal would not create any significant concerns in relation to loss of privacy, light or visual intrusion to this side. Any concerns regarding overlooking could be addressed with the inclusion of an obscure glazing condition.

The rear of No.2 Rowan Close would be over 35 metres away from the closest aspect of the proposed care home. This comfortably adheres with the minimum separation distances. For this reason and the higher level to which this neighbouring property sits compared to the application site it is considered that the proposed development would have no significant impact upon this neighbouring property in relation to; privacy, light or visual intrusion.

The rear elevations of the closest properties on Denford Place would be between 17.3 and 22.7 metres away from the side elevations of the proposed building. At this juncture the difference in levels between the site and the closest dwellings off-site is the most extreme. The closest properties on Denford Place are at a significantly higher level. This is indicated on the site sections provided (section B-B).

The relationship between No.9, Denford Place and the development is the closest the proposed development comes to any of the surrounding neighbouring properties. The northern side of the building proposed would be approximately 17.3 m away from the rear elevation of this neighbouring dwelling but it is noted that the section B-B shows the ground level of No. 9 to be the same as the eaves level of the proposed building. As such it is not considered that there would be a significant impact on the amenity afforded to the occupiers of No. 9 as there will not be any overlooking or overbearing impact as a result of the development.

On the side elevation of the dwelling, facing this dwelling, according to the indicative drawings, there would be no windows in the first floor section of the building at this section which would avoid any potential amenity issues for the occupiers of this part of the building.

With regards to No's 7, 5 and 3 Denford Place, the occupiers of these dwellings too, because of the land levels would overlook the site rather than be impacted themselves with regards to the above considerations.

The properties to the rear (east) and much of the south of the site, namely No's 34, 36, 38, 40, 42, 44, 46 and 48 Cherry Lane are positioned between 27 and over 40 metres away from the closest aspects of the proposed care home. Given that the rear portion of the building is to be two storey, this relationship is not considered to be contentious in amenity terms.

No's 50 and 52 Cherry Lane would be the closest properties to the south of the proposed development. The side/rear corner of No. 50 Cherry Lane would be approximately 19 m away from the closest aspect of the development.

The closest part of the proposed development to this neighbouring dwelling would be the southern side elevation of the front block (which is three storey but includes a two storey appendage closest to the shared boundary with No. 52). It is shown on the indicative elevations and floor plans that this side elevation would include no windows. Furthermore, this aspect of the development would be offset from the rear elevation of this neighbour. The directly opposing aspect of the development to the rear elevation of No.50 Cherry Lane would be approximately 18.7 m away from this neighbour's rear elevation. The eaves height of this side elevation would be 5.6 m and it is deemed that this would be sufficiently far enough away from this neighbour not to create any significant concerns with regards to loss of privacy, light or visual intrusion. The rear elevation of No.52 Cherry Lane is off-set from the side elevation of the front block of the proposed development so not to create any direct loss of privacy. Furthermore, as indicated on the indicative plans, there would be no windows in the side elevation facing No. 52.

With regards to the future occupiers of the care home itself, although the proposed outside space is not significant, sufficient shared private amenity space is proposed.

Concerns were originally raised about the loss of privacy for the future occupiers of the care home from the properties to the north of the site, particularly No.9 Denford Place, due to its elevated position compared to the site and the proximity to the development. To address this concern, the applicant has amended the indicative drawings to show that the part of the care home (at first-floor level), directly opposing this neighbouring dwelling would no longer include any sole windows to principal habitable rooms that would directly oppose this neighbouring unit. It is considered that this would overcome this concern. There are no significant concerns about the ground-floor windows of the care home due to the acute angle to which they would be to this dwelling.

The Council's Environmental Health team have advised that they have no objections, subject to a number of conditions.

Although matters of appearance are not sought as part of this application, it is considered that the proposed development is considered acceptable in amenity terms.

Highways and Access

The site is located just north of Alsager and approximately 1.5km north of the town centre. It is accessed from Sandbach Road North and contains a small car park.

The proposal is to demolish the existing 30 bed care home and replace it with a 60 bed development with 29 parking spaces and an amended vehicle access off Sandbach Road North.

Safe and suitable access

To determine the design speed and visibility requirements, a 7 day speed survey has been carried in the vicinity of the site access. This indicated a design speed of approximately 37mph.

It has been proposed to relocate the access slightly to the north away from the bend to the south, to improve the visibility to 55m to the south and 59m to the north. There have also been no recorded accidents at the access over the 5 years previous to the existing development closing. The visibility splays that have been shown on a plan are therefore considered acceptable.

There is no safe pedestrian access available from the site to any destination in the wider area, including to any public transport services, and the development will be a car dominated one. This is not something that would usually be encouraged but this is the reality of the existing care home development and any potential uplift in vehicle or person trips as a result of the extension will be minimal. The lack of footway is therefore not considered to be a reason to withhold planning permission in this instance given the existing lawful use.

Parking

Staff working patterns would be over a number of shifts. There would be a maximum of 17 staff on-site at any given time including nurses, kitchen staff, admin staff, and cleaners.

Taking into consideration the maximum number of staff on site at any one time and the number of bedrooms, the proposal will accord with CEC parking standards.

Network Capacity

The proposal would generate around only 10 vehicle trips during the network peak hours and approximately 15 during the development's peak hour. The net impact of the proposal is even less than this when considering the existing use. The impact upon the local and wider road network would be negligible.

In conclusion, the access and parking proposals are acceptable and no objection is raised subject to conditions relating to a construction management plan and visibility splays.

Landscape

The latest plans and sections propose a line of gabions to the north of the building. The separation from boundary vegetation in this area has not been increased and with proposed vegetation reduction/removal towards the front of the site there may be some loss of screening.

Should the development be deemed acceptable, the structural landscape proposals on plan AC/PAW1C are reasonable. In the event of approval it may therefore be appropriate to condition an overall scheme to encompass the details of hard and soft landscape proposals.

Trees

The submitted AIA indicates that three individual grade C trees, one grade C group and part of a grade C tree group together with one grade B tree would be removed to accommodate the development. One further tree would be removed on grounds of poor condition. The report

indicates no tree pruning would be required to accommodate the development although a possible post development arboricultural management strategy is referenced. Proposals are provided for the protection of retained trees, including hand excavation where works are proposed near tree RPAs.

The grade B Ash tree to be removed is not exceptional. The proposed removal of vegetation in Group G1 on the northern boundary of the site, adjacent to No. 3, Rowan Close would reduce screening and space for replacement planting would be restricted by proposed new stone gabions. The submitted landscape plan shows the retention of the existing vegetation along the shared boundary with No. 3, Rowan Close and it is not considered that the reduction in screening would constitute a reason for refusal in this instance. It is also recognised that, as detailed within this report, the levels change across the site mean that screening on this side of the application site is not a particularly sensitive issue.

It would be necessary to apply a condition to secure strict adherence to the tree protection measures as detailed in the report.

Flood Risk and Drainage

The application site falls within a Flood Risk Zones 1 and does not require the submission of a Flood Risk Assessment (FRA) or sequential test.

The Council's Flood Risk Officer has raised no objections, subject to a condition for the prior submission/approval of a drainage strategy.

As such, subject to the implementation of the proposed conditions by the above consultees, it is considered that the proposed development would adhere with Policies GR20 of the CBLP and Policy SE13 of the CELPS.

Ecology

The Council's Nature Conservation Officer has advised that he has no objections, subject to conditions relating to breeding birds, biodiversity enhancement and landscaping. Subject to these conditions, it is considered that the proposal would adhere to Policy NR2 of the CLPB and Policy SE3 of the CELPS.

CONCLUSION

The proposed development is considered to be acceptable as a matter of principle and is of appropriate scale and design that will not have a detrimental impact on neighbouring amenity, highway safety, protected species or trees and meets the policy criteria of the policies listed within this report.

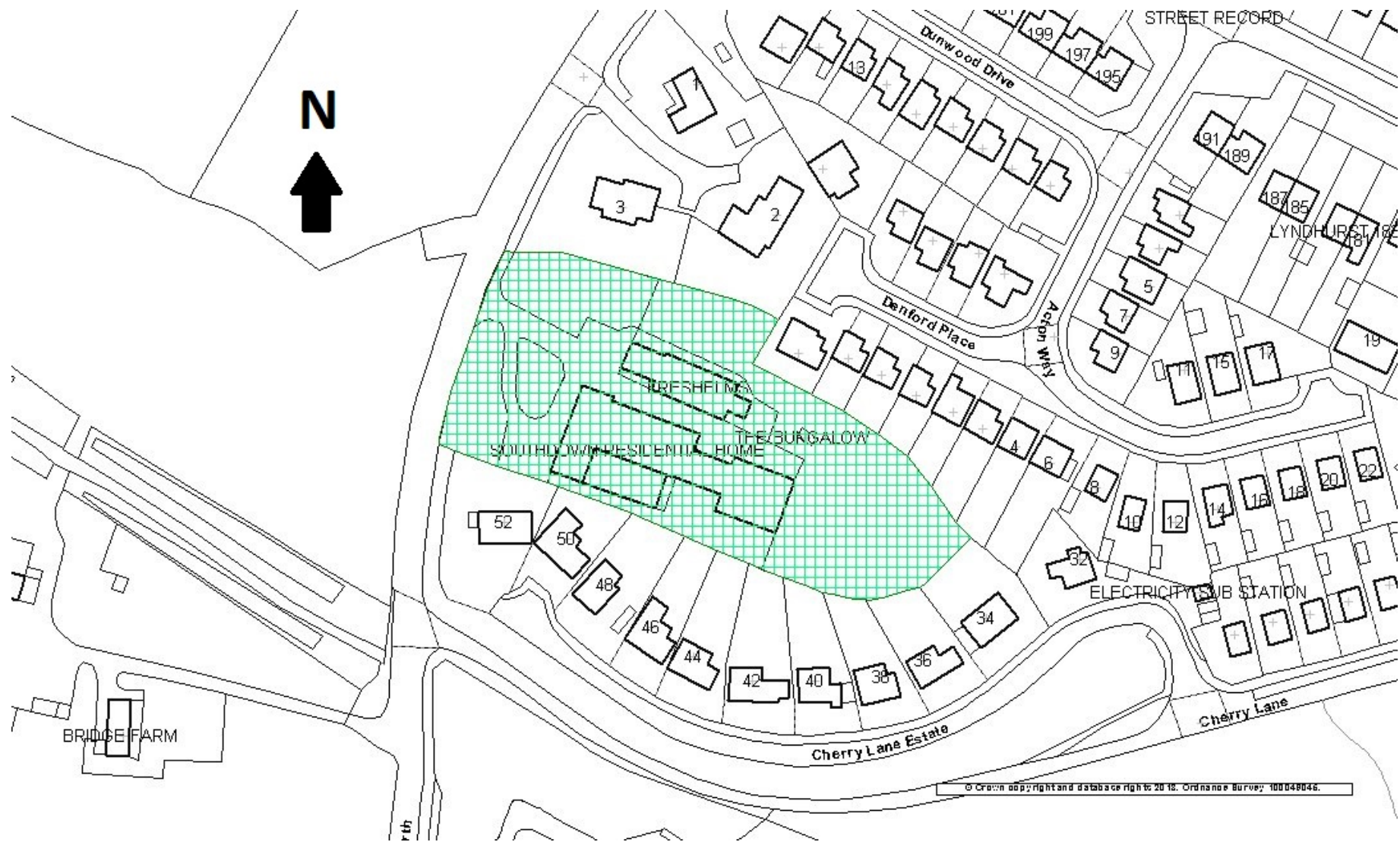
Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications to be determined in accordance with the Development plan unless material considerations indicate otherwise. The proposed development, subject to conditions, is deemed to be in general compliance with the Development Plan and it is therefore recommended that Outline planning permission be granted.

RECOMMENDATION

Approve subject to the following conditions

- 1) Standard 3 years**
- 2) Approved plans**
- 3) Materials for submission**
- 4) Boundary treatment pre first occupation**
- 5) Kitchen extraction details pre first occupation**
- 6) Piling**
- 7) Dust Management Plan (DMP)**
- 8) Travel Plan**
- 9) Electric Vehicle Charging**
- 10) Land contamination**
- 11) Verification report**
- 12) Soil importation**
- 13) Unidentified land contamination**
- 14) Drainage**
- 15) Tree protection**
- 16) Construction Management Plan (CMP)**
- 17) Visibility splay**
- 18) Landscape scheme as per application**
- 19) Landscape implementation**
- 20) Breeding birds**
- 21) Biodiversity enhancement**

In order to give proper effect to the Southern Planning 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.



Application No: 19/4463C

Location: Land At Former Alsager Arms Hotel, SANDBACH ROAD SOUTH, ALSAGER

Proposal: Erection of a residential building comprising 18 self-contained one-bedroom specialised supported living apartments together with associated open space and car parking (Use Class C3).

Applicant: C/O Agent, HB Villages Developments Limited

Expiry Date: 03-Apr-2020

SUMMARY

The application site lies within the Alsager settlement boundary where Plan Policies advise that new development is in principle acceptable, subject to compliance with all other relevant policies of the development plan.

The application site is a brownfield site in a sustainable location, where the Alsager Arms Public House was previously situated. The Public House was demolished in 2016, and permission was granted for the demolition of the existing pub hotel building and construction of 14no. apartments (16/1024C) which is still implementable subject to the approval of a reserved matters application. The principle of residential development on this site is fully supported by Development Plan policy and the national planning policy framework.

The proposal is for a similar three storey building; however the use is specifically for 18 self contained one-bedroom specialised supported living apartments, but classified as C3, which is a social benefit to the scheme.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, and the associated economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Matters of landscape, trees, design, highway safety, drainage, flooding, and amenity, are considered to be acceptable subject to conditions.

The concerns regarding the impact on the bungalows opposite the site, as a result of overlooking, are acknowledged, but the proposal complies with the separation distances for residential development and the impacts are considered to be within acceptable standards.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development is considered to be in general compliance with the relevant policies of the Development Plan and it is therefore recommended that planning permission should be granted subject to conditions.

RECOMMENDATION

APPROVE with conditions

REASON FOR REFERRAL

This level of development would usually be delegated to officers to consider however Cllr Fletcher has called this application in for the following reasons.

‘This is a three storey proposal and there are bungalows opposite. This development will tower above those bungalows and the people who live in them have serious concerns’

PROPOSAL

This application seeks full planning permission for the erection of a residential building comprising 18 self contained one-bedroom specialised supported living apartments together with associated communal open space and car parking.

SITE DESCRIPTION

The application site relates to a vacant site, where previously the former Alsager Arms was situated. The Public House was demolished around 3/4 years ago. The application site is situated within the Alsager settlement boundary adjacent to a level crossing for the Alsager train station, on Sandbach Road South.

The application site is triangular in shape, with trees located on the periphery of the site.

A site visit was carried out to the site on 9th October 2019.

RELEVANT HISTORY

There has been a large number of applications on the site which relate to the former use as a public house, however the applications below are most relevant to the proposed application.

16/1024C - Demolition of existing pub hotel building and construction of 14no. apartments – Approved subject to a S106 Agreement and condition 15th August 2017

16/1959C - Prior approval of Proposed demolition of vacant and derelict public house – Determination – approval not required stage 1 - 19th May 2016

NATIONAL & LOCAL POLICY

National Policy

National Planning Policy Framework
Planning Practice Guidance

Local Plan Policies

Cheshire East Local Plan Strategy

MP1 (Presumption in favour of sustainable development)
PG1 (Overall Development Strategy)
PG2 (Settlement Hierarchy)
SD1 (Sustainable Development in Cheshire East),
SD2 (Sustainable Development Principles),
SC1 (Leisure and Recreation)
SC2 (Indoor and Outdoor Sports Facilities)
SC4 (Residential Mix)
SC5 (Affordable Homes)
SE1 (Design)
SE2 (Efficient Use of Land),
SE3 (Biodiversity and Geodiversity)
SE4 (The Landscape),
SE5 (Trees, Hedgerows and Woodland),
SE 6 (Green Infrastructure)
SE 7 (The Historic Environment)
SE13 (Flood Risk and Water Management)
IN1 (Infrastructure)
IN2 (Developer Contributions)
CO1 (Sustainable Travel and Transport)
CO4 (Travel Plans and Transport Assessments)

Saved policies of the *Congleton Borough Local Plan*

PS4 - Towns;
GR6 - Amenity and Health,
GR9 - Accessibility, Servicing and Parking Provision – New development,
GR20 - Public Utilities,
GR22 - Open Space Provision,
NR2 - Wildlife and Nature Conservation – Statutory Sites,
RC12 - Retention of Existing Community Facilities

Alsager Neighbourhood Plan (Made 15th April 2020)

H1 Type and mix of new housing
H2 Climate Change and housing
H3 Infrastructure and Sustainable development
H4 Size, scale and density of new housing developments
H5 Affordable housing
H6 Housing Design
NBE1 Open Space and recreation
NBE4 Woodlands, trees and hedgerows

NBE5 Wildlife and housing
NBE6 Development affecting heritage assets and their setting
TTS3 Car parking and electric charging points
TTS5 Footpath, bridleway and cycle networks
TTS6 Infrastructure
TTS9 Drainage – Sustainable urban drainage systems design and management
TTS10 Surface water

CONSULTATIONS

Strategic Highways Officer – No objections subject a condition for a construction management plan

Strategic Housing – No objections

Environmental Protection- No objections, subject to conditions noise mitigation, travel information pack, Electrical Vehicle Infrastructure, low emission boilers, contaminated land conditions and informatives for piling foundations, dust control, contaminated land

ANSA Open Space – No objections

Environment Agency – No objections

Flood Risk Manager – No objections, subject to conditions for a detailed drainage strategy and surface water drainage, and levels details

United Utilities – No objections subject to condition for implementation of drainage plan

Network Rail – No objection subject to informatives

Alsager Town Council [7th May 2020] – Objects to the application on the following grounds;

- Overbearing – the height of the building compared with adjacent properties
- Does not comply with H6 housing design of the Alsager Neighbourhood Plan

REPRESENTATIONS

2 letters of representation have been received from neighbouring properties, and a further letter from Cllr Buckley. The main objections raised include;

- 3 storey building is too tall and will overlook the bungalows on the opposite side of the street, causing loss of light and privacy
- Concerns raised over the proposed future occupiers of the building, who need specialist supported living located adjacent to a railway crossing
- The building is too close to the road/path
- There is an existing flooding issue on the application site on to the road and this application will make the flooding situation worse
- Objections raised to any development over 1 storey in height
- Concerned that there is enough development in Alsager

OFFICER APPRAISAL

Principle of development

The application site is situated within Alsager which is allocated as a Key Service centre within the Policy PG2 of Cheshire East Local Plan Strategy, where development of a scale, location and nature that recognises and reinforces the distinctiveness of each individual town will be supported to maintain their vitality and viability.

As the site falls within the Alsager Settlement Boundary, the proposal is subject to saved Policy PS4 of the local plan. Policy PS4 advises that within such settlement boundaries there is a presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies in the local plan.

Policy H4 of the Alsager Neighbourhood Plan sets out that new housing within the built up area of Alsager will be supported within the following categories;

- Infill Development
- The redevelopment of brownfield sites where they are proven to be no longer suitable or capable of being used for their existing use and where the development proposed satisfies in all other respects the policy in this plan,
- The re-use, conversion or adaption of permanent, structurally sound buildings of substantial construction which would lead to a positive enhancement to the character of the immediate area...
- Backland development will be resisted.

The application site is a brownfield site, where the Alsager Arms Public House was previously situated. The Public House was granted permission for demolition in 2016, and this was implemented. At the same time an outline application, with all matters reserved was granted also for the demolition of the existing pub hotel building and construction of 14no. apartments (16/1024C) which could still be implemented, subject to a reserved matters application being submitted and approved.

The proposal is for a similar three storey building; however the use is specifically for 18 self contained one-bedroom specialised supported living apartments, but still classified as use class C3.

As such, new housing in the settlement boundary would be deemed to be acceptable in principle, subject to its adherence with all other relevant local plan policies.

Design

There are a range of national and local planning policy to support the need for high quality, distinct local design in this location from the NPPF down. Local Plan policies SD1, SD2 and in particular SE1 as well as the clear guidance set out in the Cheshire East Borough Design Guide and the more locally focussed Alsager Neighbourhood Plan all point to the:

“... need for design quality and requires that development proposals make a

positive contribution to their surroundings. Delivering a sense of place, respecting local distinctiveness and heritage assets...”

Cheshire East Borough Design Guide, 2017: Policy SE1, para i|23 p.12

Policy H6 (Housing Design) of the Alsager Neighbourhood Plan sets out that new development within the Plan area must demonstrate good design. Some of the criteria's within the policy are;

- *Complementing and enhancing where appropriate the size, height, scale, mass rural skyline, materials, layout, access and density of existing development in the plan area,;*
- *Assessing any impact of the development upon local heritage assets or areas of local interest,*
- *The use of good quality local materials such as Cheshire brick, as well as more innovative materials will be encouraged provided they are sympathetic to the context in which they are proposed and maintain the local vernacular and enhanced sense of place;*

It is considered that this is an important gateway site that lies within the setting of the Alsager Conservation Area and is in close proximity to the locally listed railway station that led to the expansion of the town in the 19th Century. As such it can be argued that a well-designed, locally distinctive and sympathetic building is especially required in a location such as this.

The location of the proposed building on the site is supported as it strengthens the southern gateway to the town centre. The proposed Car parking is well-located and the landscape scheme (as far as presented) seems broadly appropriate. The Design Officer notes that the reasons for the lack of activity/entrances to the main Sandbach Road elevation, is caused by the operational need to have access to the rear, and although this is regrettable, it is understood. Amendments have been made to help improve the visual appearance of the building on the frontage.

There were some initial concerns about the scale and massing of the building as a result of the tall and flat frontage to Sandbach Road which was lacking in depth and articulation. However, after discussions with the applicant, the revised proposals have addressed the initial concerns effectively, with the perceived scale and dominance reduced appropriately.

Although the materials will be subject to conditions, the Design Officer considered that the detail shown are appropriate local materials, such as the use of red bricks and slate-effect tiles, whilst with the use of grey uPVC windows and grey Trespa cladding can be seen as an attempt to inject a *‘fresh modern feel to the street’* as outlined in the Cheshire East Borough Design Guide (ii|43 p.20), and in accordance with Policy H6 of the Alsager NP.

The Council's Design Officer considers that the avoidance of pastiche and the attempt at a fresh and modern approach is welcomed and although there was initially little evidence of a meaningful study of local vernacular some limited additional context work was carried out and the scheme is better for this. In particular, the greater depth to the elevations and the verticality of the fenestration is appreciated.

Therefore it is considered that the design development completed during the course of the planning process, this proposal now meets the design threshold stated above, and therefore

will be inkeeping with the surrounding streetscene, and is of a character and appearance which is suitable for its proposed use in this location.

Residential Amenity

Policy GR6 (Amenity and Health) of the Local Plan, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties via loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Guidance Note 2 (Private Open Space) sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity space that should be provided for new dwellings. It states that 21.3 metres should be maintained between 2 principal elevations and 13.8 metres should be allowed between a principal and flank elevation.

Policy H6 (Housing Design) of the Alsager Neighbourhood Plan sets out that new development within the Plan area must demonstrate good design. One of the criterias within the policy is,

‘ Demonstrating that the amenities of neighbouring dwellings will not be adversely affected through overlooking, loss of light or outlook, or over-dominance or general disturbance’.

The closest neighbouring properties to the application site would be the occupiers of, the properties to the north-east of the site, on the opposite side of Sandbach Road south. These properties are single storey bungalows.

The proposed building will be sited approximately 23m away from the opposing neighbours with the Sandbach Road South.. The proposal therefore meets the current separation standards. The proposed building will be sited on a similar footprint to the previously approved indicative scheme on the site, and former public house albeit slightly longer towards the south east of the site adjacent to the railway line.

The proposed plans have been amended to help reduce the over visual impact of the building on the streetscene and neighbours. Whilst it is acknowledged that currently the site is vacant and therefore a new three storey building, with a maximum height of 10.5m at the apex, will appear quite prominent, the site previously had a two storey building on it, and there is an outline permission on the site with an indicative building of a 10.5m height, of three storeys. . The proposed building is 9.8m on the road frontage, increasing to 10.5m at its highest point. Both the proposed building and earlier outline permission have a distance of at least 23m from the neighbours on the opposite side of the road. It is therefore considered that the development will not have a significantly increased impact on neighbouring amenity by means of overshadowing or overbearing impact when compared to the previous situation or the indicative scheme which has outline permission on the site.

The current proposal includes a number of bedroom and living room windows on the front elevation facing towards the bungalows and therefore there will be an impact arising from the development. However, as the separation distances are met it is considered that the impact on the amenity of the occupiers of nearby property will be acceptable and is compliant with policy.

Furthermore, there will also be a landscape buffer and boundary treatment on the frontage which will help to mitigate over looking at ground floor level.

To the north west of the site is a small retail unit and Alsager Heath Centre, and to the south is the railway line and Alsager Station.

With regards to the amenity impact on the future occupiers of the site, Network rail have been consulted on the application and have raised no objections to the proposal in principal, but have outlined a number of informatives and legislation/legal requirements which the applicant must adhere to whilst constructed the proposed development and safeguarding potential 'vulnerable users' using the level crossing. These can be added to any permission and dealt with under Network Rail legislation.

Similarly the Council's Environmental Protection department have been consulted and have raised no objections to the proposal subject to a number of conditions for the implementation of the noise attenuation report, travel plan, electric vehicle infrastructure, low emission boilers, contaminated land, and soil information; and informatives for piling foundations, dust control, construction hours and contaminated land

There is a communal garden proposed for the occupants, which is a typical living arrangement for occupiers of apartments within town centres. Furthermore there is an area of Public Open Space to the north of the site less than 100m away which is a reasonable distance for the future occupier to walk to and utilise.

As such, subject to the above suggested conditions, from the Council's Environmental Protection Officer, the proposal is considered to be acceptable.

Landscape

The site is within the settlement boundary for Alsager and is previously developed land south west of Sandbach Road South. There are residential properties on the opposite side of the road, commercial property to the west, and railway line to the south, separated by a private drive.

Existing boundary treatments comprise a screen wall to the south, a low wall and railings to the west with trees beyond and a low wall along a section of the road frontage.

A landscape layout plan has been submitted with the revised scheme plans and the Landscape officer considers them to be reasonable. The Landscape Officer considers that in the event of an approval of the development, a detailed and fully specified landscape scheme will need to be sought by condition, together with specific details of hard landscaping materials and design details for boundary treatment.

Trees

There are no significant trees on the site although there are off-site trees on land to the west some of which overhang the site. Some of the trees to the west are subject to TPO protection.

The submission is supported by an Arboricultural Impact Assessment (AIA). The report identifies potential impacts for trees associated with branches overhanging car parking spaces and any resurfacing of the car park. Recommendations are made for pruning of overhanging branches and for any resurfacing of the car park employing precautionary construction measures.

The Forestry Officer notes that drainage strategy plan provided on 21 July 2020 does not reflect the building position and car park layout as proposed on the latest layout plan received on 3rd June 2020, and therefore these will need updating.

The drainage plan indicates pipe work to connect to an existing watercourse will encroach into tree rooting areas, however, hand digging is proposed by the applicant. The Forestry Officer notes that this will need a site specific methodology and arboricultural supervision.

The Forestry Officer notes that in view of layout amendments during the course of the application, elements of the original arboricultural report are no longer directly relevant and some of the proposed tree pruning measures appear excessive. The Forestry Officer considers that these issues can be addressed by conditions.

As such, it is considered that subject to conditions for the submission of a Tree Protection Scheme, Tree Pruning Specification and an Arboricultural Method Statement, the proposal is acceptable.

Access and Parking

The same access from Sandbach Rd South will be used as was used for the Public House that previously existed on the site.

The Strategic Highways Officer states that the access has operated safely for a number of years and will have sufficient width to cater for the development, and the use of the existing access is considered acceptable.

The support living accommodation is for vulnerable adults with a range of disabilities and car ownership will be low among occupants. The majority of parking will be from the 5 support staff associated with this development and from visitors. 16 parking spaces are proposed and this parking space to bedroom ratio is similar to other supported living developments from this applicant in Cheshire East, and is also considered to be sufficient in this instance. A scooter/cycle store is also provided within the site.

The site is also located adjacent to the railway station and from bus stops on Sandbach Road South and Crewe Road which will allow travel to and from the site by non-car modes feasible. There is also existing pedestrian footway provision available from the site to the wider area. This is a sustainable site location which complies with the accessibility criteria of policies SD1 and SD2 of the CELPS which seek to ensure that residential development is accessible by public transport, walking and cycling and provides access to local jobs, services, amenities and facilities.

Refuse collection can take place from the highway as is the case with existing development in this location.

Therefore the Strategic Highways Officer has raised no objections with the proposed development.

Flood Risk and Drainage

The majority of the site is located in flood zone 1; however there is a Main River, south of the proposed development. The Flood Risk Officer notes that an area of surface water risk (topographic low spot) sits within the proposed developments boundary, all existing risk should be managed and maintained within the boundary with appropriate boundary treatment. Additionally, any alterations in ground levels must be identified and managed. The Flood Risk Officer has therefore suggested two conditions to be attached to the permission to ensure suitable level of information is submitted prior to commencement of development.

The Environment Agency have also been consulted and note that the Excalibur Brook, which is designated as a 'main river', flows in culvert at the southern-western corner of the site. The EA have raised no objections to the scheme.

United Utilities have also been consulted on the application and raised no objections to the proposal subject to a condition for the implementation of the submitted Foul and Surface Water Drainage Design, and Management and Maintenance of Sustainable Drainage Systems condition.

As such, it is not considered that the proposed development would create any significant flooding or drainage concerns, subject to suitable conditions as set out below.

Open Space

In line with Policy SE6 all major developments (10 or more dwellings) should provide 65sqm of open space per dwelling. The Proposed Site Plan shows a communal garden and the Design and Access Statement states that 'the application scheme will be complemented by new landscaping and high-quality open space for residents'.

The Greenspaces officer has confirmed that in this instance the communal space provided as part of the application is sufficient and no offsite contribution is required in this instance due to the proposed use of the apartments.

Affordable Housing

Policy SC5 (Affordable housing) states that in developments of 15 or more dwellings in Principal Towns and Key Service Centres at least 30% of all units are to be affordable. The proposal is for 18 units, which would usually trigger an affordable housing quota. However, the Supported Living provided is a type of affordable provision (not in policy terms) but is legislated by a registered provider who grants an Assured Tenancy to the occupiers. The apartments are self-contained supported living apartments which include 24 hour on-site support and have been designed to ensure that the residents will be able to live as independently as possible. The Strategic Housing Officer has raised no objections to the proposal.

Education

The proposed one bedroom dwellings are not family homes and therefore will not impact on Education services provision. Therefore no education contribution is required in this instance.

Use Class

While the scheme falls within Use Class C3, there is an element of care involved in the use and in practice the site will operate in a similar nature to a sheltered housing scheme or care home. None of the residents will drive due to the nature of their additional needs, and parking is only really required for staff plus visitors.

The applicant has confirmed that a condition restricting the use to 'specialised supported living accommodation (Use Class C3)' is acceptable to ensure the site is not sold off as separate apartments unless a further application is submitted to and approved. This is considered necessary as the application has been assessed on this basis with matters such as car parking requirements and affordable housing acceptable based on the nature of the proposed use.

Other Matters

Within the objections received, concerns have been raised regarding the proposed occupants of the apartments and the location of the site adjacent to a railway level crossing. Network rail have been consulted on the application and have raised no objections to the proposal in principal. Although have set out a detailed informative for the applicant which includes safeguarding potential 'vulnerable users' using the level crossing. This is not a material planning consideration and will be dealt with under Network Rail legislation in association with the applicant/land owner.

Planning Balance and conclusion

The application site lies within the Alsager settlement boundary where Plan Policies advise that new development is in principle acceptable, subject to compliance with all other relevant policies of the development plan.

The application site is a brownfield site in a sustainable location, where the Alsager Arms Public House was previously situated. The Public House was demolished in 2016, and permission was granted for the demolition of the existing pub hotel building and construction of 14no. apartments (16/1024C) which is still implementable, subject to a reserved matters application.. The principle of residential development on this site is fully supported by Development Plan policy and the national planning policy framework.

The proposal is for a similar three storey building; however the use is specifically for 18 self contained one-bedroom specialised supported living apartments, but classified as C3, which is a social benefit to the scheme.

The proposal would bring positive planning benefits such as the provision of new dwellings in a sustainable location, and the associated economic benefits created in the construction of new dwellings and the spending of the future occupiers in the local area.

Matters of landscape, trees, design, highway safety, drainage, flooding, and amenity, are considered to be acceptable subject to conditions.

The concerns regarding the impact on the bungalows opposite the site, as a result of overlooking, are acknowledged, but the proposal complies with the separation distances for residential development and the impacts are considered to be within acceptable standards.

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications should be determined in accordance with the Development Plan unless material considerations indicate otherwise. The proposed development is considered to be in general compliance with the relevant policies of the Development Plan and it is therefore recommended that planning permission should be granted subject to conditions.

RECOMMENDATION

APPROVE Subject to conditions

- 1. Standard Time**
- 2. Approved Plans**
- 3. External Material details to be submitted**
- 4. Landscape scheme to be submitted (hard and soft landscaping and boundary treatment)**
- 5. Landscape Implementation Scheme**
- 6. Existing and Proposed ground floor Levels, and finished floor level to be approved**
- 7. Submission of a Tree Protection Scheme**
- 8. Submission of a Tree Pruning Specification**
- 9. Submission of a Arb Method Statement**
- 10. A detailed Drainage Strategy/design for surface water drainage**
- 11. Construction Management Plan**
- 12. Development to be carried out in accordance with the noise mitigation scheme**
- 13. Submission of Residents Travel information Pack**
- 14. Provision of Electric Vehicle Charging infrastructure**
- 15. Provision of Ultra Low Emission Boilers**
- 16. Submission of Contamination Remediation scheme**
- 17. Submission of a verification report in accordance with the remediation scheme**
- 18. Prior approval of a soil contamination verification report**
- 19. Development should stop if contamination is encountered**
- 20. Bin and Scooter storage to be made available prior to first occupation**
- 21. Supported Living condition**

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 Chair (or in his absence the Vice Chair) of Southern 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: 20/0921C

Location: 104, PORTTREE DRIVE, HOLMES CHAPEL, CHESHIRE EAST, CW4 7JF

Proposal: Proposal to increase the height of the brick pillars and install new quality feather edge timber fencing between the brick pillars along the right side garden wall

Applicant: Mrs Biggs

Expiry Date: 27-Apr-2020

SUMMARY

Main issues:

- The principle of the development
- The impact upon the character and appearance of the application property
- The impact upon neighbouring residential amenity

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application has been called in by Cllr Gilbert on the following grounds -

1. 'This is a retrospective application for a contentious development which is unpopular with nearby residents who consider that it is inappropriate by reason of its scale and appearance. As these are essentially subjective issues, it is considered that they should be decided by a committee of elected Members rather than a single Planning Officer. '

DESCRIPTION OF SITE AND CONTEXT

The application site is a two storey detached residential dwelling house located on a corner plot at the junction of Portree Drive and Arran Close within a established residential area within the settlement of Holmes Chapel. The house frontage is orientated to Portree Drive whilst its side gable, side walls and rear garden face onto Arran Close.

The plot is set in from the kerb on the Arran Close elevation with a fence line set within a

generous grass verge ranging in distance from 3.7m to 5.1m from the edge of verge/highway to the fence line.

The residential area is an extensive 1980's built estate with Portree Close being a major route from Selkirk Drive with numerous cul de sacs themselves feeding off Portree Close.

DETAILS OF PROPOSAL

This is a retrospective application for the retention of the side boundary wall which comprises 5 brick pillars with timber board inserts which has been increased in height to screen the outbuilding (application 20/0920C, considered separately on the agenda, concerns the outbuilding).

The works have been completed and this application is the result of a planning enforcement investigation.

RELEVANT HISTORY

26430/3 Extension over garage to front of house and other alterations - Permission granted 18/10/1994. Implemented

20/0920c - Construction of a timber framed shed, timber framed gazebo and decked area - considered elsewhere on this Agenda as this current application

POLICIES

Cheshire East Local Plan Strategy

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

Congleton Borough Local Plan

GR9 Highways

Holmes Chapel Neighbourhood Plan

The Holmes Chapel Neighbourhood Plan was made on 9th March 2017

CE5 - Character and Design

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

None

National Policy

National Planning Policy Framework (NPPF)

CONSULTATIONS:

Holmes Chapel Parish Council: NO objection

Neighbours

OTHER REPRESENTATIONS

Neighbour notification letters were sent to adjoining occupants

Neighbour comments have been received from 3 separate addresses raising objection to the proposal on the grounds of the following reasons:

- Appear to screen the metal shed (20/0920C), to which we also object. If that application was refused, we consider that this application should be refused also.
- The proposed high level of the new brick pillars and fencing will make it feel like we are looking onto a prison wall compared to the previous view we enjoyed, which was of established trees which were removed by the occupants at 104 Portree Drive in order to build the shed and spa area.
- This development and the wall will lower the attractiveness of this part of the estate and probably cause the values of nearby houses to fall. Neither will the wall limit let alone eradicate the increase in noise and light that from past experience can be expected from this location especially in the early hours of the morning

OFFICER APPRAISAL

Principle of Development

The principle of development within the settlement boundary is accepted provided that it accords with CELPS Policies SD1, SD2 and SE1 and Congleton Local Plan Policies GR6 and GR9. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

The policies of the Made Holmes Chapel Neighbourhood Plan also form part of the Development Plan. Policy CE5 of the HCNP relates to buildings rather than boundary treatments and is not considered directly applicable to this application.

Design & Character of the Area

Policy SD2 states that all development will be expected to contribute positively 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 the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

This proposal has been revised from the original proposal which involves the brick pillars of the wall being increased in height by varying amounts from the original height.

For the purposes of the table below, Pillar 1 is attached to the host property and pillar 6 forms the boundary with no 2 Arran Close. There is no change to the end pillars

<i>approx m</i>	<i>Original height m</i>	<i>Proposed height m</i>	
Pillar 1 2.4	Timber infill 2.37	Pillar 1 2.44	Timber infill unchanged
Pillar 2 2.388	Timber infill 2.21	Pillar 2 2.43	Timber infill 2.4
Pillar 3 2.3	Timber infill 2.06	Pillar 3 2.48	Timber infill 2.43
Pillar 4 2.17	Timber infill 2.14	Pillar 4 2.54	Timber infill 2.56
Pillar 5 2.15	Timber infill 2.30	Pillar 5 2.65	Timber infill 2.7 (high) 2.1 lowest
Pillar 6 2.1	fence ends	Pillar 6 2.1	fence ends

The table above demonstrates the increases in height of the fence, which takes account for the slightly sloping nature of the site. The original height of the boundary wall was in excess of 2m and there are other examples of high boundary treatments within the cul de sac and in the general area.

The increased height has been achieved by increases of between 3 and 8 courses of brick to each brick pillar and wall with timber infills inserted.

The chamfered fencing insert is a solution put forward by the Applicant as it is understood that they do not have the adjoining landowners consent to increase the height of the end pillar (no 6) adjacent to 2 Arran Close.

Whilst this results in a step down in the height of the fence at the end it is not considered to be detrimental to the character and appearance of the street scene so as to justify refusal of permission.

Some climbing plants have been attached to augment existing climbing plants on the original fence, which in time will further screen the area and soften the fence. Whilst this is a corner plot, the differing materials used and the set back away from the highway is considered to add visual interest and not detract from the character and appearance of the street.

It should also be noted that sizeable boundary fences are also located elsewhere in the cul de sac and surrounding area. Given the set backs from the street frontages involved, they are not considered to be overly dominant.

Overall, the screen fence is considered in keeping with the character and appearance of the residential area. The proposed development would comply with Policy SE1, SD1 & SD2 of the CELPS.

Impact on the Highway

Saved Policy GR9 of the Congleton Local Plan advises that development proposals should not have an adverse effect upon highway safety or traffic generation.

The plot is set in from the kerb on the Arran Close elevation with a fence line set within a generous grass verge ranging in distance from 3.7m to 5.1m from the edge of verge/highway to the fence line.

The proposal does not extend the fence line any closer to the highway and therefore has no impact upon the visibility on the highway. As a result, the visibility of the adjacent driveway at 2 Arran Close is unchanged by this proposal.

Overall, the proposal is considered to comply with Policy GR9 of the Local Plan

Conclusions

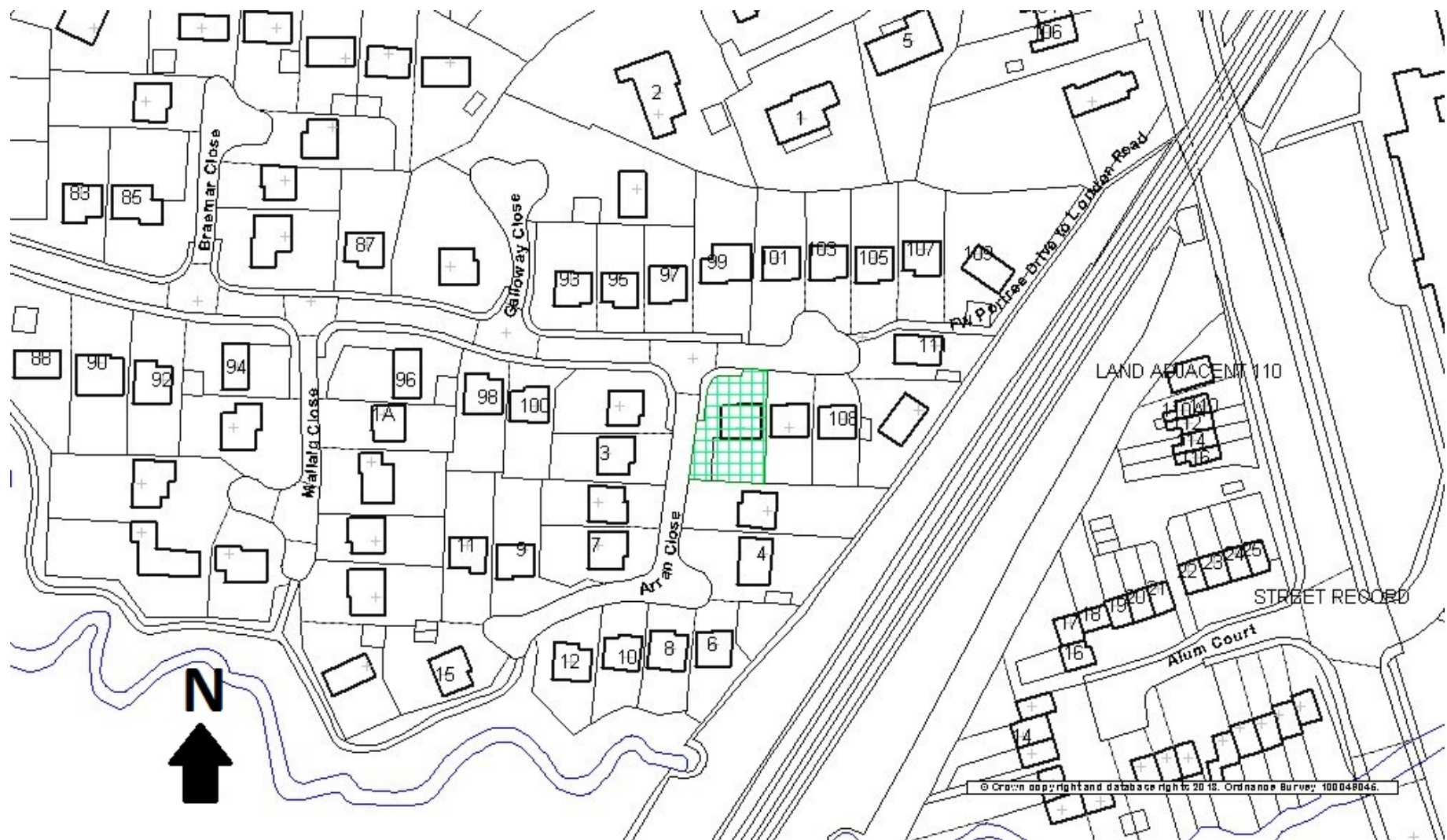
The proposal is considered to be in keeping with its environment and to have no impact upon the character and appearance of the area or highway safety and is thus considered to comply with the relevant Local Plan Policies, the NPPF and is recommended for approval.

RECOMMENDATION:

APPROVE subject to the following conditions

1. Approved Plans

In order to give proper effect to the Southern Planning 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.



Application No: 20/0920C

Location: 104, PORTREE DRIVE, HOLMES CHAPEL, CW4 7JF

Proposal: Construction of a timber framed shed, timber framed gazebo and decked area.

Applicant: Mrs Biggs

Expiry Date: 27-Apr-2020

SUMMARY**Main issues:**

- The principle of the development
- The impact upon the character and appearance of the application property
- The impact upon neighbouring residential amenity

RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

This application has been called in by Cllr Gilbert on the following grounds -

'This is a retrospective application for a contentious development which is unpopular with nearby residents who consider that it is inappropriate by reason of its scale and appearance. As these are essentially subjective issues, it is considered that they should be decided by a committee of elected Members rather than a single Planning Officer. '

DESCRIPTION OF SITE AND CONTEXT

The application site is a two storey detached residential dwelling house located on a corner plot at the junction of Portree Drive and Arran Close within a established residential area within the settlement of Holmes Chapel. The house frontage is orientated to Portree Drive whilst its side gable, side walls and rear garden face onto Arran Close

The plot is set in from the kerb on Arran Close elevation with a fence line set within a generous grass verge ranging in distance from 3.7m to 5.1m from the edge of verge/highway to the fence line

The residential area is an extensive 1980's built estate with Portree Drive being a major route from Selkirk Drive with numerous cul de sacs..

DETAILS OF PROPOSAL

This is a retrospective application for the retention of an outbuilding installed to the rear garden and comprising a shed/covered gazebo structure and deck to the rear garden of the dwelling. The mono-pitched -roof structure is sited adjacent to the rear side boundary with Portree Close and runs for the length of the side boundary.

The structure is 9.4m long along the boundary, 3.18m wide and 2.4m tall on the Arran Close facing elevation, rising to 2.67m tall at this highest point. The majority of the building is a 3 sided covered decking area/gazebo, whilst a fully enclosed shed measuring 3.475m x 2.571m also forms part of the structure.

An application for works to the fence (increased height) on the Portree Close elevation (20/0921c) is considered separately on this agenda

RELEVANT HISTORY

26430/3 Extension over garage to front of house and other alterations - Permission granted 18/10/1994. Implemented

20/0921c Proposal to increase the height of the brick pillars and install new feather edge timber fencing between the brick pillars along the right side garden wall - to be determined on the same Agenda as this current application

POLICIES

Cheshire East Local Plan Strategy

SD 1 Sustainable Development in Cheshire East

SD 2 Sustainable Development Principles

SE 1 Design

SE 2 Efficient Use of Land

Congleton Borough Local Plan

GR6 – Amenity and Health

Holmes Chapel Neighbourhood Plan - made on 9th March 2017

CE5 - Character and Design

Other Material Considerations

National Planning Policy Framework

CONSULTATIONS (External to Planning)

Jodrell Bank: No comments received

National Policy

National Planning Policy Framework (NPPF)

CONSULTATIONS:

Holmes Chapel Parish Council: No objection

OTHER REPRESENTATIONS

Neighbour notification letters were sent to adjoining occupants and a site notice posted.

Neighbour comments have been received from 4 separate addresses raising objection to the proposal on the grounds of the following reasons:

- Loss of residential amenity
- Dominates view from my property
- Design looks like a shipping container and is out of scale in residential area
- Increased noise late at night from the use of the “spa” for social purposes
- The deeds say a garden hut should not be visible from the road
- Industrial type appearance out of keeping

OFFICER APPRAISAL

Principle of Development

The principle of development within the settlement boundary is accepted provided that it accords with CELPS Policies SD1, SD2 and SE1 and Congleton Local Plan Policies GR6 and GR9. These policies seek to ensure, amongst other things, that proposals are not detrimental to neighbouring residential amenity and are appropriate in design and highway terms.

The policies of the Made Holmes Chapel Neighbourhood Plan also form part of the Development Plan and it is necessary to consider whether the development complies with Policy CE5 of the HCNP. This identifies that developments should comply with CEC design guidance and that design should be 'sympathetic to the character and local distinctiveness of the surrounding area'.

Design & Character of the Area

Policy SD2 states that all development will be expected to contribute positively 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 the development (the balance between built form and green/public spaces)
- Green infrastructure; and
- Relationship to neighbouring properties, street scene and the wider neighbourhood

Policy CE5 of the HCNP seek to ensure that new buildings are in keeping with their surroundings and safeguard the amenity of a street scene.

This assessment therefore needs to address the impact of this development upon the public realm. The views from within private realm are not protected in planning terms; the impact on the amenity of occupiers adjoining residential property is considered separately below.

The application is assessed on its own individual merits, but it also must be recognised that the fencing has been increased in height to screen the outbuilding.

This application was submitted very soon after the Planning Enforcement Officer visited this site, when the development was still in progress. The Applicant has continued to the completion of the outbuilding/covered deck structure and the works to increase the height of the side boundary fence (application 20/0921c refers) sited immediately adjacent to the development to which this application seeks to retain.

These works included painting and cladding of the outbuilding/covered deck structure and some landscaping/bamboo and trellis screen which has been attached to the end elevation of the structure. This has softened and domesticated the appearance of the outbuilding as viewed from the street when it is looked at from Arran Close.

This, when considered in conjunction with the retention of height of the boundary wall/insert timber board fencing (application 20/0921c refers), results in a development that is not detrimental to character and appearance of the area. A condition is recommended to ensure that for the duration that the outbuilding is in situ, that screening as detailed in application 20/0921c is retained.

The garden is sizeable and there remains adequate outdoor garden area laid to grass to not adversely affect the ratio of garden area to areas of built form within this plot. On this basis, the site remains residential in character.

Overall, subject to the retention of the screen fence at the increased height of that fence (which is considered under 20/0921c) it is considered that this proposal is in keeping with the character and appearance of the area. The proposed development would comply with Policy SE1, SD1 & SD2 of the CELPS and CE5 of the HCNP.

Impact on Residential Amenity

Saved Policy GR6 of the Congleton Local Plan advises that development proposals should not have an unduly detrimental effect on neighbouring amenity through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation.

The outbuilding structure, whilst a large structure is sited adjacent to the driveway of no 2 Arran Close and is not considered materially impact upon the amenity of those immediate neighbours.

Neighbours have commented about noise and disturbance associated with the outdoor covered decking area, however, the outdoor covered deck is enclosed on all sides except the garden elevation and it is not uncommon for residential occupiers to have a variety of structures within their private garden for their own enjoyment and the proposal does not comprise any change of use of the land. The proposal is for the domestic enjoyment of the applicant and is understood to provide a cover for a hot tub. Given the detailed design of the covered gazebo it is not considered that any residential noise associated would be detrimental to the amenity of neighbours.

In addition, such matters related to excessive noise associated with garden parties or the activities of private residents within private property are controlled under Environmental Health Legislation concerning environmental noise or anti social behaviour.

In planning terms a hot tub would be incidental to the enjoyment of the dwelling and such a facility could be protected from the weather by a portable awning. The detailed design of the covered decking area, by virtue of the closed walls and flat roof would, in any event, screen out noise audible at the boundary.

It is considered that there will be no material impact upon the amenity of neighbouring residents in planning terms. Noisy parties, as alleged in neighbour representations would be controlled under separate legislation.

Overall, the proposal is considered to comply with Policy G6 of the Congleton Local Plan

Conclusions

The proposed development, subject to the condition suggested below, it is considered to be of an acceptable siting and design and would not unduly affect the character of the area or the residential amenity of the surrounding dwellings. As such the development is considered to comply with the relevant Local Plan Policies, the NPPF and is recommended for approval.

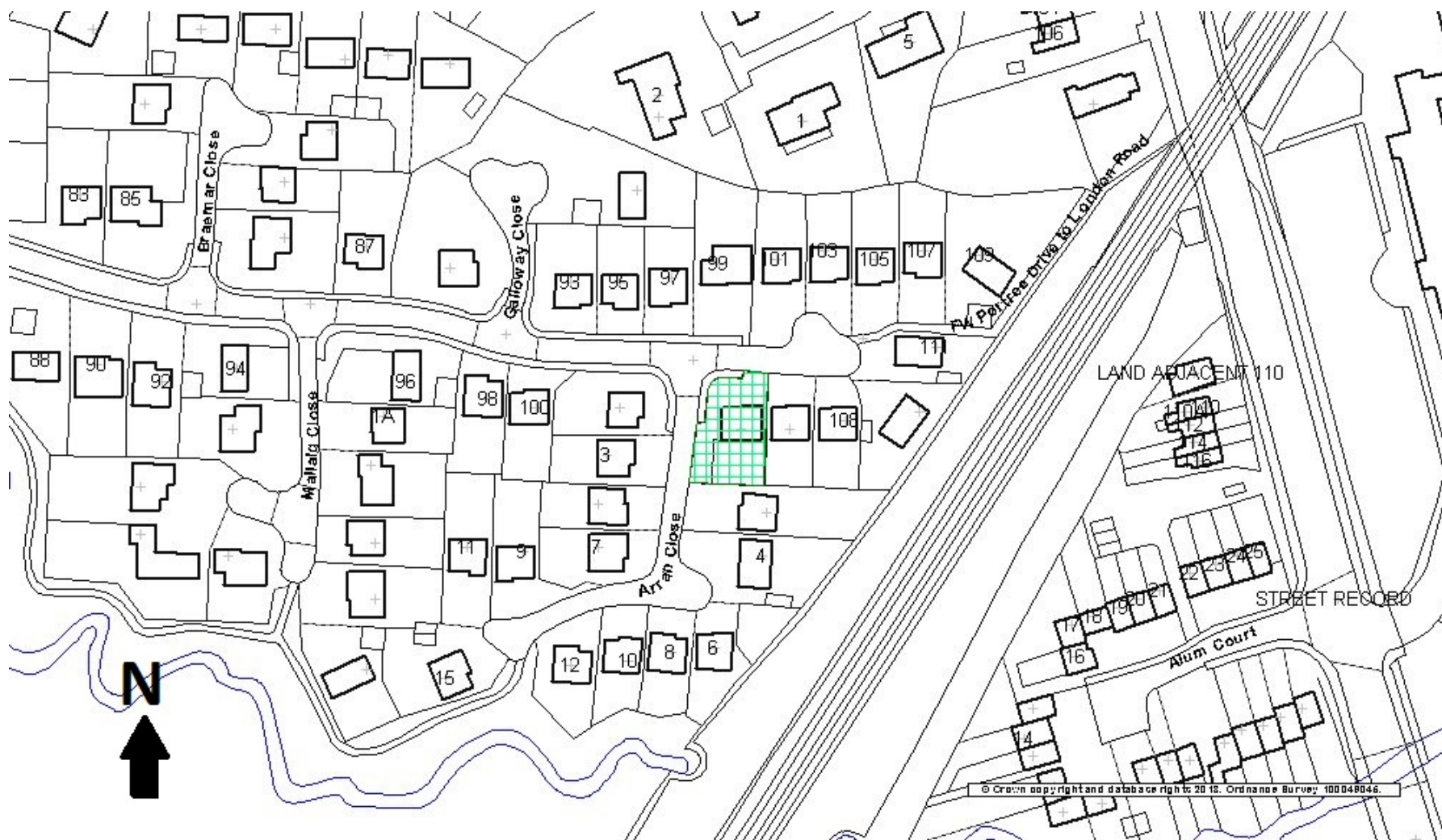
RECOMMENDATION:

APPROVE subject to the following conditions

- 1. Approved Plans**
- 2. Within 28 days , a scheme to provide screening for the outbuilding hereby approved shall be provided to the Arran Close elevation. The screening as approved shall be**

completed within 2 months and thereafter be retained for as long as the building the subject of this permission is in situ.

In order to give proper effect to the Southern Planning 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: 20/1769C

Location: 71, MANCHESTER ROAD, CONGLETON, CW12 2HT

Proposal: This application is for professional car valeting and hand carwash facility at existing vacant off Manchester Road, Congleton, CW12 2HT.

Applicant: Akbar Shah

Expiry Date: 24-Jun-2020

Summary

Full planning application for a car valeting and hand carwash facility at a vacant commercial site on the Manchester Road in Congleton. The site is located within the settlement zone boundary.

It is considered that the principle of development on the site is acceptable in the context of surrounding uses. In addition, that the impact on residential amenity would not be unduly detrimental given the distance from residential properties and the level of existing background noise in the area, and with recommended conditions to restrict the use. The impacts on the public highways network are considered to be minimal with safe access and egress and sufficient on site parking. The application is therefore in accordance with adopted planning policy and is recommended for approval.

RECOMMENDATION: Approve, subject to conditions

Reason for Report

The application is to be presented at Southern Planning Committee due to being called-in by an elected Ward Councillor, in accordance with the Council's Constitution.

The call in was made for the following reasons:

- Does not comply with Policy SD2 – whilst the site is a commercial operation it does not comply with many of the guidelines and policies that CEC use.
- The 'security fencing' is see-through and does not prevent noise disturbance or air borne chemical spray to the surrounding houses.
- Residents are being asked to comment on a plan which would have a significant impact on their residential amenities, but many of the residents that will be living in the direct line of site of the proposals have not moved in yet, and may have bought their house off plan. They would not know about this application as it would not have arisen when searches were carried out.

- This is a significant residential, not a commercial area. It is not acceptable that where other properties have been required to comply strictly with planning design policy, that this site should be excused from conforming to these policies just because it is a commercial site. The policies below (SE1 of the CELPS) do not say that these rules can be relaxed just because the site is commercial.

Site Description and Context

The site consists of a rectangular, vacant commercial site which is accessed via Manchester Road, in the settlement zone of Congleton. The site is immediately adjacent to a car showroom and a carpet showroom and storage facility. To the rear of the site is an additional parcel of commercial land which is not included in the current application.

Constraints: Settlement Zone Line

Details of Proposal

Application for a commercial car valeting and hand carwash facility.

Applicant's Submission

The applicant's submission included:

- Location Plan
- Existing Site Plan/Block Plan
- Proposed Site Plan/Block Plan/Elevations
- Design and Access Statement

Relevant Planning History

18/4223C	Erection of three light industrial/warehousing units B1 Business B8 Storage or distribution. Approved with conditions 12-Nov-2018.
15/0134C	Extension to warehouse. Approved with conditions 04-Jun-2015.
37641/3	Addition of use to include sale, hire and repair of garden machinery and associated products. Approved with conditions 24-Aug-2004.
37131/3	Change of use from sui generis car retail to enable the applicant to retail ceramic wall and floor tiles and associated products to both the public and the trade. Approved with conditions 12-May-2004.
28783/9	NEW ILLUMINATED FASCIA SIGNAGE. Approved with conditions 13-Feb-1997.
22977/9	ADVERTISEMENT SIGNS. Approved with conditions 22-Jan-1991.
22611/3	NEW PREFABRICATED BODY SHOP. Approved with conditions 02-Oct-1990.
20712/3	MOTOR CAR SALES & REPAIRS. Approved with conditions 18-Apr-1989.
18925/3	EXTENSION TO EXISTING CAR WORKSHOP. Approved with conditions 25-Aug-1987.
17669/3	EXTENSION OF EXISTING CAR SHOWROOM. Approved with conditions 01-Jul-1986.
13793/9	FLAG POLES. Approved with conditions 19-Jan-1982

6395/9	FASCIA SIGN AND ILLUMINATED POLE SIGN. Approved with conditions 07-Feb-1978.
4571/3	NEW SEPTIC TANK. Approved with conditions 29-Dec-1976.
6653/3	EXTENSION TO WORKSHOP. Approved with conditions 31-May-1978.
0928/6	REVISIONS TO SALES/CUSTOMER CAR PARKING AREA. Refused 08-Jan-1975.

CONSULTATIONS

Highways – No Objection

- Existing access used which has sufficient width and visibility to serve development
- Sufficient parking and stacking space within the site and the highways impact on public highway will be minimal

Environmental Health

- Suggested opening hours to be closed on Sundays and Bank Holidays

Environment Agency

- No objection – recommend attachment of informatives

United Utilities

- Conditions for drainage of surface and foul water
- Water supply – applicant should engage with UU at earliest opportunity regarding water supply

VIEWS OF THE PARISH COUNCIL

Congleton Town Council – Objection (summarised below)

- Access and egress of A34 will be a nightmare
- Application has been refused before on access, noise and social harm

REPRESENTATIONS

4 letters of support were received (summarised below)

- Bringing an empty site into use
- Employment opportunity
- Impact on highway would be minimal
- Background noise from A34 higher than the proposed use
- Could operate reduced schedule during Sundays and Bank Holidays
- Only taking the front section of land

10 letters of objection were received (summarised below)

- Noise from jet washes
- Opening hours – 7 days a week, 9am to 6pm
- Too many car washes in Congleton
- Additional traffic
- Dangerous access for vehicles
- Site could be used for something more beneficial
- Will make area look run down and messy

- Water supply from United Utilities not capable of supplying the amount of water it would require
- Pressure on sewage works
- Half of the site is for sale – applicant should state what this is likely to be used for
- No commensurate provision of facilities for number of houses

1 general observation was received

- Doctor's practice would be better use for the site due to proximity of new builds

POLICIES

Cheshire East Local Plan Strategy 2017

MP1 (Presumption in Favour of Sustainable Development)

PG2 (Settlement Hierarchy)

EG1 (Economic Prosperity)

SD1 (Sustainable development in Cheshire East)

SD2 (Sustainable development principles)

SE1 (Design)

Congleton Borough Local Plan – saved policies

PS4 (Towns)

GR6 (Amenity 1)

GR7 (Amenity 2)

GR9 (Accessibility, Servicing and Parking Provision)

GR10 (Accessibility, Servicing and Parking Provision)

Other Material Considerations

National Planning Policy Framework

National Planning Practice Guidance

Officer Appraisal

Principle of Development – Congleton Settlement Zone

The site is located within the settlement zone of Congleton. Policy PS4 states that in these settlements, there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with the other policies of the local plan.

The proposals for a car valeting and hand car wash facility, located in a site which has previously been in commercial use is considered to be acceptable in principle, and would be in keeping with the character of the area in relation to surrounding uses. This is subject to other material considerations which are considered below.

Design

Policy SD2 of the Cheshire East Local Plan states that all 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, and external

design features. In addition, in terms of it's relationship to neighbouring properties, the street scene and wider neighbourhood.

The site is located on Manchester Road where there is a range of commercial and industrial uses. The site is located between a car showroom, and a carpet showroom and warehouse. These sites contain a mixture of office and warehouse buildings.

The proposals relate to two small portacabin style buildings, and a group of three valeting bays.

The physical changes to the site would be of a relatively small scale, and given the nature of the surrounding businesses, they would not appear out of character for the area.

The proposals are therefore considered to be acceptable in terms of design, and would comply with Policy SD2 (CELPS).

Impact on Residential Amenity

Policy GR6 (CBLP) states that planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposals would not have an unduly detrimental effect on their amenity due to:

- I) Loss of privacy;
- II) Loss of sunlight and daylight;
- III) Visual intrusion;
- IV) Environmental disturbance or pollution
- V) Traffic generation, access and parking.

In addition, that would lead to significantly increased air, land, water, light or noise pollution to environmentally unacceptable levels (GR7).

The Council's Environmental Health Service was consulted on the proposals. It was commented that the application was on the A34 Manchester Road, where the background noise level in the area is high in terms of traffic noise. The site is also on a site which has previously been in commercial use, with established commercial uses in adjacent sites.

It was also noted that there is some separation distance between the rear elevations of the nearest dwellings. The rear elevation of the nearest neighbour to the west would be approximately 72m away, and to the south would be approximately 35m. It was noted that whilst those properties may be sufficiently distanced to not be subjected to noise nuisance from the proposed hand held jet washers and hoovers due to the separation distance – there is potential for loss of amenity if adequate controls are not employed. There are also homes currently under construction opposite the site on the other side of the A34 Manchester Road.

It was noted that the proposals are to operate on a seven day per week basis including Sundays and Bank Holidays. Due to the potential impact on residential amenity, there will be a reduced amount of traffic flow at these times, which in turn will reduce the background noise level of the area. Noise from the operation of equipment at the site and the movement of vehicles around the site on these more sensitive days is likely to become more noticeable. Therefore the Environmental Health Service have recommended the proposed hours of use

should exclude Sundays and Bank Holidays. It is therefore considered to be reasonable to attach a condition which would restrict the hours of opening.

Therefore it is acknowledged that there may be some external noise generative activities resulting from the proposals, which would be difficult to mitigate against. However due to the distance of the nearest residential properties from the site, the suggested hours of operation, the surrounding commercial uses and existing level of background noise, then on balance it is not considered that the proposals would lead to an unduly detrimental impact on the amenity of nearby occupiers.

Access and Highways Safety

Policy GR9 (CBLP) states that proposals for development requiring access, servicing or parking facilities will only be permitted subject to certain criteria. This includes adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The comments regarding highways safety and access and egress are noted. The application does not propose a new access point, but would utilise the existing access.

The Local Highway Authority were consulted and do not object to the proposals. It was commented that the existing access would be used which has sufficient width and visibility to serve the development.

The site is relatively large, and would contain sufficient parking and stack space within the site, so that there would be no queuing on the road to use the proposed car wash. As such the impacts on the public highway network would be minimal.

Therefore while the objections are noted, it is considered it has been demonstrated the proposals would not materially affect the local highways network, and that the existing access and egress are suitable for the scale of the development to ensure acceptable highways safety.

Other Issues

The comment regarding the impact on drainage and the water supply are noted. United Utilities were consulted on the proposals, and did not object subject to the attachment of relevant conditions. It was also noted that the applicant should engage with United Utilities at the earliest opportunity regarding the potential water supply.

The comments regarding the preference for alternative development such as a doctors surgery and other community facilities are noted. However it should be emphasised that each application is assessed on its own merits, and given the commercial use on the site and surrounding uses, the principle of a car wash and valeting facility is considered to be appropriate for the area.

Conclusions

The proposals are considered to be acceptable in principle on a former commercial site, and in the context of surrounding commercial uses. It is not considered that the proposals would lead to a significant impact on the local highway network, and that safe egress and access can be achieved. While it is acknowledged that there would be some additional impact on residential amenity from external noise generative activities resulting from the proposals, for the reasons outlined previously, this would not be considered to be unduly detrimental and on balance the application is recommended for approval, subject to conditions.

RECOMMENDATION

APPROVE subject to following conditions;

- 1. Commencement of development (3 years)**
- 2. Development in accord with approved plans**
- 3. Materials as application**
- 4. Opening hours excluding Sundays and Bank Holidays**
- 5. Contaminated land**
- 6. Drainage of foul and surface water**

In order to give proper effect to the Southern Planning 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

Southern Planning Committee

Date of Meeting: 5 August 2020

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

Portfolio Holder: Councillor Toni Fox - Planning

Senior Officer: David Malcolm - Head of Planning

1.0 Report Summary

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

2.0 Recommendation

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

3.0 Reason for Recommendation

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

3.0 Background

3.1 Introduction

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

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

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

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

3.2 Report Format

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

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

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

Section 5 Advises on future reports

3.6 Reported Information

CHART 1

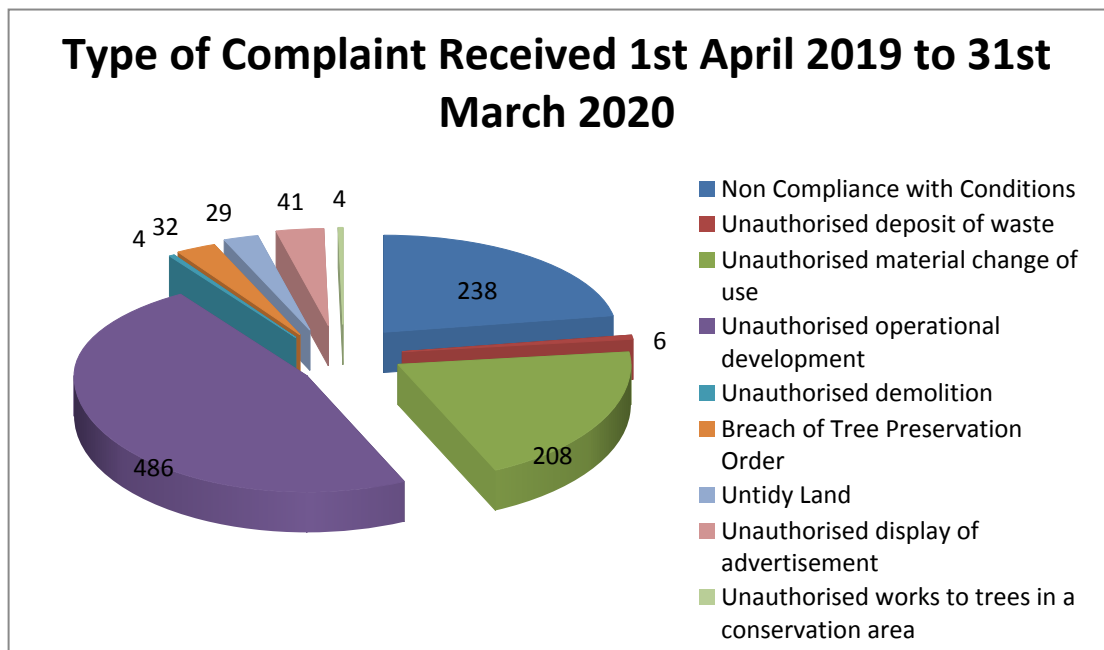
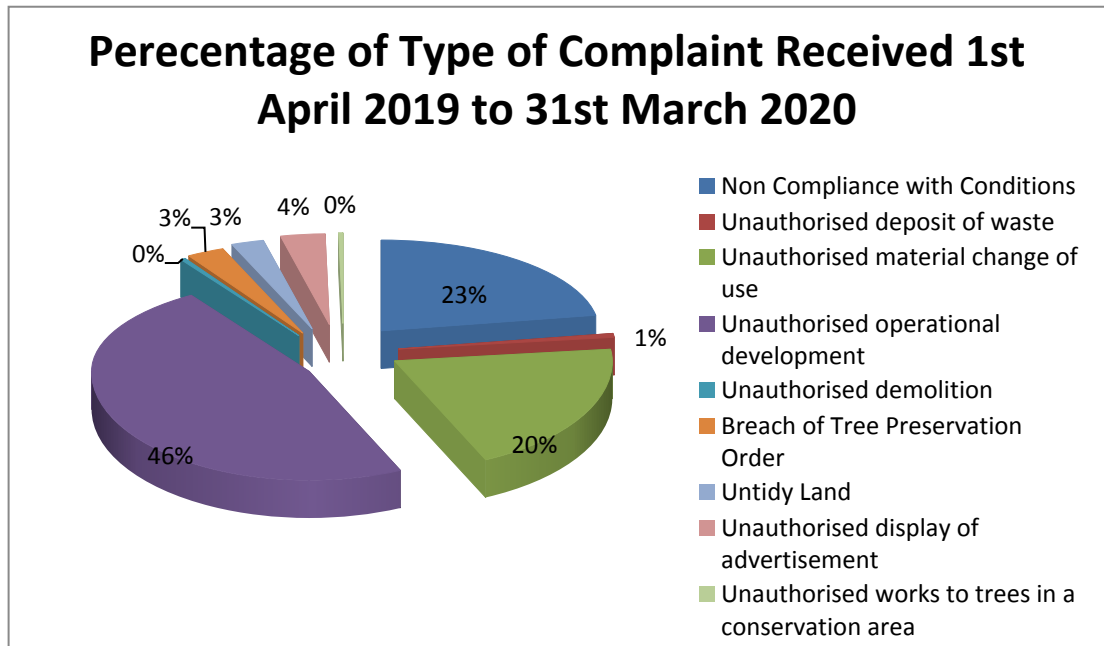


CHART 2



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

CHART 3

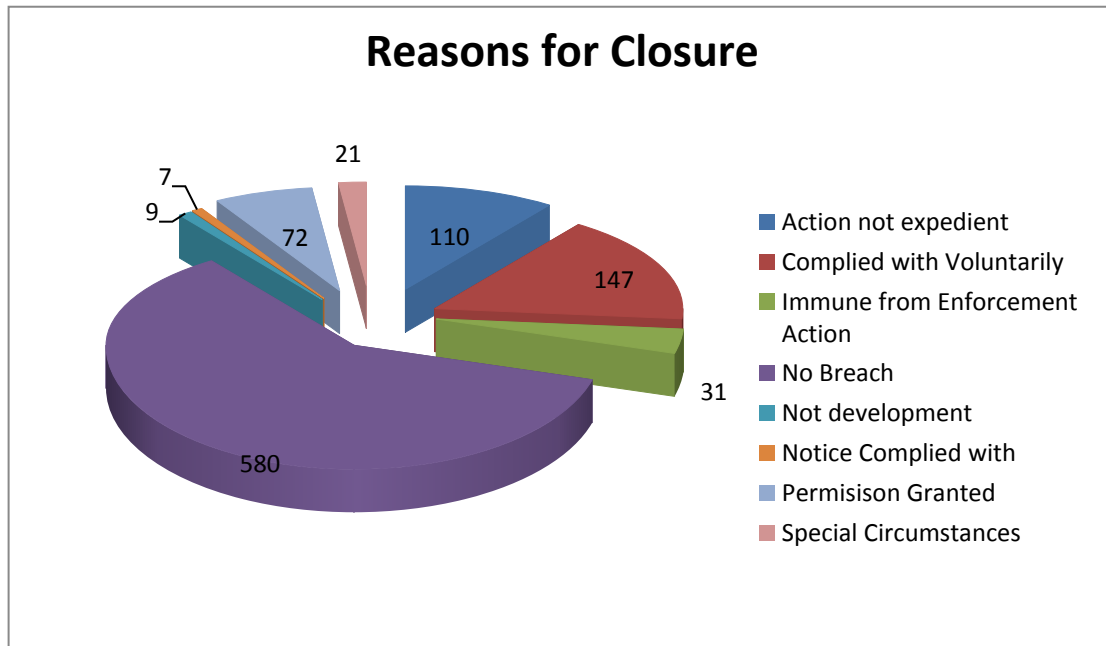
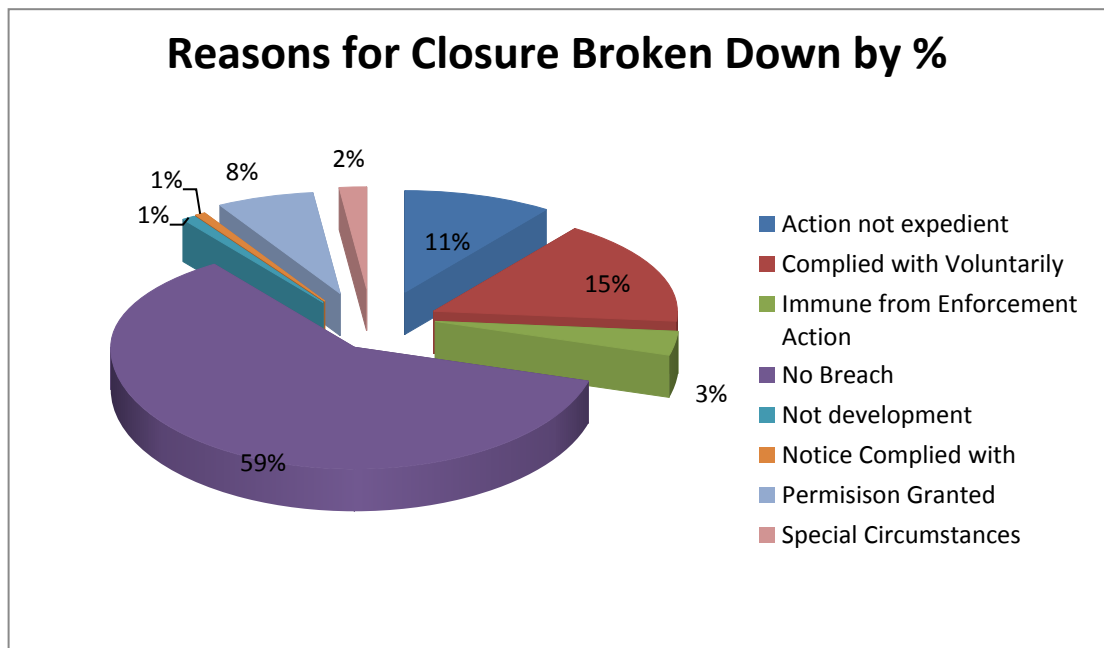


CHART 4



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

Priority 1 High – 1 working day

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

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

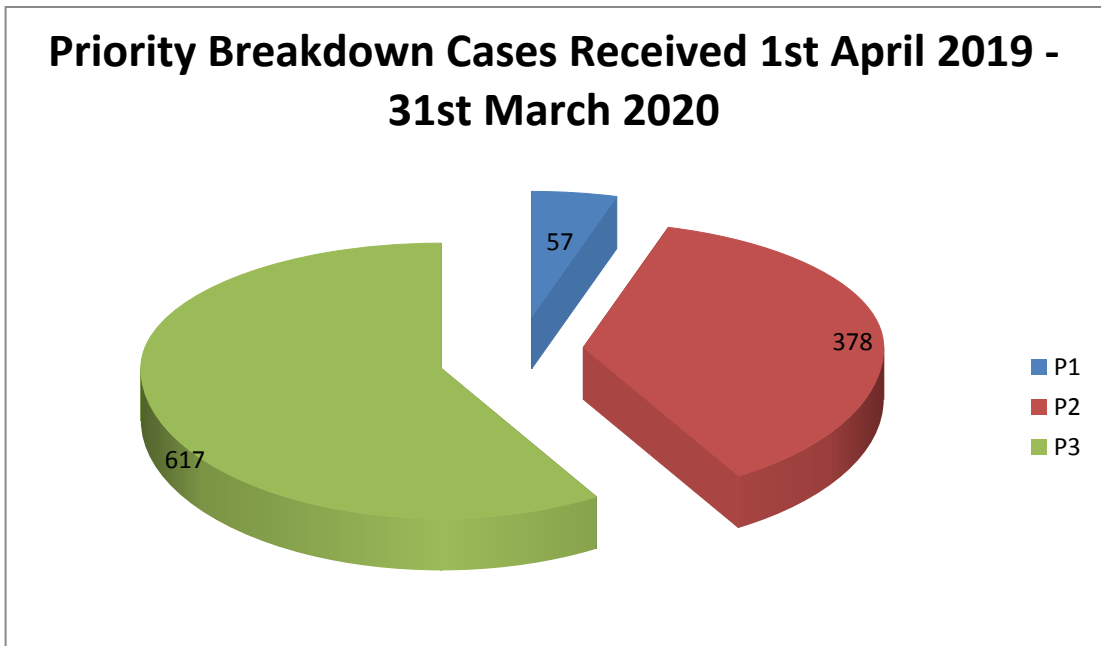
Priority 2 Medium – 5 working days

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

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

Priority 3 Low – 15 working days

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



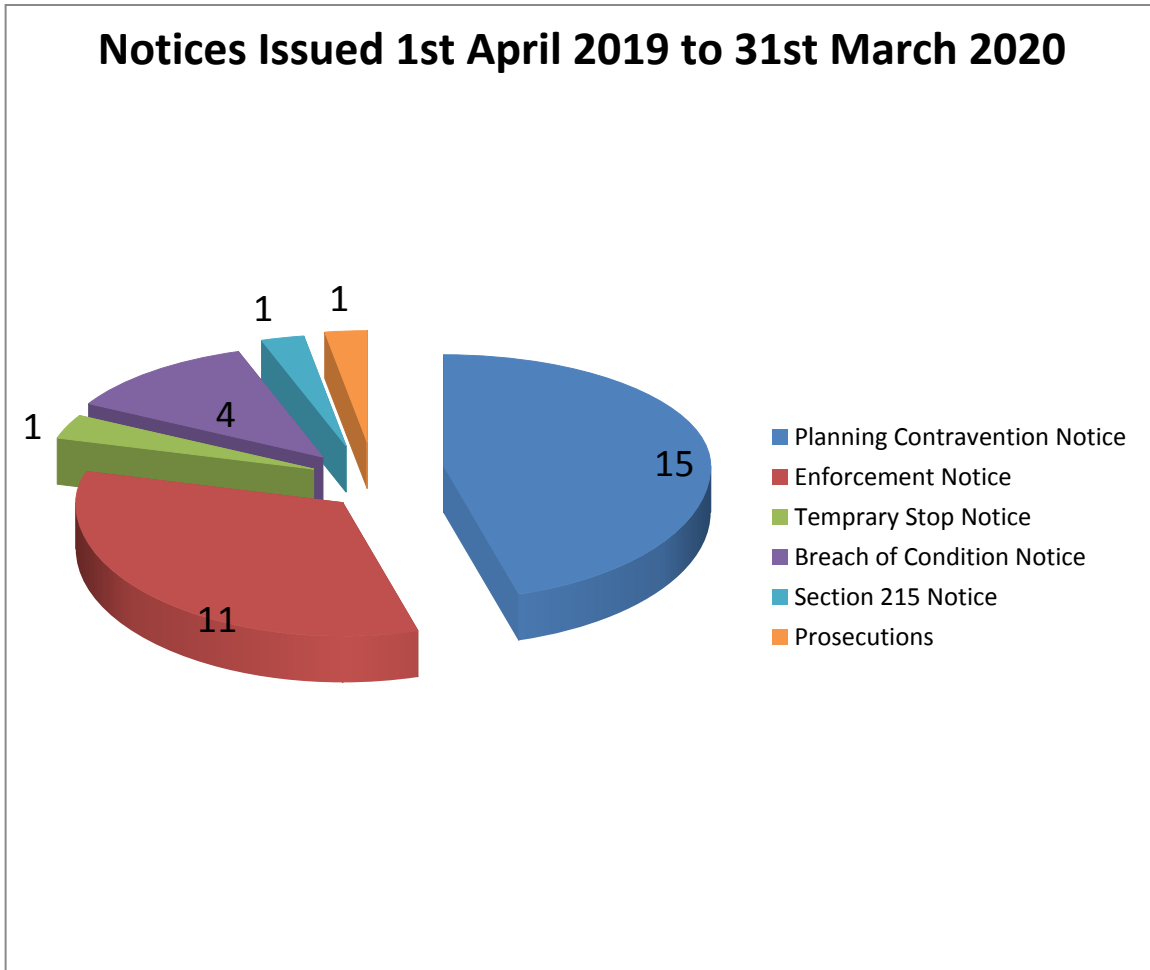
3.10 Service Improvement

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

3.12 NOTICES SERVED

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

CHART 5



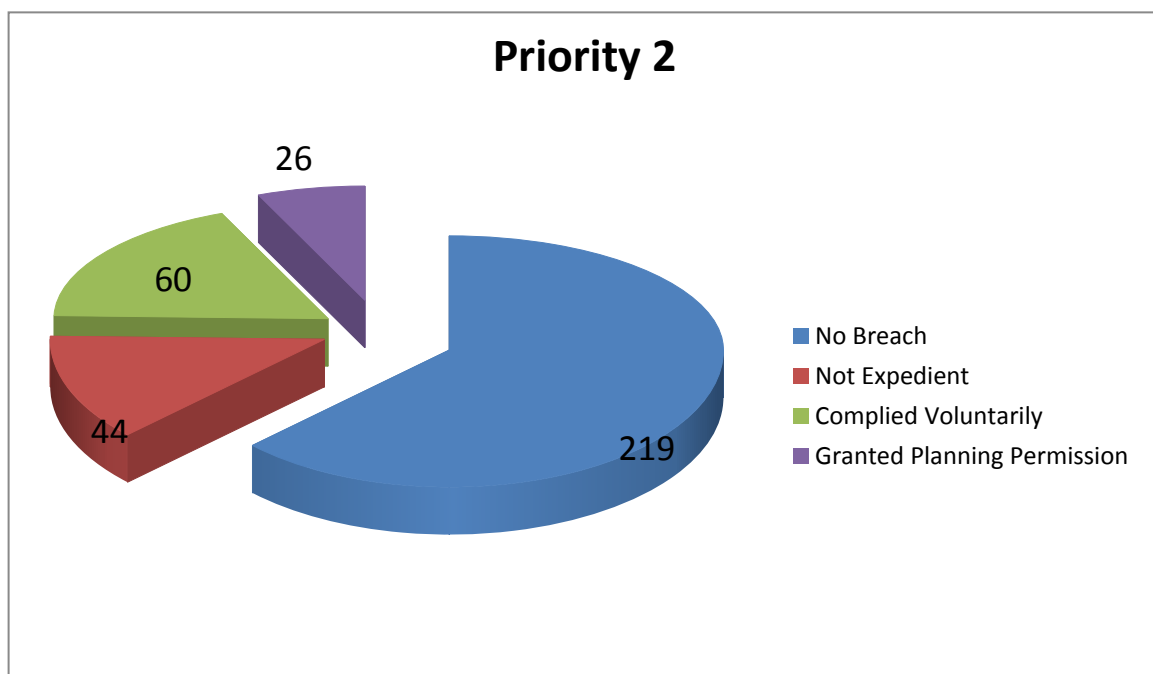
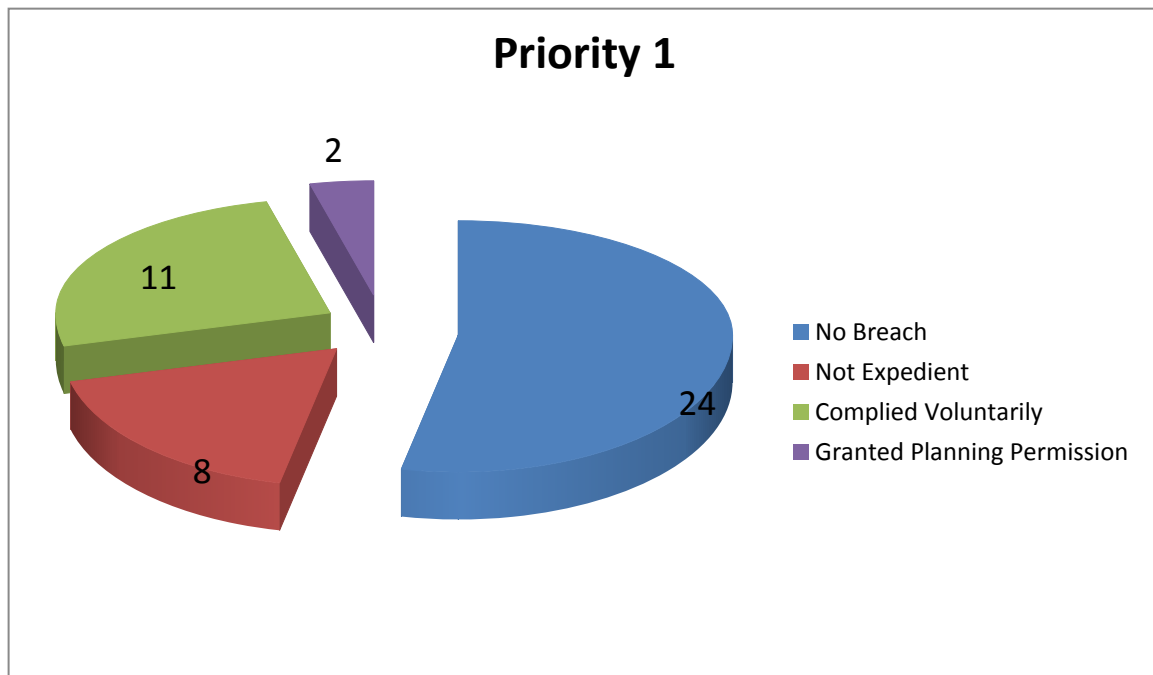
- 3.14 From a total of 11 enforcement notices issued 6 notices have been appealed or are currently the subject of an appeal. None of the appeals have yet been decided however one was withdrawn after the hearing had taken place. In these exceptional circumstances the Council has put in an application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

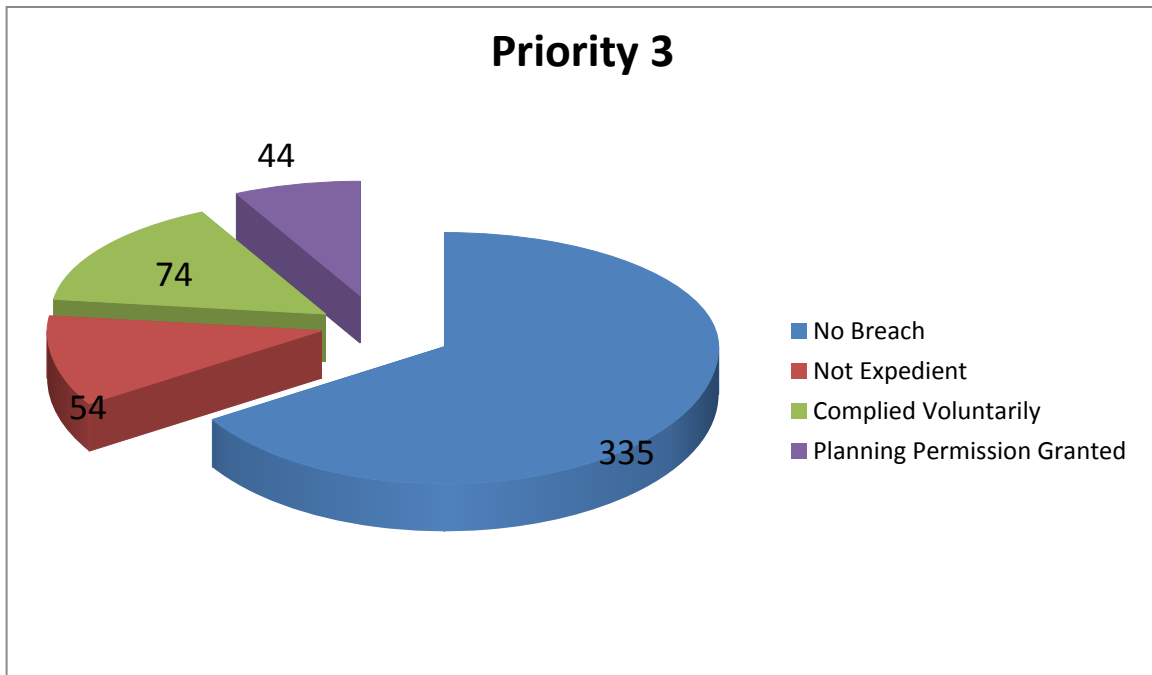
appeal inquiries. They are not therefore included in the performance figures for PINS and it is likely that the majority of resources will continue to be directed to planning rather than enforcement appeals and that will apply to the clearing of the backlog building up as a result of the Covid-19 pandemic.

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

3.22 Reasons for Closure Broken Down By Priority

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





4.0 Update on Formal Enforcement Action Already Taken

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

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

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

The cases are listed in Ward order.

5.0 Future Reports

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

6.0. Implications of Recommendation

6.1 Legal Implications

- 6.1.1 No direct implication

6.2 Finance Implications

- 6.2.1 No direct implication

6.3 Policy Implications

- 6.3.1 No direct implication

6.4 Equality Implications

- 6.4.1 No direct implication

6.5 Human Resource Implications

- 6.5.1 No direct implication

6.6 Risk Management Implications

- 6.6.1 No direct implication

6.7 Rural Communities Implications

- 6.7.1 No direct implication

6.8 Implication for Children & Young People/Care for Children

- 6.8.1 No direct implication

6.9 Climate Change -

- 6.9.1 No direct implication

6.10 Public Health Implications

- 6.10.1 No direct implication

7.0 Ward Members Affected

7.1 All wards are affected

8.0 Access to Information

8.1 The following document is appended to this report

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

9.0 Contact Information

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

Name: Deborah Ackerley

Job Title: Principal Planning Officer (Enforcement)

Email: Deborah.ackerley@cheshireeast.gov.uk

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

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

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

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

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

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

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

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

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

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

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

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

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Road, Wilmslow		associated decking, balustrade, glass screen and hardstanding		
Haycroft Farm, Peckforton Hall Lane, Spurstow	WRENBURY	Unauthorised operational development and engineering works	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice substantially complied with, but awaiting painting of roof. Awaiting full compliance. Permission granted for alterations to building. CASE CLOSED
Six Acres, Wirswall Road, Wirswall	WRENBURY	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incidental vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 th December 2014. Notice complied with. CASE CLOSED
Six Acres, Wirswall Road, Wirswall	WRENBURY	Construction of a building and creation of a hard standing	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Warrant of entry required to carry out a compliance inspection. Notice not complied with. Successful prosecution May 2017 fined £500 and ordered to pay all of prosecution costs within 12 months - £7k. Further warrant required for additional compliance visit. Additional operational development taken place. Compliance remains outstanding case under review pending further action.
Greenacres, Lower Hall Road, Norbury	WRENBURY	Erection of an outbuilding	Enforcement Notice	Enforcement Notice issued January 2019. Compliance due November 2019. Partial compliance achieved. Case to be reviewed.
Land at Chorlton Lane, Crewe	WYBUNBURY	Change of use of land from agriculture to a	Enforcement Notice	Enforcement Notice issued 10/12/14. Compliance due 8 th March 2015. Partial compliance only achieved. Prosecution proceedings instigated, court hearing adjourned owing to health of defendant, due back in court January 2016. Requirements of Notice

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

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