

# Strategic Planning Board

## Agenda

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**Date:** Wednesday, 24th April, 2024  
**Time:** 10.00 am  
**Venue:** Council Chamber - Town Hall, Macclesfield, SK10 1EA

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

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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 making meetings are audio recorded and the recordings will be uploaded to the Council's website.

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

**1. Apologies for Absence**

To note any apologies for absence from Members.

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

To provide an opportunity for Members and Officers to declare any disclosable pecuniary interests, other registerable interests, and non-registerable interests in any item on the agenda and for Members to declare if they have a pre-determination in respect of any item on the agenda.

**3. Minutes of the Previous Meeting (Pages 3 - 6)**

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For requests for further information

**Contact:** Sam Jones

**Tel:** 01270 686643

**E-Mail:** [samuel.jones@cheshireeast.gov.uk](mailto:samuel.jones@cheshireeast.gov.uk)

To approve the minutes of the meeting held of 27 March 2024 as a correct record.

4. **Public Speaking**

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

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

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

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **23/4152M - The Dam Embankment of Poynton Pool Reservoir, Poynton Park, London Road North (B5092), Poynton** (Pages 7 - 76)

To consider the above planning application.

6. **22/0785N - Land At, BRADELEY GREEN LANE, WIRSWALL** (Pages 77 - 102)

To consider the above planning application.

7. **24/0130C - Former Twyford Bathrooms Site, Lynley Lane, ALSAGER** (Pages 103 - 128)

To consider the above planning application.

8. **Planning Enforcement Performance Update** (Pages 129 - 158)

To note the recommendations contained within the performance update report.

9. **23/1174M - Dawson Farm, BUXTON ROAD, BOSLEY** (Pages 159 - 198)

To consider the above planning application.

**Membership:** Councillors M Brooks, S Edgar, D Edwardes, K Edwards, S Gardiner (Vice-Chair), T Jackson, N Mannion, G Marshall, B Puddicombe (Chair), H Seddon and L Smetham

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Strategic Planning Board**  
held on Wednesday, 27th March, 2024 in the The Capesthorne Room - Town  
Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor B Puddicombe (Chair)  
Councillor S Gardiner (Vice-Chair)

Councillors M Brooks, S Edgar, D Edwardes, K Edwards, T Jackson,  
N Mannion, G Marshall, H Moss, H Seddon and L Smetham

**OFFICERS IN ATTENDANCE**

David Malcolm, Head of Planning  
Robert Law, Senior Planning Officer  
Andrew Poynton, Senior Planning and Highways Lawyer  
Sam Jones, Democratic Services Officer

**43 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

**44 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interest of openness the following declarations were made:

Councillor D Edwardes declared that, in relation to application 23/3276M, he had received correspondence related to the application.

Councillor Mannion declared that, in relation to application 23/3276M, several Members of the committee had received email correspondence related to the application.

Councillor Mannion declared that, in relation to application 23/3276M, he had known the owner / occupier of Toll Bar Cottage, across the road from the site, which was mentioned by the applicant in their speaking time, for several years, but Councillor Mannion had not discussed the application with them.

**45 MINUTES OF THE PREVIOUS MEETING****RESOLVED:**

That the minutes of the meeting held on 28 February 2024 be approved as a correct record, subject to the following amendments:

Councillor Edwards asked, in relation to application 23/2619M, that the decision notice either detailed the existing and proposed levels mentioned in conditions 10 and 19, or that the conditions were combined.

Councillor Gardiner requested that the wording of his declaration of interest relating to application 23/3619M be amended to detail that Councillor Anthony Harrison was a member of his local Tatton Conservative Association.

#### 46 **PUBLIC SPEAKING**

##### **RESOLVED:**

The public speaker procedure was noted.

#### 47 **23/3276M - LAND WEST OF LONDON ROAD AND SOUTH OF, GAW END LANE, LYME GREEN**

Consideration was given to the above planning application. The following attended the meeting and spoke in relation to the application:

Agent / Applicant: Garry Goodwin, Morris Homes

##### **RESOLVED:**

For the reasons set out in the report, and the update report, the application be **GRANTED** as recommended, subject to the following conditions:

1. Standard Time limit – 3 years
2. Accordance with Approved / Amended Plans
3. Access to be constructed in accordance with approved plan prior to first occupation.
4. Details of footway/part cycleway along eastern boundary to be submitted and pedestrian refuge to Lond Road
5. Submission of Construction Method Statement
6. Submission of contaminated land survey
7. Remediation of contaminated land
8. Details of drainage strategy to be submitted.
9. Submission of existing and finished ground and floor levels
10. Landscaping scheme to be submitted including details of hard surfacing materials and details of hedgerow retention / mitigation and retention of ditch to southern boundary.
11. Submission of Ecological Enhancement Strategy for the incorporation of on site features to enhance the biodiversity value of the proposed development
12. Entry of scheme onto Natural England's district licencing scheme
13. Submission of Habitat Creation Method Statement and a 30-year Habitat Management Plan for the retained and newly created habitats
14. Accordance with submitted noise mitigation scheme.



15. Development to be carried out in accordance with submitted Flood Risk Assessment
16. Strategy for the incorporation of features to enhance the biodiversity value of the proposed development for use by roosting bats and nesting birds.
17. Details of external lighting scheme to be submitted approved and implemented.
18. Accordance with submitted facing materials or details to be submitted and approved.
19. Updated Badger Survey to be submitted, approved and implemented.
20. The proposed development to proceed in strict accordance with the Amphibian Reasonable Avoidance Measures detailed in the submitted Great Crested Newt Impact Assessment
21. Details of LAP Play area to be provided.

And a Section 106 Agreement making provision for:

<b>S106</b>	<b>Amount</b>	<b>Trigger</b>
Affordable Housing – on-site provision	30% of total number of dwellings shall be affordable (12)  Affordable Housing split 65% and Affordable Rented Housing and 35% Intermediate Dwellings  Retained as Affordable	To be completed before 50% of the market housing is sold or let
Education – Commuted sum	Contribution of £81,713.45 towards secondary education provision.	Prior to commencement
Open Space – On site delivery	Submission/approval of an Open Space Scheme with detailed specifications for LAP	Prior to commencement
Open Space – management	Submission/approval of Management and Maintenance Plan  Establishment of a private management company to manage & maintain the relevant POS in perpetuity.	Prior to commencement  Prior to first occupation
Recreational Open Space - commuted sum	£1000 per family dwelling and £500 per 2+ bed apartment towards additions, improvements and enhancements in line with the Council's Playing Field Strategy or subsequent adopted policies.	Prior to first occupation
Indoor Sport – Commuted sum	Indoor Sport commuted sum of £11800 towards Macclesfield Leisure Centre - Calculated using Sport England Facility Calculator model and used in line with the Indoor Built Facilities Strategy and REC2.	Prior to first occupation

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

The meeting commenced at 10.00 am and concluded at 11.39 am

Councillor B Puddicombe (Chair)

Application No: 23/4152M

Location: The Dam Embankment of Poynton Pool Reservoir,  
Poynton Park, London Road North (B5092), Poynton

Proposal: The proposed removal of low points along approximately 480m of the Poynton Pool dam embankment and slightly raising the level of crest to increase the flood resilience of the reservoir. A kerb alongside an enhanced footpath will create the crest level and the works will also include the creation of two 40m wide clearings, to further increase flood resilience.

Applicant: Ms Debra Wrench, Cheshire East Council

Expiry Date: 29-Mar-2024

### **SUMMARY**

The proposal results in a significant loss of trees from the existing woodland which is prominent in views from London Road North and from within Poynton Park. The loss of these trees is significantly harmful to the amenity of local area and the non-designated heritage assets of Poynton Pool and Poynton Park.

The replacement planting at Walnut Tree Farm over 2km away from the application site, and within Stockport Borough does little to mitigate for the amenity or historic value of the trees within Poynton.

Whilst the new woodland planting would lead to a 10.27% net gain in biodiversity compared to the existing on-site habitat, there would still be significant harm to the LWS and localised harm to a number of species. It is also disappointing that mitigation is not provided for the slight increase in flood risk to the residential properties at 2-10 Anglesey Drive.

The volume and strength of local opposition to the proposals is acknowledged and completely understood. However, the identified harm is considered to be outweighed by the need for the proposal and the lack of any viable alternatives in this case. Accordingly, the application is recommended for approval.

### **SUMMARY RECOMMENDATION**

**Approve subject to conditions**

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

The application site comprises part of the dam embankment along the western side of Poynton Pool. Poynton Pool reservoir is an ornamental lake within the grounds of Poynton Park and it is understood that it was constructed around

1750. The dam embankment comprises a footpath along its crest set within broadleaved woodland and ranges between 1.2m and 1.8m higher than the adjacent London Road North. The application site, and the wider Poynton Pool, is allocated within the Cheshire East Local Plan as an Area of Protected Open Space and a Local Wildlife Site and is located within the Settlement Boundary of Poynton.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the removal of low points along approximately 480m of the western dam embankment of Poynton Pool. This would be achieved by:

- Installing a permanent crest marker (kerb) to set a regulated crest at 91.3mAOD over the 480m stretch.
- Slightly raising and regulating the path to remove low spots to achieve a regulated crest of 91.3mAOD. The current lowest point in the embankment is 90.89mAOD. The ground beyond the path would be infilled to provide a shallow fall to tie into existing ground levels.
- Widening the path to two metres in most places and resurface with compacted gravel.
- Connecting the new path into existing access points from the road footpath.
- Creating two 40m wide clearings, which will further increase resilience, so if trees and shrubs block any overflow of water, there are at least two points where floodwater can safely spill across the bank.
- Constructing a 2m-wide clay verge which will create a buffer to prevent tree root growth from damaging the new kerb.
- Removal of trees to enable the construction works.

## **RELEVANT PLANNING HISTORY**

None relevant to current proposal.

## **POLICIES**

### Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The historic environment

SE12 Pollution, Land Contamination and Land Instability

SE13 Flood risk and Water Management  
CO1 Sustainable Travel and Transport

Site Allocations & Development Policies Document (SADPD)

GEN1 Design Principles  
GEN5 Aerodrome safeguarding  
ENV1 Ecological network core areas  
ENV2 Ecological Implementation  
ENV3 Landscape Character  
ENV5 Landscaping  
ENV6 Trees, hedgerows and woodland implementation  
ENV7 Climate change  
ENV12 Air Quality  
ENV16 Surface water management and flood risk  
ENV17 Protecting water resources  
HER1 Heritage assets  
INF1 Cycleways, bridleways and footpaths  
INF3 Highway safety and access  
INF9 Utilities  
REC3 Open space implementation

Poynton Neighbourhood Plan

EGB 1 Surface Water Management  
EGB 2 Open Spaces  
EGB 3 Natural and Historic Environment  
EGB 6 Landscape Protection and Enhancement  
EGB 7 Landscape Enhancement  
EGB 8 Protection of Rural Landscape Features  
EGB 9 Nature Conservation  
EGB 10 Wildlife Corridor  
TAC 1 Walking and Cycling

**OTHER MATERIAL POLICY CONSIDERATIONS**

National Planning Policy Framework (the Framework)  
National Planning Practice Guidance

**CONSULTATIONS (External to Planning)**

**Lead Local Flood Authority (LLFA)** – No comments or objections.

**Environmental Protection** – No comments received.

**Countryside & Rights of Way** – No objection subject to conditions regarding detailed proposals for the right of way.

**Cheshire Archaeology Planning Advisory Service** – No archaeological requirements for this application.

**Head of Strategic Transport** – No objection

**Countryside / Green Infrastructure** – No comments received.

**United Utilities** – No comments received.

**Natural England** – No objection

**Environment Agency** – No objection

**Cadent Gas** – No comments received

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

- Inaccuracies in planning documentation – height of dam
- Volume of reservoir unknown
- Dam properties are unknown
- Catchment area should be monitored to verify modelling
- Missing appendices in Spillway Upgrade Options report
- Increase in freeboard not clear
- Proposals will not prevent flooding to south shown on EA reservoir flood map
- Properties on Anglesey Drive not consulted
- Works to ditch to north may increase flooding to properties
- No maps to show extent of flooding at Vicarage Lane, Tulworth Road and Anglesey Drive after completion of works
- No reference in Flood Study 2023 of dam having significant overtopping from a 3.3% AEP (1:30 year) event
- Baseline figures in Table 5.1 Poynton FRA Model Report vary from original figures in study
- There have been significant flood events in Poynton – no reports of overtopping
- Likelihood of dam failing is not set out
- 3500 people impacted and loss of 2 lives are for a wet day
- Table 4.4 from the Initial Options Report shows failure of the dam alone (dry day) would result in 274 people impacted and loss of life is 0.12.
- 1.4 and 1.5 of the Summary Options Report states risk is “unacceptably high” – This is an error and is actually in ALARP region
- No figures provided in the FRA in relation to residual risk of dam failure
- More proportionate works should be considered
- Trees are acceptable on dam if managed
- Unclear where view that trees must be removed has come from – contrary to S10 report and supervising engineer report
- AIA inaccurate and fails to identify a number of trees and undervalues many
- RPAs uncertain
- Different terms in tree survey and RAG – trees impacted in one – compromised and likely lost in another
- Impact on retained trees unknown
- Some trees have veteran characteristics – require further evaluation

- Assessment of individual trees, rather than as a woodland not consistent with BS5837
- Mitigation ignores impact on impacted trees
- Trees have CAVAT value of over £3m – should be taken into consideration
- Site is SBI / LWS
- Core area of Ecological Network
- Contrary to Local and Neighbourhood Plan policies
- Desk study and walk over are over 18months old
- Impact on non-designated heritage assets – boat house and Pool/Park
- Increased noise and environmental pollution
- Imp[act on LCA 11a Adlington – identifies Poynton Park as a high quality feature
- Alternative solutions exist – additional outlet, leaky dams
- Legal duty to conserve biodiversity
- 66 protected species found at the site
- Replacement planting inadequate
- Woodland lost will exceed 0.1782ha
- Habitat creation overstated
- As proposals affect SBI – BNG should be 20% (currently falls short of 10%)
- Jacobs approach to decision making takes no account of collateral effects and unintended consequences, such as ecosystem impacts, public health and heritage (as in HM Treasury's The Green Book)
- Dated, mechanical approach to risk management (based on 2013 EA's Guide to Risk Assessment for Reservoir Safety Management)
- Suggestion that Poynton Pool debate is about saving lives or trees is inaccurate – more appropriately one of uncertain benefits of flood control measures versus certain losses to an established environment
- Approach relegates impacts on environmental and heritage to afterthoughts
- Proportionality assessment excludes consideration of environmental impacts, public health, heritage, amenity etc.
- Does not give an account of uncertainty in estimates – can have major impact on proportionality
- Gross disproportion factor of 5 in cost benefit calculations distorts findings
- Risk posed by dam failure might be tolerable in exchange for the benefits of the existing Poynton Pool
- Balmforth Review found that (2021) - *"The current system for managing reservoir safety has become over reliant on compliance at the expense of ensuring due diligence in managing safety. A different emphasis is now needed to adequately protect the public"*.

#### **Poynton Town Council (Response to Technical Note)**

- Table 4.4 from the Initial Options Report shows that the failure of the dam alone (dry day) would result in an estimated 274 people in the population being impacted and likely loss of life is 0.12.

- Misleading picture of the dam structure – it is a small ornamental lake
- Environment Agency would adopt the loss of a life as 1.04 not 1.97 for likely loss of life
- Size of dam exaggerated, which suggests heightened risk
- The unknown volume of Poynton Pool is problematic
- Catchment map differs from publicly available map
- Inaccuracies in reports
- Missing appendices (A, E and F) in Initial Options Report
- Contradiction in freeboard height within documents
- Will there be more flooding to south of application site?
- Flood maps showing the extent of flooding to properties after the work is completed should be provided
- No explanation on where the 1 in 30 chance figure comes from
- No reports of Poynton Pool ever overtopping

### OTHER REPRESENTATIONS

Approximately 1700 letters of representation have been received from local residents, local groups, CPRE, Cheshire Wildlife Trust, the Woodland Trust, the local MP, and other interested parties objecting to the proposal on the following grounds:

- Unnecessary / disproportionate works
- Waste of money (£1.38m)
- Detrimental to visual amenity of much loved natural beauty spot
- Area has never flooded and pool is very shallow
- A larger outlet pipe could be installed
- Evidence is flawed – incorrect risk categorisation
- Loss of trees – of high amenity value / some Ancient
- In a climate emergency so trees are needed
- Will weaken embankment
- Many more trees at risk than 31 identified for removal
- No risk to housing – none opposite the pool – no risk to life
- Planting trees in Stockport does not compensate for destruction to local area
- No benefit to Poynton residents
- Impact on wildlife including protected species and red list species
- Impact on community
- No consultation with residents of Poynton
- Pool is not a reservoir
- Alternative proposal put forward by Poynton Town Council
- Money could be better spent elsewhere
- >5700 people have signed petition
- Poynton Park & Pool is a Site of Biological Importance and a Habitat of Principal Importance
- Dam has not failed in last 250 years
- Very low risk of dam failure



- Excessive cost – not appropriate expenditure for Council
- Recent flooding in Poynton caused by streams and brooks being breached (not around Poynton Pool) – this is where focus should be
- Park will experience more road noise without trees filtering noise
- More efficient method to alleviate flood is to ensure overflow can cope with excess water – increase length of existing overflow weir / construct energy dissipators (Used at Hollingworth Lake)
- Independent report is required
- Alternatives not properly considered
- Evidence of failed projects in respect of removal of high amenity value trees is not given appropriate weight in the processes which produced the design – e.g. Sheffield Street Trees
- No account of value of trees taken into account (over £3m)
- Mis-classification of Poynton Pool as a reservoir
- Trees absorb a lot of water and carbon dioxide
- Increased soil erosion
- Diminish health and wellbeing of Poynton residents
- Safety implications for users of the path
- When proposals were designed evidence of amenity value was not known and data was not collected ahead of the project specification designs being created. Thus the technical designs for the project are significantly flawed
- Unlike the pool itself, the reasoning behind the proposal simply does not hold water
- Replacing a natural area with 'proper' paths is not an improvement.
- Jacobs own figures show that the risk of an upper dam breach is "tolerable" which means there is no mandatory necessity to carry out the work (ALARP zone)
- Incorrect assessment of the catchment area for water that flows into the pool,
- Inadequate understanding of the effect of mine shafts in the area in directing flow away from the pool
- Inability to take account of the Amenity Value of the trees around the pool
- Please consider FOPP solution "screw-pile wandering crest solution" at approx. 91.5 AOD. Then work out overtopping frequency on the official FEH catchment area.
- The volume of water held is considerably less than the Council has estimated.
- Application form does not clarify where will be affected by this increased risk of flood.
- Will give walkers a rather uninspiring view of the road
- loss of trees has not been acknowledged in the Jacobs initial options report
- Independent report on work required should be carried out
- Proposals should have been developed in consultation with community

- Impact on property values
- Increased air pollution
- Unwillingness to change plans in light of alternative solution proposed
- No evidence provided to support and rationalise the use of 1 in 10,000 event
- Reservoirs Act 1975 does not define a major flood event to be a 1 in 10,000 year event
- Has any long term monitoring of the Poynton Pool water levels have been undertaken?
- Flood protection works could be provided by strengthening and raising the height of existing wall by installing ground anchors
- £1.38M plus project cost is absolutely senseless
- Tranquil setting of pool removed
- Significant differences (50,000m<sup>3</sup>) in size of pool by applicant and an interested party
- Different results from reports in 2010 and 2019 relating to Probable Maximum Flood of pool (2.64 m<sup>3</sup>/s and 6.9m<sup>3</sup>/s respectively)
- Defer this application so that all alternative options can be fully costed and evaluated
- Loss of roots will impact on integrity of dam structure - sustaining long-term tree cover may be integral to the stability of the dam
- none of the examples cited in the summary options report pertain to this situation
- The trees are a part of our heritage and town
- Adverse visual impact
- AIA undervalues the trees
- Does Cheshire east have a hidden agenda
- A significant number of the points of ingress can be easily and pre-emptively diverted away from the pool if required
- lack of any use of the historical flow data (typically involve utilising flow/rainfall patterns over at least a six-month period)
- No substantive work undertaken to assess the mode and method of construction of the dam
- When the accepted industry standard limits have been applied the current risk is into the acceptable but watch zone
- DEFRA biodiversity offsetting metric is not an alternative to considering the Capital Asset Value of the trees, it is an addition to that where biodiversity is to be lost to a planning application
- Works will result in water flowing backwards into Anglesey water resulting in flooding of all the surrounding properties including properties on Redacre
- diminish the recreational and social value of the site
- no watertight evidence except information based on an algorithm
- No EIA carried out

- degradation of a wildlife corridor linking Norbury Brook in the north and the Inclines in the south
- No attempt has been made by Jacobs to measure the actual inflows or outflows to and from the Pool; instead, they have made assumptions. As the model input data is incorrect, the flood risk output is also incorrect and cannot be relied upon to justify the proposed works.
- Lack of meaningful consultation from the Council
- Cycles and pedestrians do not mix well
- CEC has not met the requirement to acknowledge the UK Government's guidelines to Local Councils (Listening to communities: Statutory guidance on the duty to respond to petitions)
- Impact on Anglesey Drive properties
- No work done to investigate how dam is constructed
- Jacobs use EA guidance approach to risk management (RARS) which appears to be fundamentally different to "The Green Book (HM Treasury's approach), which ensures consistency across decision making across government, including on risks and safety
- Poynton is a mining village built on a natural fault, which removes excess water from upstream and yet this has not been included within the planning reports from Jacobs
- Contrary to PNP, CELPS and SADPD policies
- Reduce pool volume as an alternative
- Removal of natural barrier to road
- Removal of trees along Poynton Brook has de-stabilised banking
- Mental health impact
- Not know if land is contaminated
- Queries on answers given on application form
- The outflow sluice is adequately sized for any and all rainfall amounts that have been experienced to date
- Inflow from surrounding fields and streams has never overwhelmed that drainage ability as the amounts flowing in are from small areas and sources
- No increases to pool water levels seen
- The Emergency Drawdown Plan for Poynton Pool (2019) makes clear that inflows to Poynton Pool, from the Indirect Catchment area, via the catch-water structure, could easily be stopped completely, using a few simple wooden boards and a 600mm diameter pipe bung.
- Landscape impact
- Loss of carbon capture
- Cheshire East are determined to proceed without taking account of constituents and experts views flagging the incorrect risk categorisation used in technical decision making by Jacobs and CEC.
- Lack of consultation

- DEFRA biodiversity offsetting metric is not an alternative to considering the Capital Asset Value of the trees, it is an addition to that where biodiversity is to be lost to a planning application
- Proposed replacement with 27 trees in Woodford to compensate for the felling of mature trees in Poynton will not compensate/mitigate for the loss
- Application should be deferred to allow for investigation of the structure of the dam, consideration of less damaging interventions, further consultation with community, and investigation of all these matters by an independent arbitrator with no invested interest in current proposal.
- CAVAT value of the trees, in line with the Green Book, and future landscape financial liabilities should be included in the decision-making process.
- Urban in character and will have a negative visual impact
- Levelling of the dam crest and infilling of the low spots to provide the required freeboard could be achieved by gradually adding soil and building up the low spots over an extended period (5 to 10 years or less), allowing trees to acclimatise to the modified levels
- Without ground investigation, it is impossible to know if the existing embankment will tolerate the proposed work
- Tree survey omits several trees to be lost or compromised and likely lost – proposals contrary to policy SE 5
- If permission is granted it should be conditional upon a legal agreement for the contractor to provide for the long-term management of the trees due to unknown characteristics of existing embankment
- Risk mis-plotted in Jacobs 2021 FN chart (in Initial Options Report), and was revised in 2023 – not in unacceptable zone of risk – and not included with planning application
- Risk lies in tolerable region of risk – not unacceptably high
- Proposals go beyond minimum required – options were developed when risk was incorrectly plotted in the unacceptable risk zone – therefore no overriding reasons for allowing the development – contrary to SE5 of CELPS
- Inaccurate to suggest that the debate over Poynton Pool is simply ‘a matter of one’s preference for saving either lives or trees’. The situation is more appropriately described as one of uncertain benefits of flood control measures versus certain losses to an established environment.
- Jacobs approach takes no account of collateral effects and unintended consequences of the proposed flood mitigation measures when developing and appraising options, which is inconsistent with HM Treasury’s “The Green Book” methodology
- Flood risk modelling uses EA modelling rather than Jacobs own modelling. Jacobs more sophisticated modelling gives a lower risk to life and property affected.
- Neither the Environment Agency nor Jacobs used the official Flood Estimation

Handbook (FEH) catchment of around 1 km<sup>2</sup> for Poynton Pool with no explanation given, both used a larger catchment of around 2 km<sup>2</sup>. If the official FEH catchment had been used, then the risk to life would be around half of those stated

- Historic flow and levels data has not been used to calibrate the Jacobs model
- Examples of flooding bear no similarities whatsoever to Poynton Pool other than they involve water
- Flood risk assessment carried out by Jacobs has not accounted for the impact of tree removal on the sandy gravelly soils
- Depth of pool not investigated – application relies on previous reports – average depth of 2m – volume of 130,000m<sup>3</sup>
- Objector measured and plotted water depth at 82 points across the length and breadth of the lake and estimates that the average depth is likely to be around 1.2 metres with a maximum of 2.1 metre found at only one point – equates to volume of 80,000m<sup>3</sup>.
- Original proposal for option 3C was acceptable to APRE – application proposal includes much more:
  - clearance of all trees from 2 x 40-metre long sections
  - realigned 2-metre wide path
  - a minimum 2:1 regraded slope between the path and the lake;
  - 2-metre wide grass verge to have all tree roots removed and be
  - maintained free of trees.
- Financial cost of the proposed works and the negative impact on the local environment is disproportionate to the projected risk of dam failure at Poynton Pool and is unacceptable to the community
- Alternative less harmful options are:
  - Option 1a: screw piles with stoplogs and clay bunds to both sides.
  - Option 2a: screw piles with stoplogs and sandy clay loam to both sides.
  - Option 3a: sheet pile wall at roadside with sandy clay loam backfill
- Car park excluded from AIA
- Jacobs methodology notes but takes no account of environmental losses in its calculations (including £3m CAVAT value of trees)
- Due the unknown structure of the embankment, the implications of removing and damaging trees as identified in the AIA are unknown
- Proposal is urban in design and would be detrimental to the historical designed landscape
- EA relies on desktop search over 18 months old – only valid for 12 months
- No reference to loss of hedgerows, even though there are mature hedgerows to be removed
- Construction impacts on environment not fully considered
- Tree protection is inadequate
- Bat surveys should be completed in the woodland, not just from boathouse

- Bat surveys over 18 months old
- Initial study did not highlight all potential trees that may be used as bat roosts.
- Mitigation Hierarchy has not been considered fully
- Impact on reedbeds not identified in EA report
- BNG overstated due to understating the impact on the woodland and overstating the value of habitat creation
- Understated and inaccurate landscape impact in EA report
- Tree-lined approach to Poynton from the north will be severely fractured and severely degraded by the direct loss of trees and the indirect loss of trees
- Visual enclosure of park will be lost
- 2 category A trees identified for removal by applicant, but third party Arb report identified 34 cat A trees
- Threat to retained trees
- Contrary to BS5837
- Design not evolved to take account of views of community in line with NPPF
- 2016 and subsequent 2019 Environmental Agency Inspection report state that if the works are not completed by December 2023, then the next S10 inspection should be brought forward
- Trees form a natural dam absorbing excess water – proposal to remove trees will create a flood risk
- The Environment Agency's Guide to Risk Assessment for Reservoir Safety Management it states in Box 1.1 that if the dam is less than 2 meters in height above natural ground then the hazard is very low and just to continue with periodic inspection
- Petition against proposal signed by 5,721 people (mainly Poynton residents)
- Modelling not tested / verified – such as with use of historical flooding data
- Undermines CEC's commitment to carbon neutrality
- CEC notes of meeting held on 26 July 2023 (within SCI) are not an inaccurate representation
- Expand existing spillway as an alternative
- Impact on heritage value of park
- Digging down to increase capacity of lake has not been considered
- Likelihood of the dam currently failing is not set out in the documents
- Unclear where the view that trees must be removed for dam safety has come from
- Historic England should be consulted
- Impact on wildlife corridor
- Application does not identify the number of trees that are affected by each element of the proposed works

- Attenuation features with stream control structures along the route of the rivers in Poynton are another option
- Holding objection from Woodland Trust on account of the potential impact on a number of veteran trees
- 10% BNG not achieved (CWT)
- Flood risk measures should be designed to minimise harm to biodiversity and tree cover; any harm to veteran trees should be minimised or avoided; should achieve BNG of 10%; off-site replanting should be as close to the site as possible and be of sufficient scale and specification to substantially strengthen the ecological network of the area; and robustly drafted planning conditions and/or other mechanisms should be in place to secure the long-term ecological management of the site and to ensure that any compensatory works are promptly delivered and thereafter managed, with any trees or other ecologically important features which are lost or damaged being promptly replaced (CPRE)
- An Otter was recorded at the Pool on 23.01.24, providing clear indication this is an important corridor and feeding site for this species in the local area between Poynton Brook, Norbury Brook and the Canal.
- Re-consultation on additional information should be undertaken
- Factually incorrect to say no bird records were within the proposed scheme boundary, there are records of birds within the proposed scheme boundary and many more within the Zol.
- Otters have been recorded at Poynton Pool
- Unclear how all bankside trees will be retained and recover from the works
- BNG increased from 9.36% to 10.27% with no summary of how this has been achieved.
- Grading of the woodland as moderate is undervalued and should be reassessed.
- Sections of reports referring to field studies are out of date in being that they were undertaken prior to May 2022
- Records of bluebell, and other notable species, within site boundary
- No proposals to show how common reed and emergent vegetation will be protected
- Area of woodland and area of woodland lost as stated within the Site Habitat Baseline is inaccurate and significantly understates the impact of the proposed works
- Likely overestimation of the claimed BNG at 10.27% is likely to actually only be a 10.02% gain
- Indicators of ancient woodland present
- Affects a ss41 habitat (habitat of principal importance)
- Six veteran trees have been recorded on the Woodland Trust's Ancient Tree Inventory and await verification
- S10 report, 2016 suggests, because Poynton Pool is a small dam, tree management would be acceptable, it does not suggest removal of trees



on mass. – Does this suggest a conflict of understanding Between the Inspection Engineer and the Supervising Engineer?

- guidance by the Institute of Civil Engineers, 'Floods and Reservoir Safety', Chapter 5. Has not been followed. The designer has not carried out, nor to our knowledge has there ever been a survey of the embankment commissioned to ascertain the composition of the embankment. Engineering commonsense suggests this exercise would provide valuable information to carry a design solution forward.

A petition signed by 5721 people has also been submitted, which requests the following action be taken:

Cheshire East Council reviews the Poynton Reservoir Flood Study (2019) and if that identifies that works should be carried out to the dam at Poynton Pool:

- the most environmentally friendly identified solutions are employed, with the objective of causing minimal disruption to the landscape, the ecology and the public enjoyment of the park
- Any cost/benefit analysis of the project includes both a Capital Asset Value for Amenity Trees (CAVAT) to account for the loss of amenity, and the DEFRA biodiversity offsetting metric to calculate a biodiversity net gain resulting from the project
- Any subsequent mitigation planting is within the town boundaries.

This area must be protected as it provides highly important habitats for at least 66 species with protections, including at least 15 Redlist species. The Pool is designated as a Site of Biological importance; it is designated for its woodland, marginal/emergent/inundation vegetation and its ornithological interest. The pool has a good mix of habitat along its banks supporting a wide variety of plant and tree species. We must act now to protect this area, as CEC plan how to mitigate a 1:10000 year flood risk that was raised in the last reservoir inspection.

1 letter of support was received noting:

- Trees reaching age requiring attention
- Opening up area to disabled access
- Trees have been undervalued by the Jacobs AIA
- Trees create a natural barrier to the nearby road sound and pollution.
- No external hydrologist report

## **OFFICER APPRAISAL**

### **Background**

A large, raised reservoir holds or has the potential to hold 25,000 cubic metres of water above ground level. Under the Reservoirs Act 1975 (Section 10) these bodies of water must be inspected every 10 years by an independent qualified civil engineer. The inspecting engineer then prepares a report of the result of the inspection, including in it any recommendations they see fit to make as to -



- (a) the time of the next inspection;
- (b) the maintenance of the reservoir;
- (c) any measures required in the interests of safety and the period within which those measures must be taken

Any works required have to be carried out under the supervision of a “Qualified Civil Engineer” (QCE) who is an “All Reservoirs Panel Engineer” (ARPE). There are currently 30 ARPEs listed at:

<https://www.gov.uk/government/publications/contact-details-of-engineers-on-the-all-reservoirs-panel>.

National guidance is used to promote consistency between panel engineers. The Environment Agency is responsible for enforcing the requirements of the legislation.

The last Section 10 (S10) inspection of Poynton Pool was 11 July 2016, with the last S10 report being issued in August 2016. This report refers to previous reports stating that the surface area of the lake covers around 6.8ha (68,000sqm), with the volume of water retained above natural ground level being 130,000 cubic metres, and an average depth of around 2m. Whilst queries have been raised about the precise volume of water within the pool, as a recent survey has not been carried out, there is no question that the volume exceeds 25,000 cubic metres and it falls to be inspected every 10 years under the Reservoirs Act 1975 (S10).

The key findings of the S10 Inspection were:

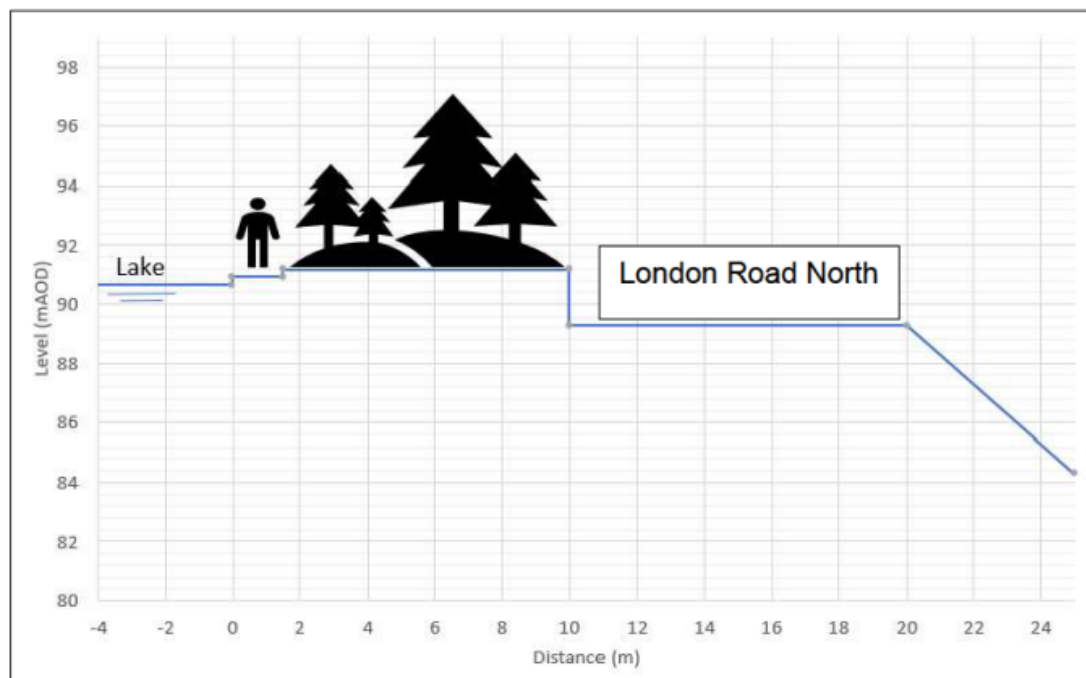
- An updated Flood Study to assess the risk of embankment overtopping arising from flood surcharge and concurrent wave action.
- An Emergency Drawdown plan is required.

#### The dam

The S10 report provides details of the existing dam as follows:

*“The embankment that impounds the reservoir is approximately 800m long and is orientated in a north to south direction. The reservoir was created on ground that slopes gently towards the west and to close of the basin that forms the lake an embankment height 2 to 3m over most of length was required. This embankment forms the western rim of the reservoir. The maximum height of the embankment is approximately 7m which occurs at a narrow valley near the northern end of the reservoirs. The A523 [now B5092] occupies a berm on the downstream [west] face of the embankment. It is not known whether the berm formed part of the original dam construction, but given the age of the dam it is highly likely that the road has been improved and widened on several occasions, thus providing additional width to the berm and support to the downstream face. The level of the road along the berm is not constant and it varies with respect to the water level in the reservoir within a range of 0.3 to 1.0m below TWL [Top Water Level].”*

The dam is illustrated in the sketch diagram below.



The S10 report continues:

*“The crest of the embankment varied considerably in width along its length. Typically the crest comprises a nearly level area at a level of 90.92mAOD (200mm higher than TWL). Overall the crest has a width of 10 to 12m over much of its length but widens to around 20m at the southern end. In this area, adjacent to the disused Council Yard, the widened area stands at a higher level than the majority of the crest path.”*

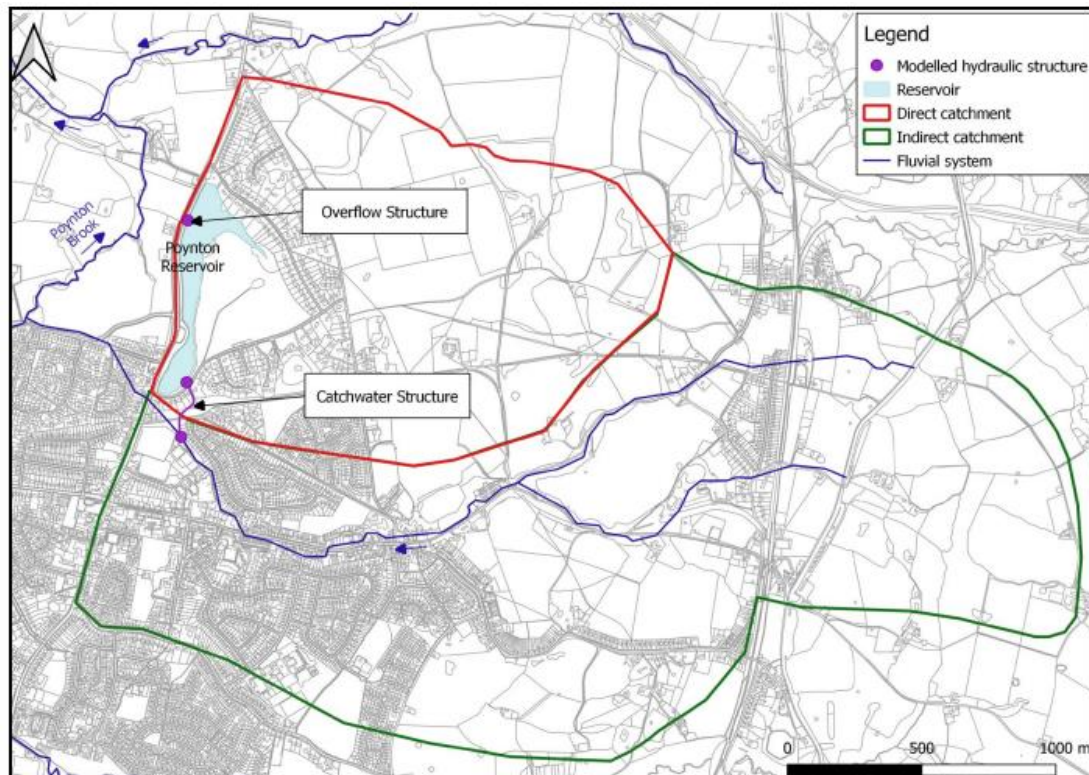
These higher levels to the south explain why the current proposals relate to the northern section of the dam embankment only.

In his Reservoirs Act Panel Engineer Statement (6 July 2023), the applicant’s ARPE (Engineer) states that the S10 Inspection identified the main deficiency at Poynton Pool to be the capacity of the spillway. The dam at Poynton Pool has been assessed as having a hazard classification of Class B as defined in the Guide to Floods and Reservoir Safety (ICE, 2015, 4<sup>th</sup> Edition, (FRS4)). The ARPE’s statement explains that this requires the dam and spillway to pass a design flood with an annual chance of 1 in 1,000 per year with no damage, and a safety check flood with an annual chance of 1 in 10,000 per year with no failure of the dam (but with some damage occurring). In addition, the Guide requires a minimum flood freeboard (height of the crest of the dam above the water level during the safety check flood) of 0.6m.

### Catchment

There are two catchments (one direct and one indirect) which drain to the reservoir. The S10 report refers to the direct catchment comprising an area of 1.4km<sup>2</sup> and an indirect catchment of approximately 4.5km<sup>2</sup>. However, the

submitted FRA refers to an estimated direct catchment of 1.96km<sup>2</sup> and indirect catchment of 4.0 km<sup>2</sup>. These are shown in the diagram below:



Third parties have raised objections relating to the catchment areas referred to in the FRA being higher than they should be. Objectors refer to historic flow and levels data not having been used to calibrate the flood modelling which is a potentially significant design weakness.

In response to this, the applicant confirms that they consider the catchment identified in the FRA to be correct. The information comes from the Centre for Ecology and Hydrology and checked by a field visit. The applicant notes that storms are all individual in their nature and can have varying levels of impacts. For example, it depends on where in the catchment the rain falls, the profile and duration of the rainfall and the degree of waterlogging in the catchment prior to the storm. The possible degree of flooding also depends upon the level of water in the reservoir at the time of the event and its additional storage capacity at the time of the storm. In accordance with the guide to Floods and Reservoir Safety ICE (Institution of Civil Engineers) 2015 it has been assumed a catchment wide storm occurs, of a standardised rainfall profile shape with a reasonable worst-case duration, onto a catchment with design assumptions on how wet or dry the ground already is when the rainfall occurs. It has also been assumed that the reservoir is full and just spilling at the time of the event.

Whilst this approach has been queried by third parties no specific evidence to demonstrate that the catchment is incorrect has been provided, and no objections have been raised by the Environment Agency or the Lead Local Flood Authority. On this basis the applicant's catchment area is accepted.

### Flood Risk

Hydrological and hydraulic modelling of Poynton Pool and its direct and indirect catchments was developed based on topographic data and Lidar data and utilising “the current industry standard flood study methodologies” (Poynton Flood Study Report, 2023). The model has been used to estimate peak discharge flows and stillwater levels for the 0.01% and 0.1% Annual Exceedance Probability (AEP) flood events (10,000 year and 1,000 year return period events).

The FRA states that the model results showed that for the 0.1% Design Storm flood event, the peak inflow to the reservoir is 6.9m<sup>3</sup>/s, and the peak total outflow is 6.4m<sup>3</sup>/s. In this event, the peak still water level of 91.07mAOD exceeds the minimum dam crest level by 0.19m.

For the 0.01% flood event, the peak inflow to the reservoir is said to be 11.2m<sup>3</sup>/s, and the peak total outflow is 11.0m<sup>3</sup>/s. In this event, the peak still water level of 91.10mAOD exceeds the minimum dam crest level by 0.22m. This means that the crest levels are lower than the Design Flood and Safety Check flood event levels and overtopping of the dam is currently expected to occur during these Design and Safety Check flood events. The modelling indicates that overtopping is currently expected to occur during flood events of 5% AEP and greater.

The existing embankment crest level varies from 91.30 to 90.96mAOD, which is 0.33m to 0.67m (the existing freeboard) above the spillway crest level of 90.63mAOD.

Due to the levels of the dam along its length not being consistent with parts of the dam that are lower than others, in a large flood event this would cause water to flow over the dam unevenly, potentially leading to localised damage of the embankment. This could lead to an uncontrolled release of water, leading to extensive flooding impacting people and properties downstream.

The Environment Agency reservoir flood mapping carried out in 2019 shows that the consequence of failure of Poynton Reservoir in a flood is likely to lead to flooding affecting around 3500 people, is likely to lead to loss of around two lives, and cause £79M of property damage.



The map below shows the extent of reservoir flood risk around Poynton Lake.



The applicant's Planning Statement explains that there are primarily two routes that could be taken to address the insufficient spillway capacity and freeboard:

- Modify the reservoir to meet full engineering standards - involving either discontinuing the reservoir or increasing the capacity of the overflow and increasing the freeboard; or
- Adopting a risk-based approach, accepting the dam embankment will overtop, but improving its resilience to overflow.

To upgrade the reservoir to meet full engineering standard two options were considered by the applicant:

- To discontinue the reservoir was discounted primarily because Poynton Pool currently serves as an amenity lake for the local community; and
- To increase the capacity of the existing spillway by increasing the length of the weir and increasing the size of the culvert, and in addition either lower the top water level or increase the height of the dam to provide the required freeboard.

The ARPE statement explains that to achieve the 0.6m freeboard requirement, in order to meet the full engineering standard, the crest of the dam would need to be raised along its full length to 0.6m above the flood level, which would require the removal of all the trees on the crest.

In terms of the risk based method, the following options were considered:

- Add an additional pipe to increase service spillway capacity;
- Construct emergency spillways; and

- Increase resilience to overflow.

The options were compared over a range of criteria including cost, reputational risk, risk of dam failure, onset of flooding, onset of damage to the dam, risk of future dam safety works, fluvial flood risk, heritage and visual impact.

The risk-based option to increase resilience to overflow was taken forward as the preferred option for further development. Several variations for the preferred option were then considered, the variation selected to be brought forward was to regulate and slightly raise the crest.

The scheme comprises:

- The removal of low points in the dam embankment, by infilling the low points and slightly raising the level of crest to ensure that water flowing over the dam embankment is spread out along the whole length. A low crest marker (kerb) will also be added to ensure a consistent level. The resultant freeboard, after these works, would then be 91.3mAOD (proposed kerb level) – 90.67mAOD (spillway crest) = 0.67m (proposed freeboard)
- The creation of two 40m wide clearings where floodwater can spill across the dam embankment and thus further increase resilience, as trees and shrubs could hinder any overflow of water;
- A 2m-wide grass covered clay verge, which would create a buffer to reduce the risk of tree root growth from damaging the new kerb; and
- Enhancement works consisting of widening the footpath to two metres and resurfacing it with compacted gravel to improve its suitability for wheelchair users and pedestrians.

Cheshire East Council, as the undertaker (owner) of the reservoir, is obliged to carry out necessary improvements against extreme flooding and implement these by the end of 2023 to avoid enforcement action by the Environment Agency.

The extent of the proposed operational development is relatively limited. These works comprise the infilling of the low points along the bank and slightly raising the level of crest with the addition of a kerb along its length to ensure a consistent level and works consisting of widening the footpath to two metres and resurfacing it with compacted gravel. Whilst the extent of operational development works are limited, the environmental impacts associated with it are more significant.

### **Trees and hedgerows**

Policy SE5 of the CELPS and ENV6 of the SADPD seek to protect trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, unless there are clear overriding reasons for allowing the development and there are no suitable alternatives. Where such impacts are unavoidable, development

proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting.

Trees within and immediately adjacent to the application site are not protected by a Tree Preservation Order and do not lie within a designated Conservation Area. The trees that comprise the woodland within the application site make a substantial contribution to the visual amenity of the area and are a significant component of the local landscape.

The application site lies within the boundary of the Poynton Park and Lake Local Wildlife Site (LWS) and its habitat is defined as semi natural broadleaved woodland marginal and open water habitats. The site is also designated as a Priority Woodland in the DEFRA Priority Habitat Inventory and identified as broadleaved woodland in the National Forest Inventory (England). The woodland associated with the application site is not listed in the Ancient Woodland Inventory on the DEFRA MAGIC website ([www.magic.defra.gov.uk](http://www.magic.defra.gov.uk)). The site also does not contain any Ancient and Veteran Trees that are registered in The Ancient Tree Inventory (ATI) ([www.ati.woodlandtrust.org.uk](http://www.ati.woodlandtrust.org.uk)). It is noted however that some trees may have veteran tree characteristics which will require further investigation. Although objectors have recently stated that six veteran trees have been recorded on the Woodland Trust's Ancient Tree Inventory and await verification. At the time of writing, they were not shown on the public access version of the ATI.

The Council's Arboricultural officer has reviewed the submitted arboricultural information and has highlighted a number of concerns:

- A substantial number of trees over 75mm in diameter have not been recorded or are missing in the supporting tree survey and tree constraints plan including trees within the proposed spillways.
- The recording of individual trees where trees within the study area are clearly designated as part of a woodland is incompatible with BS5837:2012 which requires trees collectively to be assessed as a woodland or groups.
- The impact on RPAs and Tree Protection cannot be fully verified without an assessment of soils and that a soil analysis should be included as part of the Assessment.
- RPAs should be modified to take account of pre-existing site conditions
- Inconsistencies between the AIA and RAG assessments need to be addressed.
- Clarification should be given as to the presence of Ash and Ash dieback on the site.

Within the original documentation submitted with the application there was some discrepancy in the number of trees proposed to be removed. The AIA (Rev P02) refers to the removal of 31 trees, which includes 27 individual (B) category trees and four (C) category trees, with the partial removal of a further two (C) category groups (Executive Summary first bullet point). This figure is inconsistent with the RAG Report (Appendix E) which states there are 30 B category trees and 4 C category trees (a total of 34 trees). Bullet point 9 of Section 1.4 of the AIA Limitations and assumptions of the Tree Survey states

that the actual impacts on trees will not be known until a detailed design is proposed and mitigation is applied on site. As the impacts on trees are not actually known, then it is considered premature that only 31 trees are expected to be lost. This is consistent with points raised by third parties.

The selective and block removal of trees from within the woodland will likely leave retained trees potentially exposed to prevailing wind forces, increasing the risk of further tree losses within the woodland. The suggestion that some trees could be pruned to reduce this impact has not considered the local site circumstances, in particular species tolerance, soil conditions and site exposure. This is particularly relevant to this site given it is elevated above the road and exposed to the prevailing winds from the west.

Policy ENV6 of the SADPD requires that where the loss of significant trees is unavoidable replacement planting of commensurate amenity value should be provided on site as part of a comprehensive landscape scheme, and where this is not practicable, contributions to off-site provision should be made, prioritised within the locality of the development.

The supporting information to the policy explains that contributions to offsite replacement trees will be calculated using an appropriate cost equivalent replacement calculation such as capital asset valuation of trees (CAVAT). The use of CAVAT is necessary in order to attach a monetary value to the trees as an asset and to compare with other capital costs of the development and assist with weighing up the planning balance. It is noted that no CAVAT or other appropriate cost equivalent replacement calculation has been submitted with this application.

The applicant has proposed native woodland species mix and scrub planting (with individual trees) at an offsite location at Walnut Tree Farm to compensate for the loss of trees within the woodland. The proposed planting will be managed as part of a Landscape Management Plan over a period of 30 years. The general aims of the landscape management plan are to ensure the successful establishment of the proposed woodland with the objective of landscape integration and to create a diversity of habitat and increased biodiversity value.

It is noted that the site at Walnut Tree Farm is located some distance from the application site, is outside the administrative boundary of the Council and has no public access to it nor is the site significantly visible from any public viewpoint.

Whilst it is noted that the Biodiversity Metric Report concludes the offsite compensatory woodland planting would deliver net gain for biodiversity, it should be noted that any BNG calculation is principally a habitat-based approach to mitigation and does not necessarily deliver replacement of Green Infrastructure, visual amenity or canopy cover.

In response to these comments the applicant has provided the following clarification to the potential tree impacts of the proposal.



### *Clarification of Survey Approach*

The trees located on the dam wall of Poynton Pool, and included within the survey area are a woodland. Using the categorisation methodology of BS5837:2012 it would be considered to be an A category woodland. If the trees had been surveyed as a single woodland group, the arboriculturist and design team would have lacked sufficient detail of individual trees to produce a design that minimised the impact on the most important trees and enabled the resulting impact on the woodland in terms of numbers of trees lost to be quantified. If plotted as a single group, losses could only be expressed as an area of woodland lost as a percentage of the whole group, or an area, both of which are difficult to visualise.

### *Trees lost within groups*

The AIA concluded that 31 trees and part of two tree groups would be lost to facilitate the proposals. The groups correspond to the two spillway clearance areas, and many of the trees in these areas are multi stemmed or arising from coppicing stumps. In such instances, professional judgement was used on whether to count a multi stemmed tree as a single tree or multiple trees.

These trees have been shown on the updated Tree Constraints Plans. Note these stems were plotted with a GPS device and due to the difficulty of obtaining an accurate satellite fix below tree canopies, especially at the northern site, locations should be considered indicative. One significant tree was identified in the southern slipway location. This tree was subjected to a full BS5837:2012 survey and is shown on the updated plans. Its details are also included in the addendum Tree Survey Schedule. Altogether within these groups, 32 trees and a 40m section of Hawthorn hedge (part of group G12) from the Northern spillway, and 15 trees and a 40m section of Hawthorn hedge (part of group G11) from the Southern spillway will be removed. A total of 47 trees within these two groups, which is in addition to the 31 trees previously identified.

The table below summarises which trees are to be removed, retained, impacted or partially removed (groups):

	Removed	Impacted	Partially removed
<b>A</b>	None	T06, T47 (2 trees)	None
<b>B</b>	T03, T05, T07, T08, T10, T11, T12, T19, T22, T29, T36, T38, T42, T53, T58, T59, T60, T61, T63, T64, T71, T72, T73, T74, T75, T78, T79 (27 Trees)	T16, T20, T21, T23, T24, T28, T35, T37, T40, T43, T44, T45, T46, T48, T49, T50, T52, T56, T57, T62, T65, T66, T67, T68, T69, T70, T76, T80, T85, T86 (30 trees)	None
<b>C</b>	T30, T31, T33, T34 (4 trees)	T04, T09, T13, T14, T15, T17, T18, T25, T26, T27, T32, T39, T41, T51, T54, T55, T77 (17 trees) G01, G02, G03, G04, G05, G06, G07, G08, G09, G10 (10 Groups)	G11, G12 (consisting of 47 trees)
<b>U</b>	None	None	None
<b>Total</b>	<b>31 Trees</b>	<b>49 trees and 10 groups</b>	<b>Part of 2 groups (47 trees)</b>

#### *Anglesey Drive Car Park*

This area was not fully included in the original survey, though a number of the trees surrounding it had been plotted and included in the original survey. For clarity the trees immediately adjacent to the car park edge, not previously recorded, were plotted and any necessary works identified. While individual trees have been plotted around the car park, and assigned a BS5837:2012 category, they form a component of the A category woodland which effectively continues along the dam and around the car park before ending alongside a residential property.

The applicant has confirmed that the site compound will be wholly located within the blacktopped area of the car park and securely fenced to prevent damage occurring to surrounding trees. Minor crown lifting works are required to a number of trees surrounding the car park to prevent damage occurring to low hanging limbs.

#### *Working methodologies and tree protection*

Machinery to carry out the works will be chosen to match the constraints of the site and is expected to include small excavators and dumpers. This will operate upon the existing path network and will not stray beyond the footprint of the new footpath created, other than in the two spillway areas, which may be used for temporary lay down areas and turning heads. It will be possible to install protective fencing along the boundary of the works to protect the retained trees. Where works occur within the spillway areas, suitable protection will be installed.

#### *Windthrow Risk*

The applicant accepts that an increased susceptibility to wind throw is an inherent risk of removing mature trees growing in a mutually supportive group. In this case they consider the risk relatively low, as the group is not located in a particularly exposed area and the trees in this belt affected are of different ages and species inferring a certain degree of wind firmness. The Forestry Commission's (FC) online GALES program only includes one broadleaved species in the modelling, silver birch. Whichever species the GALES model is run using (assuming a shallow mineral soil) the model returns a wind damage risk status of 1 – low risk. It is acknowledged this is a model for commercial plantation forestry, but it is one of the only readily available tools for assessing wind throw risk in trees. Local site conditions including the elevated aspect of some trees exposing them to winds blowing from the east and the lake offering no protection from winds from the east mean the parts of the site maybe exposed to stronger winds than the FC modelling suggests.

Where trees are suspected of having rooting damage that may affect stability, crown reductions have been recommended to reduce wind loading on the canopy. Despite this there remains a risk some wind damage may occur and the trees stability would require further monitoring, especially after extreme weather events. The applicant has a duty of care and responsibility as a reasonable and prudent landowner when considering the risk posed by the trees and the cost of any future management of those risks and Poynton Park as a whole will need to be taken into consideration.

### Overall tree impacts

Having regard to the consultation response from the arboricultural officer, objections from third parties and the information from the applicant, it is clear that the 78 individual trees to be removed undoubtedly provide a significant contribution to the amenity, biodiversity, landscape and historic character of the surrounding area. The veteran status of the trees referred to in objections and by the Council's arboricultural officer remains to be confirmed by the Woodland Trust, who also register a holding objection to the proposal on account of the potential impact upon veteran trees. It is also evident that further unavoidable losses are possible.

Policy SE5 states that where such impacts are unavoidable, development proposals must satisfactorily demonstrate a net environmental gain by appropriate mitigation, compensation or offsetting. In terms of environmental gains, replacement planting is being provided at Walnut Tree Farm in the form of a 0.35ha broadleaved woodland (stated by the applicant to amount to around 1,500 trees). Walnut Tree Farm is in the ownership of Cheshire East Council, but within the metropolitan borough of Stockport, approximately 2.25km from the application site. No replacement tree planting can take place within the application site due to its limited size. The wider Poynton Park was also ruled out, due to the ecological designation of the park, the land take required and the potential impacts upon the character and appearance of the park as well as how it is currently used (the Park is understood to hold annual events for the community). Another Council owned site was discounted at Millenium Wood in Disley. This site was discounted as it had a higher habitat value, is a designated local nature reserve, there is an existing management plan and the area identified for planting is in close proximity to an adjacent property. No other sites that could be used for mitigation planting are held by, or known to, the applicant. As detailed further below, the proposed off-site replacement planting will provide a net gain for biodiversity. However, policy ENV 6 of the SADPD goes further than SE5 in terms of mitigation requirements and requires replacement planting to be of a commensurate amenity value to the trees that are lost and to secure a net environmental gain.

The trees to be removed form a significant part of the attractive woodland belt that lines London Road North (the B5092) on the approach into Poynton from Hazel Grove. The removal of trees, and particularly the two 40m sections to be cleared will undermine this continuous belt, creating random large gaps at odds with the linear nature of the woodland. The replacement planting at Walnut Tree Farm will not be visible from public vantage points and in no way relates to the losses visually experienced within Poynton Park, or along London Road North.

As noted above, policy ENV6 requires replacement trees, woodlands and/or hedgerows to be integrated in developments as part of a comprehensive landscape scheme. Where it can be demonstrated that this is not practicable, contributions to off-site provision should be made, prioritised in the locality of the development. The supporting information to this policy explains that contributions to off-site replacement trees will be calculated using an appropriate cost equivalent replacement calculation such as CAVAT. A CAVAT

assessment has not been submitted with the application. However, the Town Council has commissioned and submitted a monetary valuation of trees using the Helliwell, CAVAT and CTLA valuation systems, which found a mean value of £2,980,520. Given the reference to CAVAT in the Council's policy it is worth specifically noting the CAVAT figure, which was very close to this mean figure at £3,081,070.

CAVAT is used to help calculate necessary contributions towards off-site planting. This means that where the loss of significant trees is unavoidable, and replacement planting cannot be provided on site, contributions (informed by a CAVAT assessment) would be sought from applicants for the Council to then spend on replacement tree planting on other sites in the locality of the site. Given that no other mitigation sites are known to exist within the local area, any contributions from the applicant for replacement planting would be of no use, as there is nowhere to spend them. Consequently, satisfactory replacement planting cannot be provided. The proposal is therefore considered to be contrary to policies SE5 of the CELPS and ENV 6 of the SADPD.

### **Visual Impacts**

CELPS policy SD2 sets out the Sustainable Development Principles for Cheshire East. It states that, amongst other matters, development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of:

- Height, scale, form and grouping
- Choice of materials
- External design features
- Massing of development
- Relationship to neighbouring properties, street scene and the wider neighbourhood

These principles are also reflected within CELPS policy SE1 and GEN1 of the SADPD which deal with design, and Chapter 12 of the Framework.

Policy SE4 of the CELPS notes that the high quality of the built and natural environment is recognised as a significant characteristic of the borough. All development should conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Policy ENV3 requires development proposals to respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018). Policy SD2 also includes requirements to respect and, where possible, enhance the landscape character of the area, and policy ENV5 sets out requirements for landscaping schemes on development proposals.

Policy EGB3 of the PNP states that the sites of Poynton Pool and Poynton Park are natural assets which shall be permanently protected from any development

but supports modest improvements to improve family use and access. EGB7 seeks to conserve and enhance the diversity of landscape character areas in Poynton to ensure development respects the local character of the area. EGB8 requires landscape features, including woodland and hedgerows, to be conserved and enhanced.

The Landscape chapter of the submitted Environmental Assessment Report refers to a baseline landscape description with reference to National Character Areas and Borough Landscape Character Areas. The Cheshire East Landscape Character Assessment, Cheshire East Borough Council (2018) identifies the application site to be within LCT 11 Higher Wooded Farmland: LCA 11a Adlington. It is acknowledged that “valued landscape features” in this area, relevant to the application site, do include *“The high density of broadleaved woodland particularly on historic estates and along the hidden river and brook valleys, which is unusual in Cheshire East and provides a strong sense of place. Areas of woodland, many designated as LWS, provide landscape character and natural heritage value”*. However, it does need to be noted that but these National and Borough wide LCA areas are very large, and encompass the vastness of the relevant landscapes, but their generalisations over what can be thousands of hectares can offer little in an assessment of a small scheme, such as in this particular case. A more detailed and locally based character assessment of the park and its surroundings would perhaps have been better to demonstrate the real local effects.

The proposed operational development of inserting a new kerb and realignment and resurfacing of the existing footpath are limited in their extent. Whilst these elements would serve to urbanise the lakeside path, they are very low level, limited in scale, and not obtrusive features in their context. It is also noted that the path improvements are also intended to improve accessibility. Given these circumstances, the operational development itself is not considered to be unduly harmful in visual terms.

The associated removal of trees and the clearance of two 40m sections of woodland will, however, be unequivocally visually harmful from vantage points within and outside of the park. The two 40m wide gaps which will comprise of only grassland post-development, which will contrast sharply with the natural, mature woodland either side of them, leaving large gaps into what was previously a relatively enclosed pathway and park beyond. Similarly, the feeling of enclosure, being detached from the highway activity and the natural experience of being within the park will be diluted as passing traffic will be clearly visible through these uncharacteristic gaps.

The landscape character of the area will be harmed by the proposed development, and as such the proposal is considered to be contrary to policies SE4 and SE2 of the CELPS, policies ENV3, and ENV5 of the SADPD, and policies EGB3 EGB7 and EGB8 of the PNP.

## Ecology

The application site is located within an Ecological Network Core Area, Stepping Stone and Corridor Area as identified under policy ENV1 of the SADPD. The application site also forms part of the Poynton Park Lake Local Wildlife Site.

Policy SE3 of the CELPS requires areas of high biodiversity and geodiversity value to be protected and enhanced. All development (including conversions and that on brownfield and greenfield sites) must aim to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests. Policy ENV2 of the SADPD sets out ecological requirements for development proposals.

Policy EGB9 deals with nature conservation in the PNP. The application site is identified as an area of high habitat distinctiveness under this policy and should be protected from development. In exceptional circumstances, where development is to be permitted because of reasons which are judged to outweigh significant harm to nature conservation, appropriate compensation should be made.

Development applications are expected to avoid adverse impact on the nature conservation value of such sites, or if this is not possible minimise such impact and seek mitigation of any residual impacts.

The Environmental Assessment Report submitted with the application was informed by a desk study conducted in May 2022 to obtain ecological information relevant to the study area, and was updated in February 2024. The following filed surveys were also undertaken:

- UK Habitat Classification walkover survey of the proposed Scheme - undertaken in May 2022;
- Bat tree roost potential surveys - undertaken in May 2022;
- Bat tree roost climb surveys - undertaken in June and August 2022;
- GCN Habitat Suitability Index (HSI) and environmental DNA (eDNA) surveys - undertaken in May 2022

The nature conservation officer has confirmed the surveys remain valid and provides the following comments on the application.

### Ecological Network

The application site falls within a Core Area and Stepping Stone and Corridor Area of the CEC ecological network which forms part of the SADPD. SADPD Policy ENV1 therefore applies to the determination of this application. ENV1 requires developments within Core Areas and Stepping-Stone sites to increase the size of core areas, increase the quantity and quality of priority habitat. Due to the loss of areas of existing woodland, the proposal will not comply with this policy objective.



#### Poynton Park Lake Local Wildlife Site (LWS)

The proposed development is located within the boundary of this Local Wildlife Site (LWS). The LWS was selected due to the presence of woodland, marginal vegetation and open water habitats. The proposed development will involve the permanent removal of areas of established woodland from within the Boundary of the LWS. This woodland may support important invertebrate species identified as occurring locally as part of the desk study undertaken to inform the submitted ecological assessment. The nature conservation officer advises that the loss of woodland associated with the proposed development will result in a significant adverse effect upon the LWS.

Local Plan Core Strategy Policy SE3 (4) therefore applies to the determination of this application. This policy states that development proposals affecting Local Wildlife Sites will not be permitted except where the reasons for or benefits of the development outweigh the impact of the development.

In accordance with the mitigation hierarchy the flood resistance scheme must look to avoid or mitigate impacts on biodiversity in the first instance, with compensation for adverse effects only being considered as a last resort.

The applicant proposes woodland planting at an offsite location as a means of compensating for the loss of the existing woodland. In the event that the reasons for or benefits the development outweigh the impact of the development and the loss of the woodland is considered unavoidable the nature conservation officer advises that, in principle, the proposed offsite woodland planting is an acceptable means of compensating for the impacts of the proposed development in biodiversity terms. The proposed off-site compensatory planting is discussed further in the Biodiversity Net Gain section below.

No direct impacts on emergent vegetation (a feature for which the Local Wildlife Site was selected) are anticipated. However, if planning consent is granted, a condition is recommended to require the submission and implementation of measures to safeguard the shores of the lake and associated vegetation during the construction process.

#### Great Crested Newts

Full access to all appropriate ponds within 250m of the proposed development was not available, however no evidence of great created newts was recorded during the submitted surveys/assessment. Based upon the available evidence this protected species is unlikely to be affected by the proposed development.

#### Badgers

No evidence of badgers was recorded during the submitted survey. This species has however been recorded in the broad locality of the application site in the past. Based upon the current status of badgers at this site the proposed development is unlikely to result in a significant adverse impact upon it.

As the status of badgers on site can change within a short time scale, it is recommended that if planning consent is granted a condition should be attached which requires the submission of an updated badger survey prior to the commencement of development.

#### Otter and reptiles

The nature conservation officer advises that these priority/protected species are not reasonably likely to be present or affected by the proposed development. However, since these comments were provided, objectors have provided evidence of otters being recorded within the vicinity of the application site. Further advice from the ecologist will be reported as an update.

#### Common Toad

There are records at Poynton Pool of Common Toad, a priority species and hence a material consideration. The application site supports suitable habitat for this species. The nature conservation officer advises that the proposed development would result in a localised adverse impact upon this species as a result of the loss of suitable habitat and the risk of animals being harmed during construction works. The submitted ecological assessment includes recommendations to minimise the risk to toads during the construction phase, and the restoration of the application site to tussocky grassland would provide suitable habitat for this species.

#### Hedgehog

This priority species, which is a material consideration, is known to be present in the broad vicinity of the application site and may occur on the application site on a transitory basis. The proposed development would result in an adverse impact upon this species, if present, as a result of the loss of habitat and the risk of animals being killed or harmed during the construction phase. The submitted ecological assessment includes proposals to minimise the risk to hedgehogs during the construction phase, which could be conditioned in the event that consent was granted. The proposed development would result in a minor localised impact upon this species due to habitat loss.

#### Bats

##### *Roosting Bats*

A number of trees were identified on site that offer potential for roosting bats. No evidence of roosting bats was recorded during the surveys of the trees undertaken to inform the submitted ecological assessment. Based upon the current status of roosting bats on site the nature conservation officer advises that the proposed development is unlikely to result in a direct adverse effect on roosting bats.

Due to the number of trees to be removed with potential to support roosting bats and the often-transient nature of bat roosting in trees it is recommended that if planning consent is granted a condition should be attached which requires the pre-commencement submission of an updated bat survey of any trees with bat roost potential that would be removed as a result of the proposed development.



#### *Foraging/commuting bats*

The woodland affected by the proposed development is highly likely to be used for foraging and commuting purposes by a number of bat species. The likely effects of the removal of section of woodland will vary depending on the species of bat concerned, with some species being more significantly affected by the creation of gaps in the woodland than others but is not likely to be significant enough to result in an offence.

The creation of gaps in linear features, such as the woodland affected by the proposed development, is generally detrimental to foraging and commuting bats. The impact of the proposed development upon foraging and commuting bats is likely to be significant in the local context.

#### Nesting Birds

The woodland affected by the proposed development is likely to support a number of breeding birds potentially including more widespread priority species, which are a material consideration for planning. There will be a localised adverse impact upon nesting birds as a result of the loss of woodland habitats. The installation of bird boxes is proposed as part of the proposed development would only potentially partially mitigate for the impacts of the proposed development upon nesting birds. If planning consent is granted a condition will be required to safeguard nesting birds during the site clearance process.

#### Construction Environmental Management Plan

In the event that planning consent is granted a condition is recommended which requires the submission and implementation of a Construction Environment Management Plan (CEMP). The CEMP should cover the following topics:

- Control of non-native invasive plant species
- Safeguarding of retained emergent vegetation around the pool
- Pollution prevention
- Avoidance of night working and use of artificial lighting.
- Implementation of precautionary mitigation detailed in paragraph 5.10 of the submitted Environmental Assessment Report.

#### Biodiversity Net Gain

All development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5) and deliver a Biodiversity net gain in accordance with SADPD policy ENV 2. In order to assess the overall loss/gains of biodiversity resulting from the proposed development the applicant has undertaken and submitted the report of an assessment undertaken in accordance with the Defra Biodiversity 'Metric'.

The biodiversity metric report submitted in support of the application concludes that the proposed development would result in a net loss of biodiversity, but the delivery of the offsite compensatory woodland planting, would deliver a net gain for biodiversity.

If planning consent is granted a mechanism to secure the submission and implementation of a habitat creation method statement, and 30-year monitoring

and management strategy for the offsite habitat works and the on-site provision would be required.

#### Management Plans

Management plans have been submitted in support of the application for both the on-site and off-site habitat creation proposals. The nature conservation officer advises that the on-site management plan is difficult to follow as it is unclear which section of the management plan refers to which landscape treatment proposed. Despite the management plan dealing with the management of grassland habitats, there is no cutting of the grassland proposed. Recommendations have been made to the applicant for the management of the on-site grassland, but this is a matter that would be dealt with by the management strategy referred to above.

#### Ecology summary

Due to the loss of areas of existing woodland, the proposal will not comply with the Ecological Network policy ENV1 which seeks to secure increases to the size, quality or quantity of priority habitat. There will be an adverse impact upon the LWS, which will only be permitted under policy SE3(4) if the reasons for or benefits of the proposed development outweigh the impact of the development. There will be a localised impact upon Common Toad, Hedgehog, and nesting birds, and a significant impact upon foraging and commuting bats in local context. However, overall, the delivery of the offsite compensatory woodland planting, would deliver a net gain for biodiversity.

#### **Archaeology and Heritage**

Poynton Park and Poynton Pool are identified as Neighbourhood Plan Heritage Sites in the PNP. Poynton Park Boathouse, on the opposite side of the Pool to the proposed works, is also on the Cheshire East Local List of Historic Buildings. These sites should therefore be considered as non-designated heritage assets (NDHA).

Policy SE7 of the CELPS states that all new development should seek to avoid harm to heritage assets and sets out requirements for development proposals that affect designated and non-designated heritage assets. HER1 of the SADPD requires proposals affecting heritage assets and their settings to be accompanied by proportionate information that assesses and describes their impact on the asset's significance. When considering the direct or indirect effects of a development proposal on a non-designated heritage asset, policy HER7 requires a balanced judgement to be made having regard to the significance of the heritage asset and the scale of any loss or harm. HER8 relates to archaeology and scheduled monuments.

Policy EGB 15 of the PNP requires development to aim to conserve and enhance the heritage assets of Poynton, including their setting. If any proposed development has the potential to affect the contribution of a heritage asset or its setting to its significance or an appreciation of its significance, an assessment of its impact shall be undertaken. Similar requirements are set out in paragraph 200 of the Framework.

Policies EGB20 and EGB21 relate to non-designated heritage assets identified in the PNP and set out requirements for development affecting NDHAs.

The Environmental Assessment Report accompanying the application makes reference to PNP policy “EGB3” [EGB15] noting that Poynton Park is identified as a local heritage asset of significance. However, the application provides nothing further in terms of the potential impact of the proposal upon the significance of these heritage assets. The absence of a Heritage Impact Assessment means the proposal is contrary to policies HER7 of the SADPD, EGB15 of the PNP and paragraph 200 of the Framework.

As noted above, it is understood that the pool was constructed around 1750, and given the maturity of some of the vegetation, including the woodland within the application site, this has also been in place for many years. The pool has a longstanding use as a valuable amenity for the local community. The opening up of two sections of the woodland to the main road leading into Poynton will have a significant impact upon the Pool and Park and their setting, by diluting the enclosed and intimate character along the western bank, which is considered to be harmful to these heritage assets identified in the PNP.

Policy SE7 states that proposals that cannot demonstrate that any harm will be outweighed by the benefits of the development shall not be supported. Where loss or harm is outweighed by the benefits of development, appropriate mitigation and compensation measures will be required to ensure that there is no net loss of heritage value. Given the identified harm to these heritage assets, there is considered to be conflict with policies HER7 of the SADPD and EGB21 of the PNP.

Cheshire Archaeology Planning Advisory Service have confirmed that the proposed development is unlikely to significantly impact any below ground archaeological deposits and therefore, there are no archaeological requirements for the application.

### **Open Space**

The application site, and the wider Poynton Park is allocated as Protected Open Space. Policies SE6 of the CELPS, REC1 of the SADPD and EGB2 of the PNP seek to preserve and protect areas of open space from development to ensure good quality, and an accessible network of green spaces for people to enjoy, providing for healthy recreation and biodiversity and continuing to provide a range of social, economic and health benefits. A number of letters of representation have raised concerns about the impact on the community and highlighting the health benefits associated with the Pool and Park.

In this case, the proposals do not result in the loss of any open space, the Park and the Pool will remain as valued local recreational facilities, albeit with reduced tree cover. As such there is not considered to be any significant health impacts arising from the proposal and no significant conflict with the objectives of these policies is identified.

## **Land Contamination, Ground conditions and Pollution**

Policy SE12 of the CELPS explains that all development should be located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (including additional traffic) during both the construction and the life of the development.

This policy also explains that where a proposal may affect or be affected by contamination or land instability (including natural dissolution and/or brine pumping related subsidence), at the planning application stage, developers will be required to provide a report which investigates the extent of the contamination or stability issues and the possible affect it may have on the development and its future users, the natural and built environment. In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

Policy ENV17 of the SADPD supplements this policy and makes explicit the protection of groundwater and surface water in terms of their flow and quality.

Given the limited scale of the development there is no significant pollution impacts arising from the proposal in terms of air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution.

Objectors refer to the potential increased noise from passing vehicles being experienced by users of the Park due to the loss of trees. Whilst trees might provide some sound absorbing function, they do not form a solid barrier to eliminate noise, therefore traffic noise is and will continue be an inevitable characteristic of the Park, particularly along the western bank of the Pool. It is accepted that users might experience more sensitivity to traffic noise due to vehicles travelling along London Road North being more visible, but any increase in noise levels is not considered to be so significant to amount to conflict with the noise related policies of the development plan.

Many of the letters of representation raise concern regarding the potential impact upon the stability of the dam if the trees are removed. The Flood Study Report (2023) also notes that the dimensions and make-up of the waterproof element of the dam is not known, and that investigation should be considered to determine the subsurface make-up of the dam, in order to better understand the risk of seepage through the dam.

No land stability information has been provided with the application, however, the submitted Flood Risk Assessment refers to the soil surrounding Poynton

Park (to the west of the pool) as slowly permeable seasonally wet, slightly acid, but base-rich loamy and clayey (<https://www.landis.org.uk/soilscapes/>). A third party has carried out their own investigations and found the ground to have more of a sandy/gravelly make up. Following this and other concerns raised by objectors and the Town Council on this matter the applicant has confirmed a review of published geological information, as given on British Geological Society, BGS, GeoIndex, was carried out as part of the initial options report, referenced in the submitted Summary Options Report. This suggests that the geology of the reservoir area, likely to be the source of fill to build the dam embankment, was marl and so likely to be relatively low permeability. Ground investigations were considered as part of the development of the scheme but was not found to be necessary given that there was no clear concern as to the stability or permeability of the dam embankment in the last S10 report. Ground investigations are likely to have some impact on nearby trees, so whilst a condition could be used to confirm ground conditions, prior to the commencement of development, it will not be without its own impacts.

### **Living conditions**

CELPs Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. Policy HOU12 of the SADPD states development proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive users or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

Having regard to the details above relating to pollution, and by virtue of the scale of development and separation distance to the nearest residential properties, there will be no significant impact upon the living conditions of these neighbours.

### **Flood Risk and Drainage**

Policy SE13 of the CELPS requires developments to integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation, in line with national guidance.

Policy ENV16 of the SADPD requires development proposals to demonstrate how surface water runoff can be managed, including with the use of sustainable drainage systems (SuDS).

Policy EGB1 relates to surface water management and notes that Poynton is at risk of flooding due to a number of factors. The management of flood risk and management and maintenance of all culverts, streams and brooks within the

town should be co-ordinated into a local Flood Risk Mitigation Plan by the relevant authorities.

The application site is located entirely in Flood Zone 1 and is predominantly at very low risk of flooding from surface water sources according to Environment Agency mapping. The flood map for planning also shows that the site is located over 100m away from the nearest designated Main River, which is Poynton Brook to the west. There is an ordinary watercourse (watercourses that are not designated as Main Rivers), Park Lane Stream, approximately 50m south of Poynton Pool flowing from east to west until its confluence with Poynton Brook

#### Existing Flood Risk

There are no records of historical flood events at the site based on the Environment Agency and Local Authority data. The EA data shows the nearest events to the south west of Poynton Park, along Vicarage Lane and the A523. There was a significant flood event affecting Poynton in June 2016, when 127 properties were internally flooded, and September of 2016, when 3 properties were internally flooded. There were further instances of internal and external property flooding reported during the summer of 2016. The cause of the 2016 summer flooding was reportedly due to prolonged and heavy rainfall resulting in the surface water drainage system exceeding its capacity, along with high water levels in surrounding watercourses which hindered the ability of the sewers to discharge into watercourses and surcharged surface water outfalls. This included residents reporting the Park Lane Stream overflowing and flooding their homes. In July 2019 86 properties were reported being internally flooded in Poynton, and flooding was observed around the “bifurcation” [division] points around Poynton Lake, including along South Park Drive, Anglesey Drive, and from the pond on Towers Road. Several more years have been identified when flooding has been reported in Poynton including: 2011; 2010; 2002; 1994; and 1976.

The EA’s Long Term Flood Risk – Surface Water Flood Risk map (below) indicates that the location of the proposed works, between the west of the lake and the A523, appears to be at very low risk of surface water flooding (Figure 3-2) (less than 0.1% chance of flooding each year). Poynton Lake appears to be at high risk of surface water flooding in some areas (greater than 3.3% chance of flooding each year).





Flood risk associated with reservoirs usually occurs as a result of a breach of the embankments or outfall. Reservoir flooding can pose a danger to life due to the sudden onset and large volumes of water that can travel at high velocity. However, all large, raised reservoirs (currently defined as those with a capacity of 25,000m<sup>3</sup> and above), fall under the Reservoirs Act 1975 and as such are regularly inspected and supervised by panel engineers. Therefore, the risk of reservoir failure is generally low.

The EA's Reservoir Flood Extents (Dry Day and Wet Day) map (below) shows the maximum flood extents that may occur during reservoir failure.





The map shows two areas where reservoir flooding would originate from Poynton Pool, one to the northwest where the existing overflow arrangement is located (flooding towards Poynton Brook and onto agricultural land), and at another point to the south west of the lake opposite Vicarage Lane (flooding onto properties on affected streets, joining Park Lane stream towards Poynton Brook and Norbury Brook).

The FRA explains that although the EA's reservoir mapping shows the reservoir flood extent originating to the west of the proposed works, when Poynton Lake overtops or breaches, water will flow across the site of proposed works (the dam embankment) before flowing west towards the Poynton Brook.

As noted in the background section of this report, the 2023 Flood Study found that levels along the dam crest are lower at some locations compared to others. This means that the crest levels are lower than the Design Flood and Safety Check flood event levels and overtopping of the dam is currently expected to occur during these Design and Safety Check flood events (0.1% and 0.01% AEP respectively). The modelling also indicates that overtopping is currently expected to occur during flood events of 5% AEP and greater.

Due to the levels of the dam along its length not being consistent with parts of the dam that are lower than others, in a large flood event this would cause water to flow over the dam unevenly, potentially leading to localised damage of the embankment. This could lead to an uncontrolled release of water, leading to extensive flooding impacting people and properties downstream.

Climate Change is expected to increase the frequency and intensity of rainfall across the UK. So, although the site currently lies within Flood Zone 1, it is likely

that the site will experience a higher frequency of flooding in future due to Climate Change.

### Post development Flood Risk

Whilst the proposal will widen the path along the dam crest to two metres and include the construction of a 2-metre-wide clay verge which may slightly increase the local impermeable surface area, this is not considered to result in any significant increase in flood risk.

The works are being undertaken to reduce reservoir flood risk. The height of the dam crest will be regulated, and low spots removed. The lowest point of the dam is currently 90.86 mAOD and the regulated height after the works will be 91.3mAOD. Tree management will involve creating two clearings for overtopping water to flow over the embankment and removal of trees within 2m of the crest kerb will prevent root damage and encourage grass growth for erosion protection.

Hydraulic modelling show that as a result of raising the crest levels to 91.3mAOD, the water level within the reservoir will increase by 0.18m during the 0.1% AEP Design Flood event and also the 0.01% Safety Flood event (Table 4-1). This means that there may be a higher residual risk in the event of failure due to the increased capacity of the reservoir, however these works will formalise overtopping of the dam, better managing the risk of failure due to concentrated erosion.

The FRA explains that the modelling further demonstrate that as a result of the proposed works, the reservoir will be expected to overtop during the 0.1% AEP event and above, compared to the current scenario where overtopping is expected during events of 5% AEP and above. The peak flow overtopping the dam will be also reduced by 1.35m<sup>3</sup>/s (from 5.17m<sup>3</sup>/s to 3.82m<sup>3</sup>/s) for the 0.1% AEP Design Flood and by 0.59m<sup>3</sup>/s (from 9.95m<sup>3</sup>/s to 9.36m<sup>3</sup>/s) for the 0.01% Safety Flood Event. This means that both the frequency and peak flow overtopping the dam is expected to decrease as a result of the proposed works.

There is a possibility that works in close proximity to the culverted outlet pipe which discharges the reservoir could cause damage to culvert during construction and reduce the ability of the reservoir discharge through the outlet pipe, increasing the risk of the reservoir overtopping. However, safe working practices are all that can be done to minimise this risk.

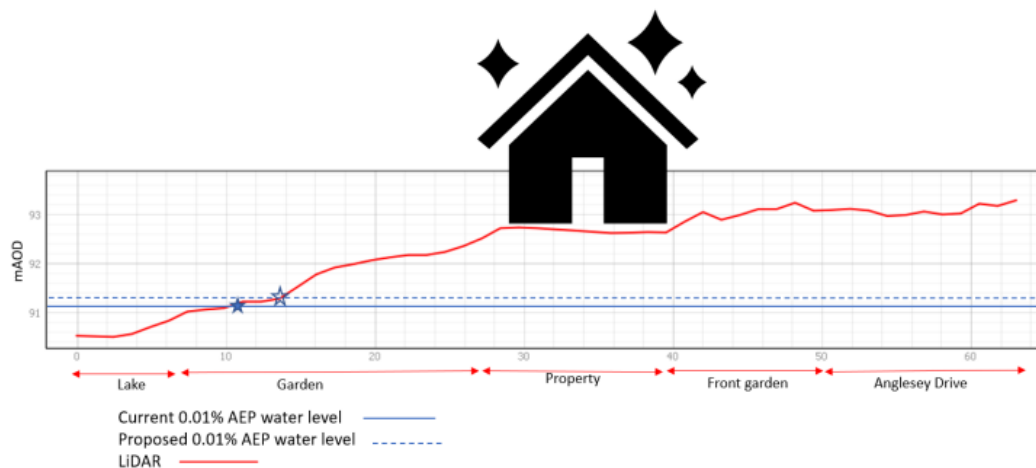
### Anglesey Drive properties

The garden areas of numbers 2, 4, 6, 8 and 10 Anglesey Drive appear to have ground levels (closest to the reservoir) below 91.37mAOD, with the lowest levels around 91.05mAOD. The lowest threshold level of these properties is 92.68mAOD.

Consequently, these properties may experience up to approximately 6m in length of garden flooding towards the end of their gardens (at the edge of the reservoir), with flood depths of up to approximately 0.32m. The bottom of these gardens are already below the existing 0.01% AEP maximum flood level of

91.19mAOD so would currently be expected to flood during this event. However, the proposed works are likely to increase these garden flood depths by up to 0.18m (0.14m existing flood depths compared to 0.32m proposed).

Number 2 appears to have the lowest garden ground levels and is therefore used as a “worst case” in the diagram below taken from the FRA.

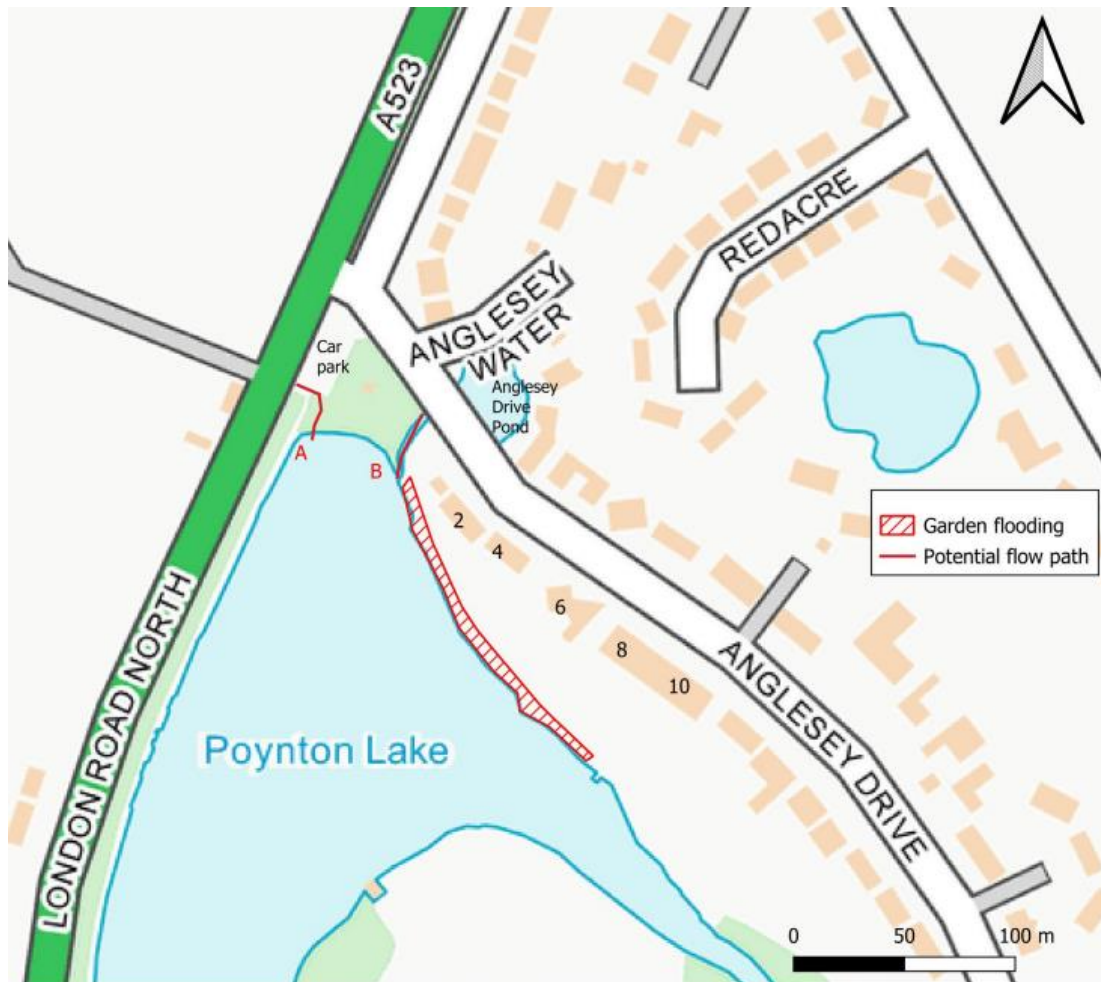


The diagram shows that approximately a 4m length of garden is currently likely to flood during the 0.01% AEP event compared to 6m as a result of the proposed works (2m increase in length).

Policy SE13 states that FRAs should be submitted to demonstrate that development proposals will not increase flood risk on site or elsewhere. Flood risk is a combination of the probability (likelihood or chance) of an event happening and the consequences (impact) if it occurred. Following the proposed works the frequency and peak flow overtopping of the dam to the west of the pool is expected to decrease as a result of the proposed works, reducing flood risk downstream (to the west). However, it does appear that flood risk will increase to the properties to the north along Anglesey Drive. Whilst these are gardens that are likely to flood in the 0.01% AEP event, it is still disappointing that mitigation is not provided for these properties as part of the proposals when the modelling suggests that the proposed development will increase the flood levels in their gardens during these events.

The image below shows the extent of the area affected to the rear of the properties along Anglesey Drive. The image also shows two potential flow paths (Route A via the car park and Route B towards Anglesey Drive pond). Flow path A will be addressed by the raising of the crest level along the western dam. Flow path B is the route of a ditch which connects Anglesey Drive pond and the reservoir. The FRA states that the nature of the connection between the ditch and Poynton Pool Reservoir is currently unknown however it is possible that water could flow from Poynton Pool along the ditch, under Anglesey Drive and into the pond. The ground levels along the ditch (90.89mAOD) are lower than the existing maximum flood level during the 0.01%

AEP event so the ditch is already expected to flood. The flood depths along this route are expected to increase by 0.18m as a result of the proposed works (0.3m existing flood depths compared to the proposed 0.48m flood depth). The FRA states that this could be partially mitigated by installing a flap valve on the downstream end of the culvert, to prevent the lake entering the pond, and this will be explored as part of the detailed design.



The proposed works will reduce flood risk downstream (to the west) of the reservoir, and the LLFA and the Environment Agency raise no objections to the proposal. However, given that the proposal does increase flood risk elsewhere (to the rear of 2-10 Anglesey Drive, and potentially towards Anglesey Drive pond, there is some conflict with policy SE13 of the CELPS.

## Highways

Policy CO1 of the CELPS sets out the Council's expectations for development to deliver the Council objectives of delivering a safe, sustainable, high quality, integrated transport system that encourages a modal shift away from car travel to public transport, cycling and walking; supportive of the needs of residents and businesses and preparing for carbon free modes of transport. Policy INF1 of the SADPD requires developments to contribute positively to local walking, cycling and public transport objectives. Policy INF3 requires development

proposals to provide safe access to and from the site for all highway users and ensure that development traffic can be satisfactorily assimilated into the safe operation of the existing highway network. TAC 1 of the PNP supports improvements to the existing footpath and cycle network.

In terms of the highway impact of the proposals, the proposed works/contractor compound will use the existing car park off Anglesey Way, which will mean that there would no public parking in the car park during the construction period. All deliveries and materials we use London Road North to access to site compound, and it is indicated that the work will take up to 4 months to complete in 2024.

The construction phase of this application does not raise any significant highway concerns.

The development would affect Public Footpath Poynton with Worth No. 89 as recorded on the Definitive Map and Statement. The Public Rights of Way (PRoW) Team do not object to the proposed 2 metre resurfacing with compacted gravel, and note that a temporary closure will be required whilst the works are undertaken. A condition is recommended requiring further detailed information relating to the works to the PRoW. The proposed alterations to the existing path will also serve to enhance accessibility, and such proposals are supported by the policies listed above.

The Head of Strategic Transport raises no objections to the proposal, and therefore no significant highway issues are raised.

## **Other considerations**

### Alternatives

A number of options have been considered by the applicant, and others have been put forward by interested parties. A summary options report accompanies the application which outlines the other options considered by the applicant.

As noted previously in this report there are two routes that could be taken to address the insufficient spillway capacity and freeboard.

- Upgrade the reservoir to meet full engineering standards. This would involve increasing the capacity of the overflow and increasing the freeboard; or
- Adopt a risk-based approach, accept the dam embankment on the west side of the pool will overflow and improve its resilience to overflowing.

### *Full Engineering Standard Options*

Two full engineering options were considered to upgrade the reservoir:

1. The reservoir is discontinued so no longer impounds the threshold of water to fall under the Reservoirs Act 1975;
2. The spillway capacity is increased



**Option 1 – discontinue the reservoir** – this option was discounted because the lake, which currently serves as an amenity lake for the local community would be lost.

**Option 2 – increase culvert capacity of existing spillway** - this option was discounted because it increases flood risk downstream, has a much higher cost than risk-based options and does not meet engineering standards for freeboard (does not meet the Institute of Civil Engineer’s Guide freeboard requirements to increase the freeboard by lowering top water level or raising the crest).

#### *Risk Based Options*

The risk-based approach is judgement based and includes consideration of economic calculations and sensitivity analysis, although these would not in themselves be the sole determinant. The judgement is therefore “risk-informed” following the principles set out in section 3.5 of the Guide to Risk Assessment for Reservoir Safety Management Volume 1” (DEFRA/EA, 2013).

The risk-based options would accept the dam would overflow but look to increase the resilience of the dam to overflow with a subsequent reduction in the likelihood of breach of the dam and release of the reservoir.

One of the factors considered as part of a risk-based approach is a ALARP (as low as reasonably practicable) calculation, which compares the cost of capital works to reduce risk to the benefits. Where cost is disproportionate then investment is not justified.

Another key consideration of the risk-based options is tree removal. The full engineering standards approach would be for removal of all trees on the embankment. This is not desirable due to the public amenity and ecological value of the woodland.

The following risk-based options were considered to upgrade the reservoir:

- 3A. – add additional culvert to increase spillway capacity;
- 3B. – retain the existing overflow and construct an emergency spillway to convey flood flows that the culvert cannot take;
- 3C. - Increase resilience to overflow (Upper)
- 3C. - Increase resilience to overflow (Lower)

**Option 3A - add additional culvert to increase spillway capacity** – this would retain the original overflow configuration and supplement it with one additional culvert. The additional culvert would be of similar size to the existing 600mm diameter culvert, and would approximately double the spillway capacity, but it would not be large enough to pass the design flood event (0.1% AEP). There would still be an “intolerable” risk of failure of the embankment, albeit reduced. For these reasons this option was discounted.

**Option 3B - retain the existing overflow and construct an emergency spillway to convey flood flows that the culvert cannot take** – this looked at two spillway options, a 35m wide spillway to pass flows that avoid flooding houses on London Road, and a 140m wide spillway to pass 11m<sup>3</sup>/s (safety

check flood). The shortened spillway was preferred as it avoids the houses. In conjunction with an emergency spillway on the upper embankment, the lower section of the dam embankment below London Road North would also need to be flattened and reinforced with grasscrete surfacing. This would need to extend into the garden of one of the residential properties downstream which creates access and maintenance challenges that were considered unacceptable to the applicant.

**Option 3C Upper - levelling the dam embankment crest and installing a crest marker** - Although Option 3C requires removal of some trees, it was taken forward as the preferred option for further development, when considered against the other options, over a range of criteria including cost, reputational risk (flood risk management, and dam safety), risk of dam failure, onset of flooding, onset of damage to the dam, risk of future dam safety works, fluvial flood risk, heritage and visual impact.

**Option 3C Lower – As with “Upper” works plus works to embankment downstream of London Road North** - Work to the lower embankment would be beneficial to the reservoir but it does impact heavily on the homeowner of the first of the four properties on London Road North and causes disturbance to the garden of the property. It was decided not to progress these works as the works defined in Option 3C Upper alone already addresses the recommendation in the S10(6) Certificate.

The table below provides a summary of the options appraisal for each option.

Consideration	Option 2	Option 3A	Option 3B (upper and lower)	Option 3C- Upper	Option 3C- Lower
	Culvert to pass 1 in 1,000 year (Note 1)	smaller 0.6m culvert (Note 1)	Emergency spillways	Regularise crest	Reduce risk of damage
Project Cost	£1.3M	£750k	£730k	£540k	£340k
Cost to prevent a fatality (CPF) £M/ life	6	7	3	0 (benefits outweigh costs)	see text section 6.6.1
CEC Reputation (flood risk management)	√√√	√	-	√	√√
Spillway capacity – dam failure	√√√	√√	√√	√√√	√√√
Onset of flooding London Road North	√√√	√	No change	√	√
Onset of damage to dam	√√√	√	√√	√√	√√
Risk of future dam safety works	√√	xx	√	√	√
Fluvial flood risk	xx	x	√√√	√√√	√√√
Heritage	√√	√√	xxx	x	-
Visual impact	xxx	xxx	xx	x	X
Key (scale of 1 to 3): √ Beneficial, x Detrimental					
Notes					
Project cost and CPF exclude costs to increase freeboard to meet engineering standards, or to mitigate increase in downstream fluvial flood risk					



The minimum requirement for regulating the crest to meet the Reservoirs Act 1975 are that it will:

- Spread out overflow uniformly along the length of the crest and therefore be able to tolerate a larger overflow before a breach occurs
- Have the crest kerb in intimate contact with the clay embankment to prevent flow going under the kerb and removal of roots under the kerb which would provide a flowpath.

Several variations of Option 3C were then considered to achieve these goals:

- i. Raise path remote from waterline including dwarf wall and clear trees.
- ii. Path raising along bank edge and installation of upstream slope wave protection.
- iii. Regulate crest by installing crest marker only.
- iv. Building a new wall along downstream toe.
- v. A meandering path through the Wood forming the level crest.
- vi. Constructing a path above the root zone.

Sub-options (iv) to (vi) were discounted for the following reasons:

**iv - Building a new wall at downstream toe** – This would involve constructing a wall of around 2m in height along London Road North which would need substantial foundations to resist forces imposed on it from the overflow and associated loading from wet soil. There would be disruption to trees on the downstream face and an impact on services running along the footpath. It would also increase the height of the drop on the downstream side and unacceptably increase the risk of scour.

**v - Meandering path through wood** – for this option the path itself would be the crest marker. Over time the path would erode, be subject to settlement and potential disruption from tree routes resulting in regular and costly maintenance. This option was discounted in favour of an option that provides a crest marker that would spread out the overflow evenly.

**vi - Raising the path above the root zone** – this was discussed with the view that the trees could be retained. This option would see the use of a root protection matting being installed as the foundation for a new path. The path would still need a crest marker. This option was discounted as the risk of root systems of the nearby trees causing the crest marker to become disturbed was high. Additionally, there would be an unacceptable risk of leakage and internal erosion under the kerb, along the roots.

The remaining three sub-options were then identified as possible solutions suitable to be taken forward to a concept design level. These options were:

- i. Raise path including dwarf wall and clear trees
- ii. Path raising and installation of upstream slope wave protection
- iii. Regulate crest by installing crest marker only.

All three sub-options include tree clearance for the full width of the crest for a total of 80m, maintained as grass, to provide an overflow route for floods. This

is important to ensure that undergrowth under the trees does not inhibit overflow water and has regard to the fact that the structure is a dam which comes under Reservoir Safety legislation and is therefore subject to periodic safety inspections, which it will need to pass in the future.

Option 3C(iii) was preferred as it meets the minimum Reservoir Safety requirements of increasing resilience to overflow and this reducing the risk to the people downstream of loss of life and property damage; it also has the least environmental impact and lowest loss of trees, particularly along the reservoir edge. This option was also considered to be the lowest cost at the time, although the path works were excluded. This has since been added as the existing path meanders and the kerb must remain relatively straight for reservoir safety inspections. The path works will improve access for all users. The impact on trees has been minimised by locally adjusting the route alignment and path width.

#### Alternatives proposed by third parties

A number of options have been put forward by third parties during the applicant's public consultation exercise and during the planning application consultation. The suggested alternatives are summarised below with reasons given by the applicant why they could not be taken forward.

**Increase outlet culvert with no crest works** – increasing the size of the culvert does not achieve the freeboard requirements, lowering top water level or raising the crest is required.

**Do not widen path** – The design has a kerb set out in a straight line along the downstream side of the existing path to allow preservation of vegetation along the edge of the reservoirs. The path is to be varied in width to avoid trees where possible.

**Improved maintenance of outfalls** – this does not increase spillway capacity for extreme floods or improve resilience to bank overflow.

**Desilting of Poynton Pool** - this does not increase spillway capacity for extreme floods or improve resilience to bank overflow.

**Nature friendly options** – No nature-based solutions which address the public safety issues associated with the dam, increase spillway capacity for extreme floods or improve resilience to bank overflow were identified.

**Create additional storage in Poynton Park** – The Park would not be large enough to store the required volume of water, and this would require extensive excavation and have detrimental impacts on ecology and landscape.

**Meandering path using locally available gritstone** – To spread out overflow evenly along the length of the crest and improve resilience of the bank to overflow a level crest must be installed. This requires a formal marker (kerb/concrete beam) as this can be installed to low tolerances (+6mm/-6mm is

standards Highways spec) and easily surveyed / re-laid if it moves. The overflow in a 1000-year event is calculated to be approximately 40mm. To achieve a uniform overflow and spread the flow out evenly over the full length of the crest a tolerance is required significantly smaller than the depth of the overflow. Otherwise, the crest will not overflow in some places and will have an excessive depth of overflow leading to an increased risk of scour in other places.

With a granular type material it is not possible to achieve this tolerance. This will result in low spots which have an excessive depth of overflow leading to an increased risk of scour in these locations.

A positive cut-off is required from the kerb into the structural fill to prevent water seeping under the path. This will require excavation into the dam structure. This will also require the removal of roots local to the crest marker which could disrupt it.

**Introducing an armoured spillway as a “fail safe”** – This is an auxiliary spillway similar to option 3B above. The flow would be concentrated onto the road, rather than spreading it along the 480m crest as with the proposed design. Additional works would be required to take the flow along the road to the low point and protect the adjacent houses, as concentrated water would flow into the driveways. The downstream embankment would need to be protected from overflow and works would likely be required in private gardens,

The crest of the embankment would still need to be raised to meet the wave freeboard requirement in Floods and Reservoir Safety (2015) with associated tree loss.

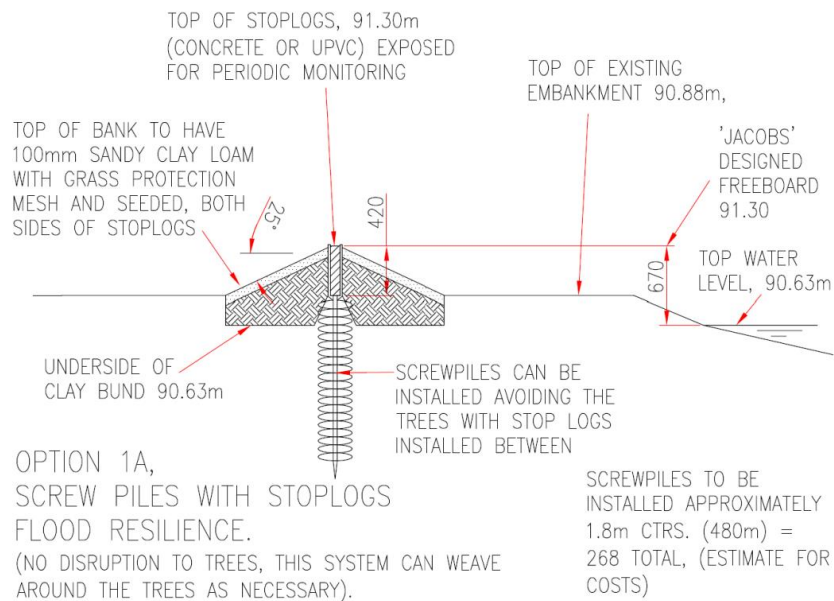
**Continue the roadside wall utilising an above ground concrete beam foundation secured by piles** - This is likely to have a significant visual impact as the wall would be the height of the existing embankment.

The wall will have to be structural and watertight to hold back the water, including not allowing flow underneath. Therefore, the steel poles would not be suitable and piling would be required which has the potential to have a structural impact on the existing embankment, piles may go through the roots of trees and result in tree loss.

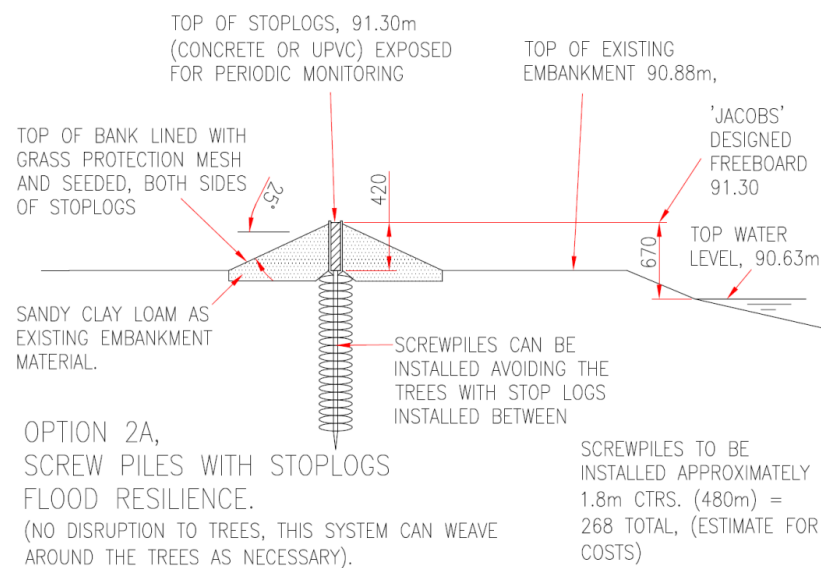
Water flowing over the wall and dropping onto the pavement (rather than down the embankment slope) potentially may lead to erosion on the path, which may require additional reinforcement.

The following options have also been put forward by Friends of Poynton Pool (FoPP) in their letter of representation:

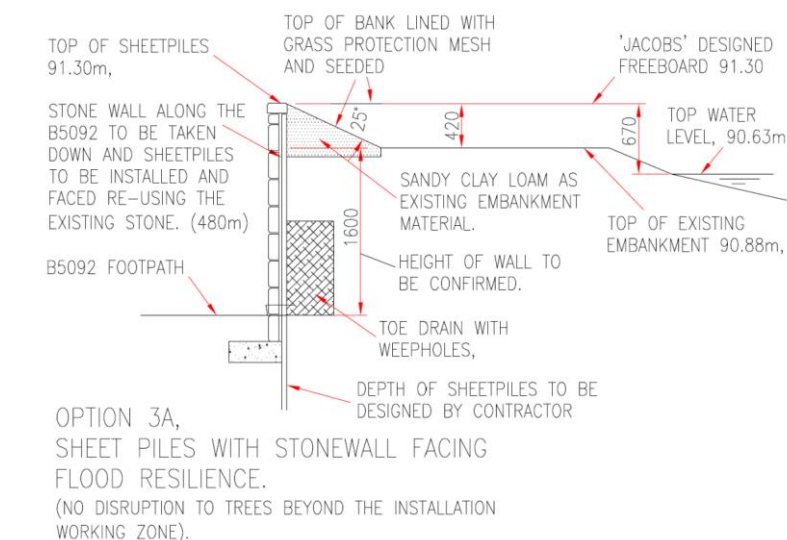
**Option 1A Screw piles with stoplogs and clay bunds to both sides**



### Option 2A Screw piles with sandy clay loam to both sides



### Option 3A Sheet pile wall at roadside with sandy clay loam backfill



The applicant has stated that screw pile options have been considered. A Screw pile option would be more expensive and can be easily undermined by water. Tree roots would be left in place which would allow flow under the beam, which is likely to cause internal erosion and is another potential failure mode of the dam. Alterations to the roadside wall have also been considered as above.

### Representations

With regard to the comments received in representation not addressed above it is acknowledged that the estimated cost of the works of £1.38m is a substantial amount of money, however the financial cost of carrying out development works is not a material planning consideration. Similarly the impact on property values is also not a material planning consideration.

A number of representations make reference to documents not submitted with the planning application. One example of this is missing appendices within the Poynton Pool Initial Options Report. Whilst this document is on the Poynton Pool pages of the Council's website it does not form part of the planning submission. Similarly, reference is made within letters of objection to the incorrect risk categorisation within the same report. Whilst it does not form part of the planning submission, the applicant has accepted that there was an error in that document regarding the position of boundaries of the ALARP zone, but that the risk was correct and remains unchanged. The effect of the change to the ALARP boundaries was that the current risk moved from just into the unacceptable zone into the top of the ALARP (As Low As Reasonably Practicable) zone. This does not mean the risk is tolerable. The ALARP zone is where works should be carried out to reduce the risk where the cost is proportionate to the benefits. In this case, the benefits of the current proposals in terms of reduced property damage outweigh the costs, even without counting the risk to life. It should also be noted ALARP was only one of the criteria considered when the proposed works were being planned.

The Town Council has suggested that Jacobs approach to decision making takes no account of collateral effects and unintended consequences, such as ecosystem impacts, public health and heritage (as in HM Treasury's The Green

Book). This is not considered to be the case, as is evident from the above information on alternatives, a number of factors were considered when arriving at the final solution to address the deficiencies identified in the S10 report, which do include the amenity value of the site, the environmental impact, visual impact, heritage, etc.

It is suggested that evidence of failed projects in respect of removal of high amenity value trees is not given appropriate weight in the processes which produced the design – e.g. Sheffield Street Trees, however, each project is designed and then determined on its own merits.

The safety implications for users of the path has been raised as a concern with the removal of the trees that create a barrier to the road. This is acknowledged, however there are routes through the trees towards the highway. If Members do require additional safety measures to the newly created spillways, this could be dealt with by condition.

Many letters refer to there being no consultation with the local community and the design was not evolved to take account of views of community in line with NPPF. It is also stated that there was a lack of notification of affected properties, and Historic England should be consulted. The applicant ran a public engagement period between 26 September 2022 to 4 November 2022 (prior to the planning application). Press releases were issued on the Council's website and on Facebook and Twitter accounts. Poynton Town Council included details on their website. A number of local interest groups were identified and contacted, such as the local flood working group, and users of the park with a presence in Poynton. This also included relevant Council departments. These groups were identified as having a potential interest in the works and were therefore invited to share their thoughts on the scheme. Houses in the vicinity of the works, on Anglesey Drive and London Road North, were contacted via a letter drop, inviting them to respond to the engagement. Two poster trailers were also positioned in Poynton Park. Publicity on the planning application was carried out in accordance with statutory requirements. A small number of neighbouring properties were notified (mainly on Lond Road) and a site notice was posted. There was no requirement to consult Historic England on the planning application.

Some additional information has been submitted during the course of the planning application and objectors maintain that a re-consultation exercise should be carried out. The additional information provided clarification on points that were raised during the consultation process, and no significant changes to the proposal were made. Consequently, further consultation was not considered to be necessary. However, it is noted that some objector and the Town Council have provided comments on the additional information, which have been considered as part of the assessment of the application.

Some representations allege that the Council has a hidden agenda, perhaps with a view to promoting the land opposite as a future housing development. The land opposite the application site is allocated under policy PYT 2 (Land north of Glastonbury Drive) for sports and leisure development (for 10 ha). The



requirements for the work are set out in the S10 Report, and the Council as the undertaker (reservoir owner) is required to carry them out.

Finally, in terms of representations, many representations state that an independent review of the proposals is required. The Secretary of State for Levelling Up, Housing & Communities received a request from third parties to call-in the application for his consideration. However, the Secretary of State decided not to call-in the application, and was content that it should be determined by the local planning authority. Poynton Town Council have previously instructed an independent reservoir engineer to provide an opinion on the Spillway Improvements. His report followed the applicant's period of public engagement and was published in November 2022. His concluding remarks were, *"In summary, the works to the dam are a legal requirement on the Council. They either have to undertake them or permanently drain the Pool. The option proposed appears proportionate and has less impact in terms of tree loss than potential alternatives."*

## **Planning Balance**

### Harm

The extent of the proposed operational development is relatively limited. These works comprise the infilling of the low points along the bank and slightly raising the level of crest with the addition of a kerb along its length to ensure a consistent level and works consisting of widening the footpath to two metres and resurfacing it with compacted gravel. Whilst the extent of operational development works are limited, the environmental impacts associated with it are more significant.

It has been confirmed that 78 trees and two 40m sections of Hawthorn Hedgerow will be removed as a result of the proposed development. 49 trees and 10 groups are also identified to be impacted by the proposals, largely by crown lifting over working areas or by RPA encroachment. Trees adjacent to where the works are taking place are at risk from construction activities and windthrow. Reference by interested parties to six trees awaiting verification as Veteran Trees is noted, as is the arboricultural officer's comments that some trees have Veteran characteristics, but given that this is only an anecdotal report, and has not been confirmed only limited weight can be given to the potential Veteran Tree status. Notwithstanding this, the impact arising from the loss of trees on the site is significant, not only in arboricultural terms, but also visually, as they form part of a woodland that makes a significant contribution to the amenity of the area. In comparison, the replacement planting at Walnut Tree Farm, whilst greater in number and area to those lost, it will not be visible from public vantage points and in no way relates to the losses visually experienced within Poynton Park, or along London Road North. Policy ENV6 requires replacement tree planting to be of a commensurate amenity value to the trees that are lost and (officer emphasis) to secure environmental net gain. The environmental net gain is achieved, but they are not of commensurate amenity value. The proposal is therefore considered to be contrary to policy ENV 6 of the SADPD. The creation of two 40m wide gaps within this prominent roadside woodland that forms the boundary to Poynton Park will be a brutal



intervention, and unequivocally harmful. Substantial weight is given to this harm.

In ecological terms, the loss of these areas of existing woodland conflicts with the objectives of policy ENV1 which relates to the Ecological Network and requires developments within Core Areas and Stepping-Stone sites to increase the size of core areas, increase the quantity and quality of priority habitat. The proposal runs counter to this objective. The proposed development is also located within the boundary of the Poynton Park Lake Local Wildlife Site (LWS). The LWS was selected due to the presence of woodland, marginal vegetation and open water habitats. The loss of woodland associated with the proposed development will result in a significant adverse effect upon the LWS. There will also be localised impacts upon Common Toad, Hedgehog and nesting birds as well as a significant impact upon foraging and commuting bats in the local context.

As the application was submitted before 2 April 2024 it is not subject to the statutory requirement for the development to deliver at least a 10% increase in biodiversity value relative to the pre-development biodiversity value of the onsite habitat. It is however subject to policy SE3(5) which requires development proposals to lead to an overall enhancement for biodiversity, and ENV 2 which requires a net gain in biodiversity to be delivered. The off-site planting provides a 10.27% net gain in biodiversity, and in principle, the proposed offsite woodland planting is an acceptable means of compensating for the impacts of the proposed development as a result of the loss of the existing woodland. 10.27% is greater than currently required by Local Plan policies which does attract some positive weight in favour of the proposal. The BNG proposals do go beyond what can be currently required (in the current policy context) to mitigate for the relative harm arising from the loss of the woodland. But a significant effect upon the LWS will still occur, as well as the local harm to the species listed above which weighs against the proposal. The weight afforded to this harm is tempered by the extent of BNG to be delivered, however it is still considered that moderate to substantial weight should be attached to this ecological harm.

The absence of a Heritage Impact Assessment describing the impact of the proposal on the non-designated heritage assets' significance means the proposal is contrary to policies HER7 of the SADPD, EGB15 of the PNP and paragraph 200 of the Framework. The pool has a longstanding use as a valuable amenity for the local community, and the visual impact described above will result in moderate harm to the heritage assets identified in the PNP. The trees to be removed have served to enclose the pool area and been the setting of the pool and park for many years and their loss will undermine this historical setting and sense of enclosure. Moderate to substantial weight is attached to this harm.

Finally, in terms of harm, the proposals do increase flood risk to the rear gardens of numbers 2 -10 Anglesey Drive, which is contrary to the objectives of policy SE13 of the CELPS. These gardens would flood even if the works

were not carried out, but not to the same extent. Moderate weight is attached to this increased flood risk.

### Benefits

The Reservoirs Act is concerned with public safety (preventing loss of life and damage if the dam failed and released the reservoir water). The legislation requires the Inspecting Engineer to make recommendations as to “measures to be taken in the interests of safety” and must give a timescale by which these measures shall be carried out (within their S10 report). The Environment Agency is responsible for enforcing the requirements of the legislation.

Therefore, balanced against the harm identified above is the fact that the proposals address the capacity issues of the spillway identified in the latest S10 Inspection. Section 2A of the Reservoirs Act 1975 designates Poynton Pool as ‘high risk’. This means that an uncontrolled release of water from the pool would endanger human life. EA flood maps and data identify that failure of the dam in a flood is likely to lead to flooding affecting around 3500 people, loss of around two lives, and cause £79M of property damage.

As a high-risk reservoir, the dam and spillway at Poynton Pool are required to pass a design flood with an annual chance of 1 in 1,000 per year with no damage, and a safety check flood with an annual chance of 1 in 10,000 per year with no failure of the dam (but with some damage occurring). The proposed works to raise the low points of the crest and increase the spillway ensure this will happen and provide some resilience for the reservoir to pass future S10 inspections, with the next one due in 2026.

Whilst alternative solutions have been put forward by third parties, these and others have been considered, and all have been discounted. No other viable options are known to exist that would achieve the same resilience to flooding as the proposed scheme. The proposed works are supported by the appointed All Reservoirs Panel Engineer. An independent review by an Engineer Appointed to the Reservoir Supervising Engineer Panels for England & Wales and Scotland by Poynton Town Council confirms that the works are proportionate and have less impact than alternatives.

Consequently, the effect that the proposed works have on flood risk and public safety together with the lack of any other viable alternatives to address the issue is given substantial and overriding weight. Overall, the identified benefits of the proposed development are considered to outweigh the substantial environmental, visual and historic harm in this case.

### **CONCLUSIONS**

The proposal results in a significant loss of trees from the existing woodland which is prominent in views from London Road North and from within Poynton Park. The loss of these trees is significantly harmful to the amenity of the local area and the non-designated heritage assets of Poynton Pool and Poynton Park. The replacement planting at Walnut Tree Farm over 2km away from the

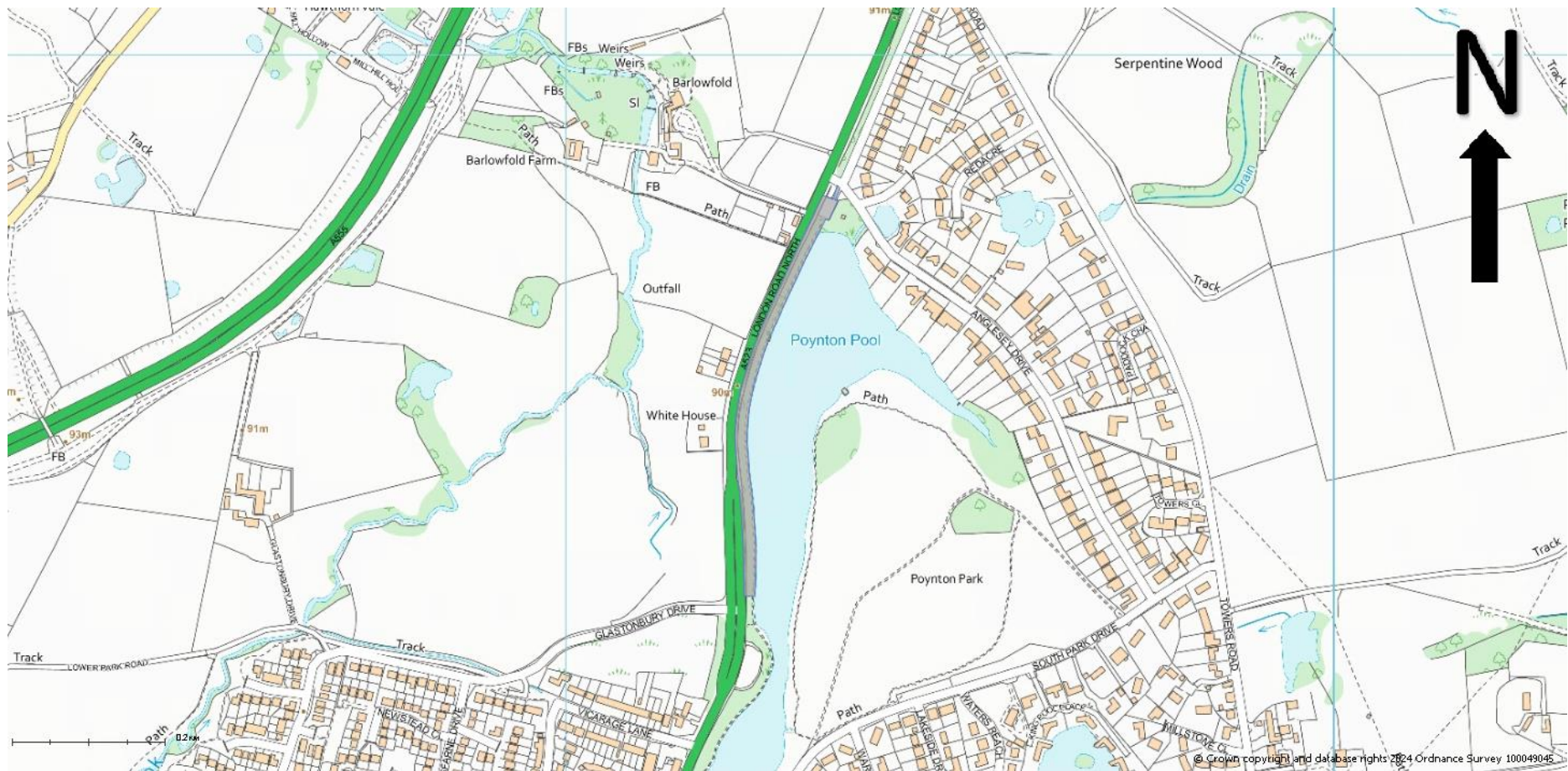
application site, and within Stockport Borough does nothing to mitigate for the amenity or historic value of the trees within Poynton. Whilst the new woodland planting would lead to a 10.27% net gain in biodiversity compared to the existing on-site habitat, there would still be significant harm to the LWS and localised harm to a number of species. It is also disappointing that mitigation is not provided for the slight increase in flood risk to the residential properties at 2-10 Anglesey Drive. The volume and strength of local opposition to the proposals is acknowledged and completely understood. However, the identified harm is considered to be outweighed by the need for the proposal and the lack of any viable alternatives in this case. Accordingly, the application is recommended for approval subject to the following conditions.

## **RECOMMENDATION**

**Approve subject to following conditions.**

### **Conditions**

1. Time period for implementation – 3 years
2. Development to be carried out in accordance with approved plans.
3. Materials to be in accordance with application.
4. Updated badger survey prior to commencement.
5. updated bat survey of any trees to be removed with bat roost potential prior to removal of trees.
6. Development to be carried out in accordance with recommendations to minimise the risk to toads in Environmental Assessment Report.
7. Development to be carried out in accordance with recommendations to minimise the risk to hedgehogs in Environmental Assessment Report.
8. Nesting birds survey to be submitted.
9. Submission and implementation of a Construction Environmental Management Plan (Ecology).
10. Implementation of off-site replacement planting informed by habitat creation method statement.
11. Implementation of on-site habitat works informed by habitat creation method statement.
12. Submission and implementation of measures to safeguard the shores of the lake and associated vegetation during the construction process.
13. 30-year monitoring and management strategy for the offsite and onsite habitat works.
14. Tree Retention in accordance with submitted details.
15. Tree protection scheme to be submitted.
16. Arboricultural method statement to be submitted.
17. Public Right of Way scheme of works to be submitted.
18. Ground condition survey prior to commencement.
19. Landscape scheme, including any required safety measures, to be submitted.
20. Implementation of landscape scheme.



UNCLASSIFIED

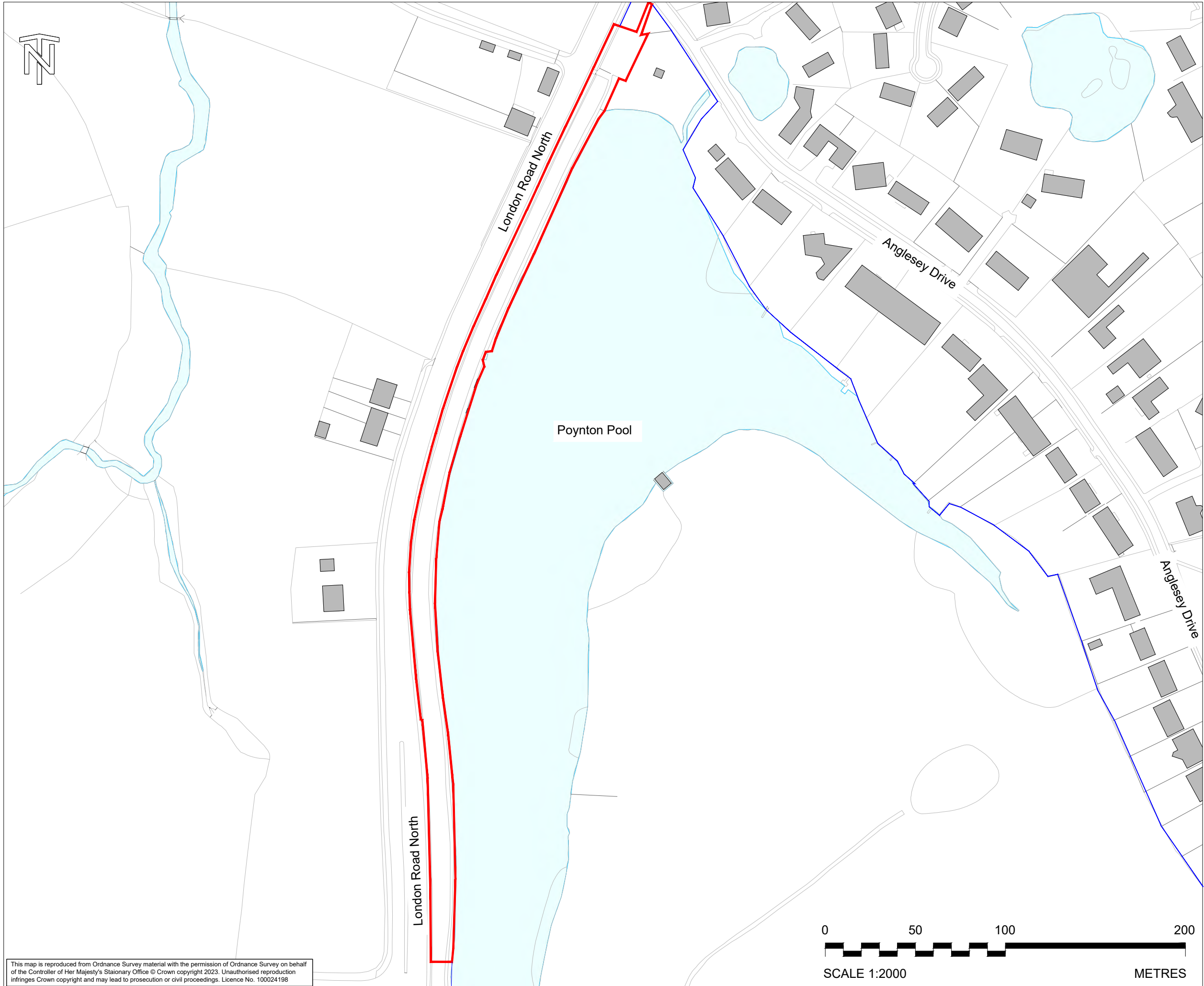
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23/4152M

THE DAM EMBANKMENT OF  
POYNTON POOL RESERVOIR,  
POYNTON PARK, LONDON  
ROAD NORTH (B5092),  
POYNTON



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- Notes:
1. All dimensions are in millimetres unless noted otherwise.
  2. All chainages are in metres unless noted otherwise.
  3. All levels are in metres above Ordnance Datum unless noted otherwise.
  4. Do not scale from this drawing.
  5. Red line boundary area = 7682m<sup>2</sup>

Key

Red line boundary

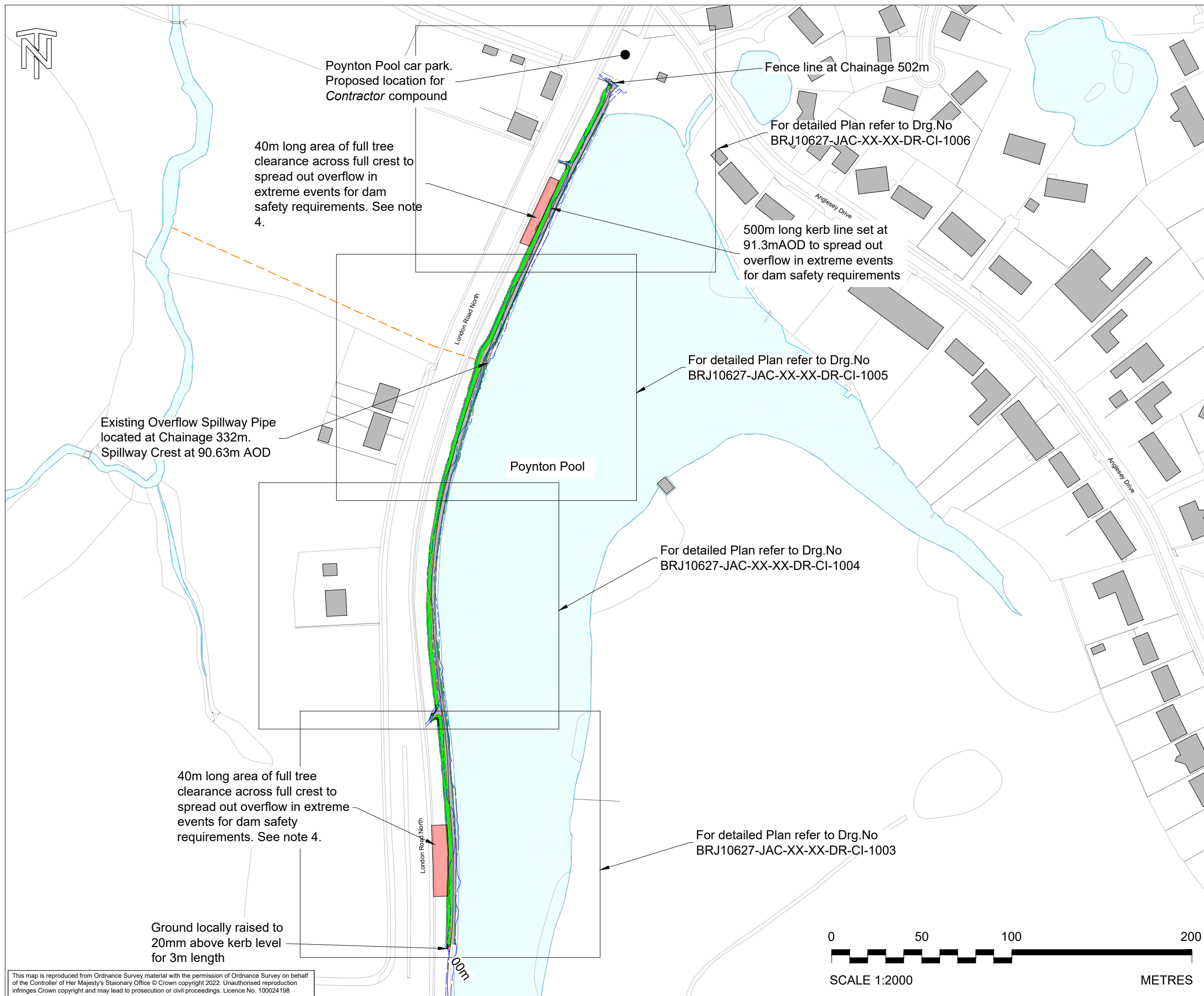
Poynton Park - In the Ownership of Cheshire East Council

P02	2023-03-27	For Planning	BW	CG	AB	BM
P01	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Apprv'd
<b>Jacobs</b> 95 Bothwell St, Glasgow, G2 7HX Tel: +44(0)141 243 8000 Fax: +44(0)141 226 3109 www.jacobs.com						
Client <b>Cheshire East Council</b>						
Project POYNTON POOL RESERVOIR FLOOD RESILIENCE IMPROVEMENT SCHEME						
Drawing title SITE LOCATION PLAN						
Drawing status SUITABLE FOR INFORMATION						Suitability S2
Scale 1:2000 @ A3						DO NOT SCALE
Jacobs No. BRJ10627						Rev P02
Client No.						
Drawing number BRJ10627-JAC-XX-XX-DR-CI-1001						
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Notes:

1. All dimensions are in millimetres unless noted otherwise.
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3. Do not scale from this drawing.
4. For drawings showing the required tree and vegetation removal see drawings BRJ10627-JAC-XX-XX-DR-EN-0009 and BRJ10627-JAC-XX-XX-DR-EN-00010.
5. For plan showing full extents of services see drawing BRJ10627-JAC-XX-XX-DR-CI-1012.

Key

- Proposed side slope (1 in 4 steepest)
- Proposed (approximately 2m wide) compacted gravel footpath
- Proposed Kerb
- Proposed grass verge
- Area of tree clearance across full crest
- Existing Spillway Overflow Pipe
- Existing Public Footpath

P02	2023-03-27	For Planning	BW	CG	AB	BM
P01	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Apprv'd

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Client

Project

POYNTON POOL RESERVOIR  
FLOOD RESILIENCE IMPROVEMENT SCHEME

Drawing title

GENERAL ARRANGEMENT  
KEY PLAN

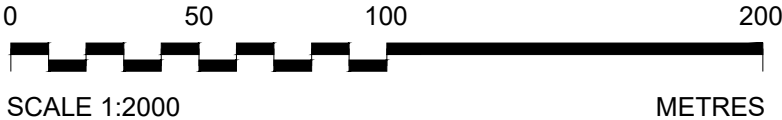
Drawing status	SUITABLE FOR INFORMATION	Suitability	S2
Scale	1:2000 & 1:5000 @ A3	DO NOT SCALE	
Jacobs No.	BRJ10627	Rev	P02
Client No.			

Drawing number

BRJ10627-JAC-XX-XX-DR-CI-1002

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For continuation refer to Drg.No.  
BRJ10627-JAC-XX-XX-DR-CI-1004



Tie in with  
existing footpath



100m



50m

40m long area of full tree  
clearance across full crest to  
spread out overflow in extreme  
events for dam safety  
requirements. See note 4.

500m long kerb line set at  
91.3mAOD.



Ground locally raised to  
20mm above kerb level for  
3m length

Tie in with  
existing footpath

00m

Following site clearance, the  
ground surface within the 40m  
clearance area should be  
regularised. Ground to be level  
with a constant fall downstream.



Notes:

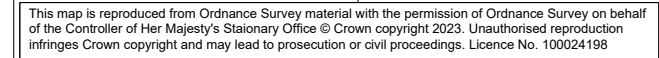
1. All dimensions are in millimetres unless noted otherwise.
2. All levels are in metres above Ordnance Datum unless noted otherwise.
3. Do not scale from this drawing.
4. For drawings showing the required tree and vegetation removal see drawings BRJ10627-JAC-XX-XX-DR-EN-0009 and BRJ10627-JAC-XX-XX-DR-EN-00010.
5. For corresponding cross sections see drawing BRJ10627-JAC-XX-XX-DR-CI-1007
6. For plan showing full extents of services see drawing BRJ10627-JAC-XX-XX-DR-CI-1012.

Key

- Proposed side slope (1 in 4 steepest)
- Proposed (approximately 2m wide) compacted gravel footpath
- Proposed Kerb
- Proposed grass verge
- Area of tree clearance across full crest
- Centreline Chainage
- Existing Public Footpath

P02	2023-03-27	For Planning	BW	CG	AB	BM
P01	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Apprv'd

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Client	
Project	POYNTON POOL RESERVOIR FLOOD RESILIENCE IMPROVEMENT SCHEME
Drawing title	GENERAL ARRANGEMENT PLAN SHEET 1 OF 4
Drawing status	SUITABLE FOR INFORMATION
Scale	1:500 @ A3
Jacobs No.	BRJ10627
Client No.	
Drawing number	BRJ10627-JAC-XX-XX-DR-CI-1003
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1. All dimensions are in millimetres unless noted otherwise.
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3. Do not scale from this drawing.
4. For drawings showing the required tree and vegetation removal see drawings  
BRJ10627-JAC-XX-XX-DR-EN-0009 and  
BRJ10627-JAC-XX-XX-DR-EN-00010.
5. For corresponding cross sections see drawings  
BRJ10627-JAC-XX-XX-DR-CI-1007 & 1008.
6. For plan showing full extents of services see drawing BRJ10627-JAC-XX-XX-DR-CI-1012.

Proposed side slope (1 in 4 steepest)

Proposed (approximately 2m wide) compacted gravel footpath

Proposed Kerb



Proposed grass verge

Area of tree clearance across full crest

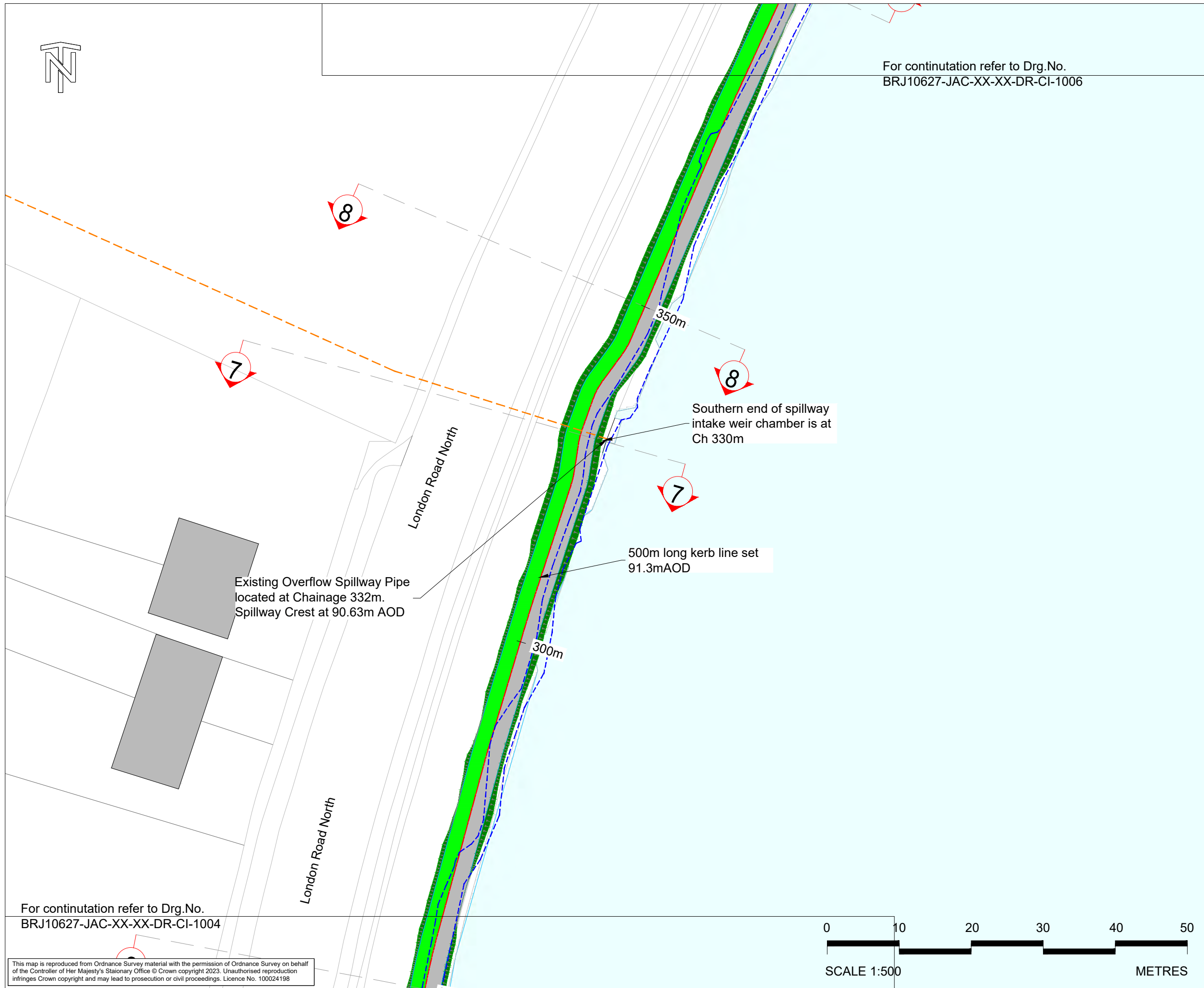
Centreline Chainage

50m

Existing Public Footpath

P02	2023-03-27	For Planning	BW	CG	AB	BM
P01	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Apprv'd
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Client						
						
Project						
POYNTON POOL RESERVOIR FLOOD RESILIENCE IMPROVEMENT SCHEME						
Drawing title						
GENERAL ARRANGEMENT PLAN SHEET 2 OF 4						
Drawing status		SUITABLE FOR INFORMATION				Suitability <b>S2</b>
Scale	1:500 @ A3		DO NOT SCALE			
Jacobs No.	BRJ10627		Rev			
Client No.			<b>P02</b>			
Drawing number						
<b>BRJ10627-JAC-XX-XX-DR-CI-1004</b>						
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  5. For corresponding sections see drawing BRJ10627-JAC-XX-XX-DR-CI-1008.
  6. For plan showing full extents of services see drawing BRJ10627-JAC-XX-XX-DR-CI-1012.

Key

- Proposed side slope (1 in 4 steepest)
- Proposed (approximately 2m wide) compacted gravel footpath
- Proposed Kerb
- Proposed grass verge
- Area of tree clearance across full crest
- Centreline Chainage
- Existing Spillway Overflow Pipe
- Existing Public Footpath

50m

P02	2023-03-27	For Planning	BW	CG	AB	BM
P01	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Apprv'd

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Client  
**Cheshire East Council**

Project  
POYNTON POOL RESERVOIR  
FLOOD RESILIENCE IMPROVEMENT SCHEME

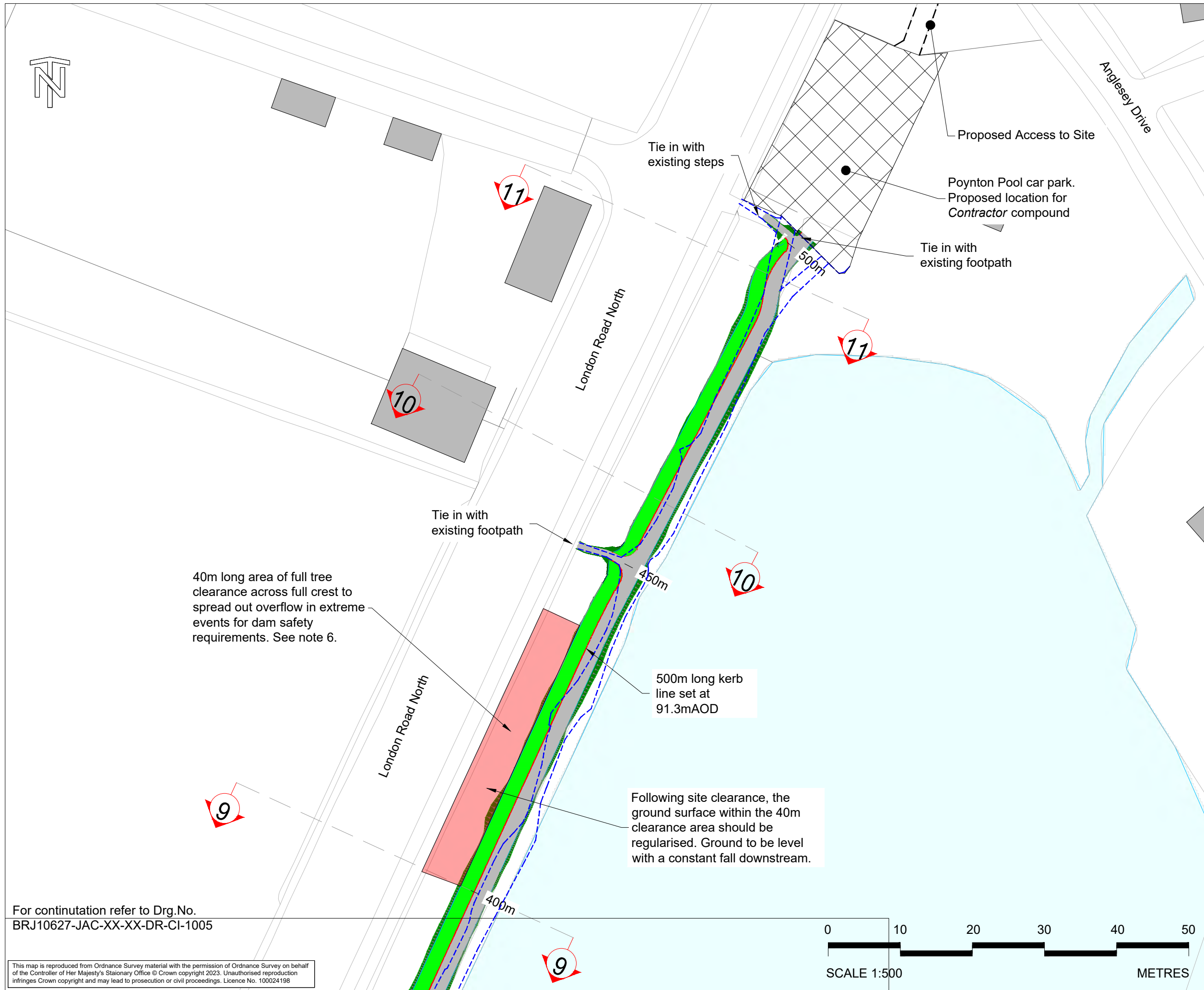
Drawing title  
**GENERAL ARRANGEMENT PLAN  
SHEET 3 OF 4**

Drawing status	SUITABLE FOR INFORMATION	Suitability	S2
Scale	1:500 @ A3	DO NOT SCALE	
Jacobs No.	BRJ10627	Rev	P02
Client No.			
Drawing number	BRJ10627-JAC-XX-XX-DR-CI-1005		

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  2. All levels are in metres above Ordnance Datum unless noted otherwise.
  3. Do not scale from this drawing.
  4. For drawings showing the required tree and vegetation removal see drawings BRJ10627-JAC-XX-XX-DR-EN-0009 and BRJ10627-JAC-XX-XX-DR-EN-00010.
  5. For corresponding cross sections see drawing BRJ10627-JAC-XX-XX-DR-CI-1009
  6. For plan showing full extents of services see drawing BRJ10627-JAC-XX-XX-DR-CI-1012.

Key

- Proposed side slope (1 in 4 steepest)
- Proposed (approximately 2m wide) compacted gravel footpath
- Proposed Kerb
- Proposed grass verge
- Area of tree clearance across full crest
- Proposed Site Compound
- Centreline Chainage
- Existing Public Footpath

50m

P02	2023-03-27	For Planning	BW	CG	AB	BM
P01	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Apprv'd

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Client  
**Cheshire East Council**

Project  
POYNTON POOL RESERVOIR  
FLOOD RESILIENCE IMPROVEMENT SCHEME

Drawing title  
**GENERAL ARRANGEMENT PLAN  
SHEET 4 OF 4**

Drawing status	SUITABLE FOR INFORMATION	Suitability	S2
Scale	1:500 @ A3	DO NOT SCALE	
Jacobs No.	BRJ10627	Rev	P02
Client No.			

Drawing number  
**BRJ10627-JAC-XX-XX-DR-CI-1006**

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**Landscape specification**  
A full Series 3000 Specification has been developed for Walnut Tree Farm, document reference BRJ10627-JAC-XX-XX-RP-EN-0010. The specification shall be used in the implementation of the woodland creation at Walnut Tree Farm.

Refer to the Landscape Management Plan for Walnut Tree Farm, Document reference BRJ10627-JAC-XX-XX-RP-EN-0007, for future establishment and management requirements. u

**Specification overview** - The below information provides an overview of requirements for a fully established woodland.

**Cultivation and soil preparation**  
Woodland and scrub species shall be planted directly into the existing grass sward. Existing pasture to be cut to allow ease of planting of bare root stock.

**Planting**  
Plants shall be planted at 1.5m centers. Equivalent to 0.44 plants per m2.  
To help prevent rabbit damage, all new trees and shrubs shall be protected with tree and shrub guards or tubes.

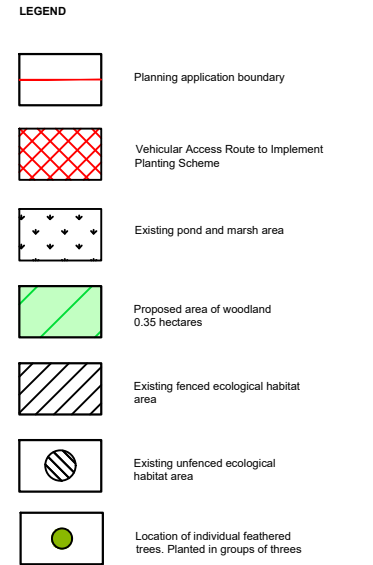
Tree species to be offset planted 7.5m within the boundary fencing.  
Planting shall be programmed to be undertaken in the correct planting season when ground and climatic conditions are favourable to achieve prolonged healthy establishment and continued growth.

**Maintenance**  
Plants are to be maintained for the 1 year defects liability period.  
Weed and grass control in plant plots shall be carried out to remove all competing weeds and manage grass growth to achieve successful establishment of tree and shrub species.

Establishment watering will be required at the time of planting and during dry periods to ensure plants thrive.  
Prior to the end of the defects liability period an inspection is to be undertaken with the client to identify failed plants. Failed plants shall be replaced to the original specification.



Woodland species mix

Botanical name	Common name	Height (cm)	Root zone	Specification	% mix
Alnus glutinosa	Alder	80-100	Bare root	1+1; Transplant - seed raised	5
Betula pendula	Silver Birch	175-200	Bare root	Feathered; 2x; 5 breaks	5
Betula pendula	Silver Birch	60-80	Bare root	1+1; Transplant - seed raised	10
Corylus avellana	Hazel	60-80	Bare root	1+2; Transplant - seed raised	13
Crataegus monogyna	Hawthorn	60-80	Bare root	1+2; Transplant - seed raised	15
Ilex aquifolium	Holly	40-60	2L container	Leader with laterals	7
Prunus avium	Sweet Cherry	80-100	Bare root	1+1; Transplant - seed raised	5
Prunus avium	Sweet Cherry	1725-200	Bare root	Feathered; 2x; 5 breaks	5
Prunus spinosa	Blackthorn	60-80	Bare root	1+2; Transplant - seed raised;	10
Quercus robur	English Oak	80-100	Bare root	1+1; Transplant	10
Sorbus aucuparia	Wych elm	175-200	Bare root	Feathered; 2x; 5 breaks	5
Sorbus torminalis	Wild Service Tree	50-80	Bare root	1+2; Transplant	5
Viburnum opulus	Gelder Rose	50-80	Bare root	1+2; Transplant	5



- DRAWING NOTES
- All dimensions are in metres unless noted otherwise.
  - Drawing to be printed in colour
  - All dimensions shall be checked on site by the contractor prior to preparing any working drawings or commencing on site.
  - All levels are in metres relative to Ordnance Datum (mAOD) unless noted otherwise.



P03	28.09.23	For Planning	BW	NF	AS	AB
P02	14.06.23	For Planning	BW	NF	AS	BM
P01	26.05.23	For Planning	NF	DB	SB	BM
Rev	Rev. Date	Purpose of revision	Drawn	Checked	Rev'd	Approved
<div> 1 City Walk, Leeds, LS11 9DX Tel: +44(0)113 242 6771 Fax: +44(0)113 389 1389 <a href="http://www.jacobs.com">www.jacobs.com</a></div>						
Client <div></div>						
Project Poynton Pool Reservoir Flood Resilience Improvement Scheme Mill Street Improvements						
Drawing title Landscape Plan Walnut Tree Farm						
Drawing status For Planning						
Scale	VARIES			DO NOT SCALE		
Jacobs No.	BRJ10627					
Client no.						
Drawing number	BRJ10627-JAC-XX-XX-DR-EN-0008					Rev
BRJ10627-JAC-XX-XX-DR-EN-0008						P03
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P:\Revers Active\Projects\BRJ10627 PoyntonFloodStudy\04 Technical\04 DWGs\BRJ10627-JAC-XX-XX-DR-EN-0008 Landscape PP.dwg - 28/09/2023 09:22:46 - JAC-XX-XX-DR-EN-0008 - FrostN



Drawing number / Rev  
BRJ10627 JAC-XX-XX-DR-EN-0006

London Road North

London Road North

100m

50m

00m

Poynton

on Road North

250m

200m

150m

100m

London Road North

300m

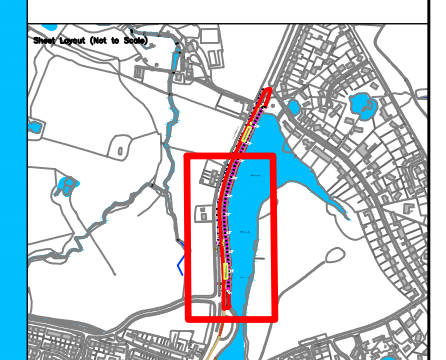
350m

250m



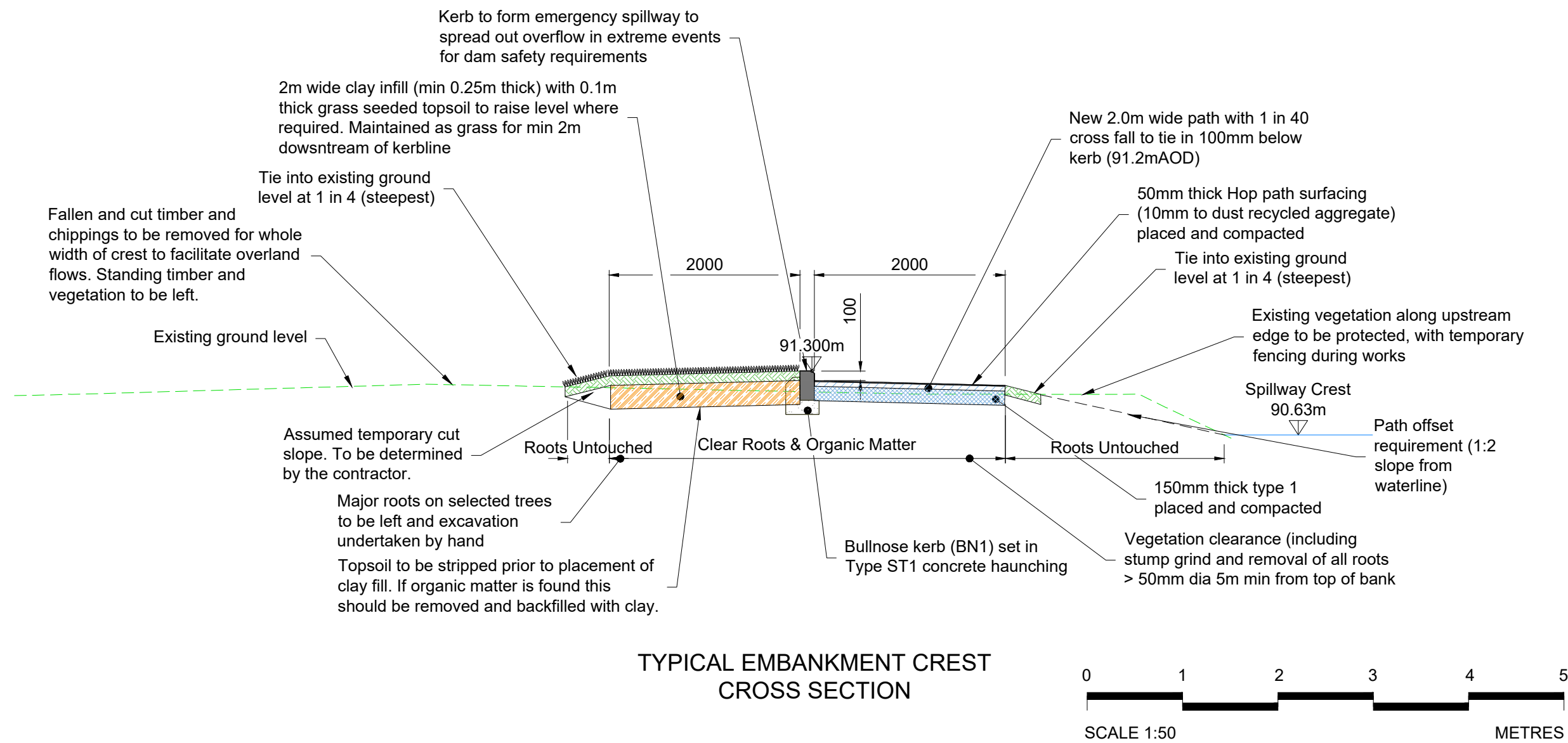
- LEGEND
- Planning application boundary
  - Seeded areas - Emorsgate Seeds Woodland Mixture EW1
  - Seeded areas - Emorsgate Seeds Tussock Grass Mixture EG10
  - Proposed new footpath surface
  - Proposed raised kerb

- DRAWING NOTES
1. All dimensions are in metres unless noted otherwise.
  2. Drawing to be printed in colour
  3. All dimensions shall be checked on site by the contractor prior to preparing any working drawings or commencing on site.
  4. All levels are in metres relative to Ordnance Datum (mAOD) unless noted otherwise.



Plot	26.05.23	For Planning	NF	DB	SB	BM
Rev	Rev. Date	Purpose of revision	Drawn	Checked	Rev'd	Approved
<b>JACOBS</b> 1 City Walk, Leeds, LS11 9DX Tel: +44(0)113 242 6771 Fax: +44(0)113 389 1389 www.jacobs.com						
Client 						
Project Poynton Pool Reservoir Flood Resilience Improvement Scheme						
Drawing title Landscape Plans Sheet 1 of 2 Poynton Pool						
Drawing status For Planning						
Scale	1:250 @ A3		DO NOT SCALE			
Jacobs No.	BRJ10627					
Client no.						
Drawing number	BRJ10627 JAC-XX-XX-DR-EN-0006					Rev P01

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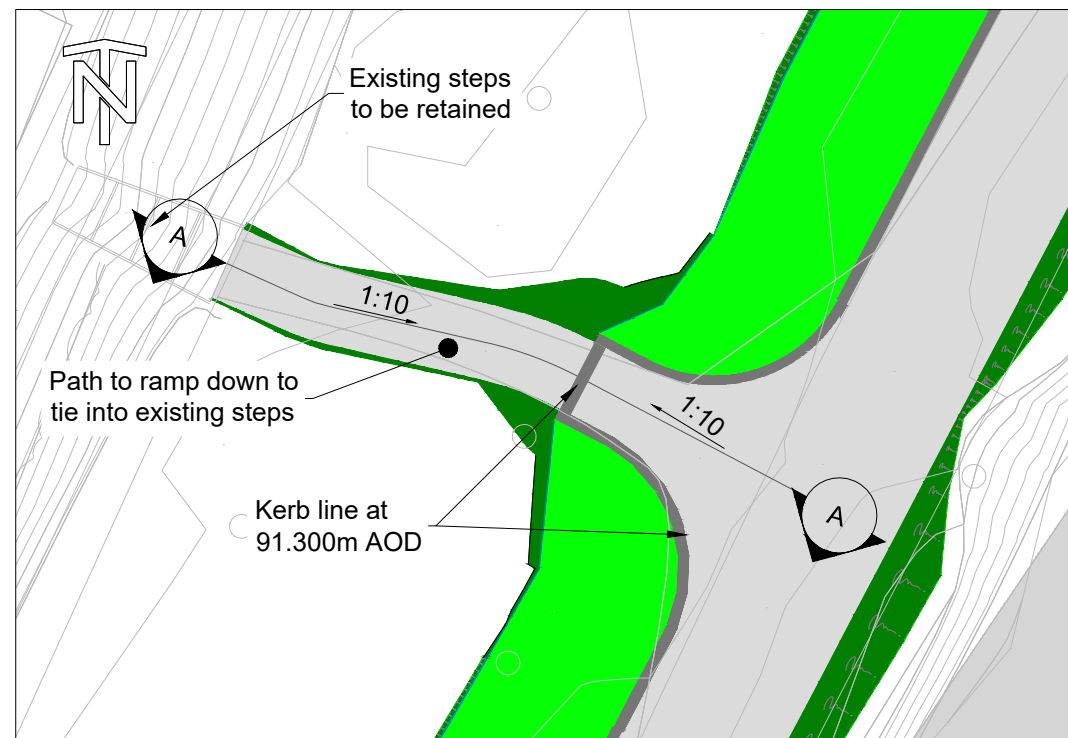
TYPICAL EMBANKMENT CREST CROSS SECTION

Notes:

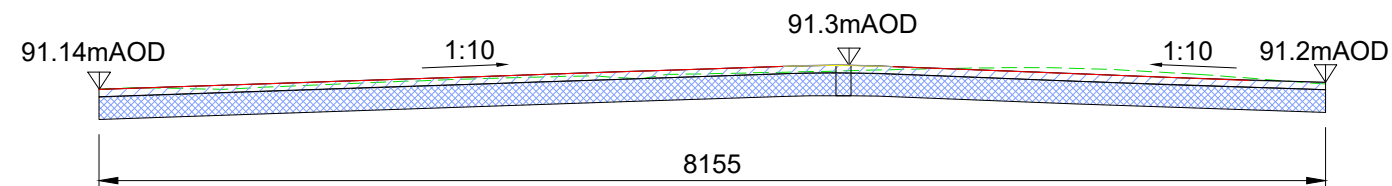
1. All dimensions are in millimetres unless noted otherwise.
2. All chainages are in metres unless noted otherwise.
3. All levels are in metres above Ordnance Datum unless noted otherwise.
4. Do not scale from this drawing.
5. For location of cross sections refer to plan drawings: BRJ10627-JAC-XX-XX-DR-CI-1004 to 1006.
6. Exact path alignment to be fixed at detailed design to broadly follow existing path.
7. Following site clearance, the ground surface within the 40m clearance area should be regularised. Ground to be level with a constant fall downstream.

Key

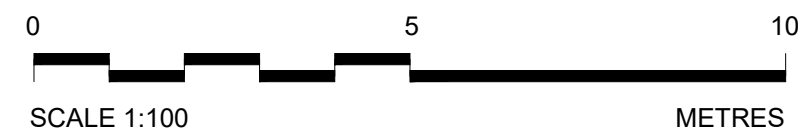
	Proposed Path
	Proposed Kerb
	Proposed Clay infill
	Proposed Topsoil (seeded)
	Existing ground level
	Spillway Crest Level



EXAMPLE OF FOOTWAY ACCESS TIE IN DETAILS TO LONDON ROAD



SECTION A-A - PROPOSED PATHWAY PROFILE AND KERB LINE



P02	2023-03-27	For Planning	BW	CG	AB	BM
P01	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Apprv'd

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Client  
Project  
POYNTON POOL RESERVOIR  
FLOOD RESILIENCE IMPROVEMENT SCHEME

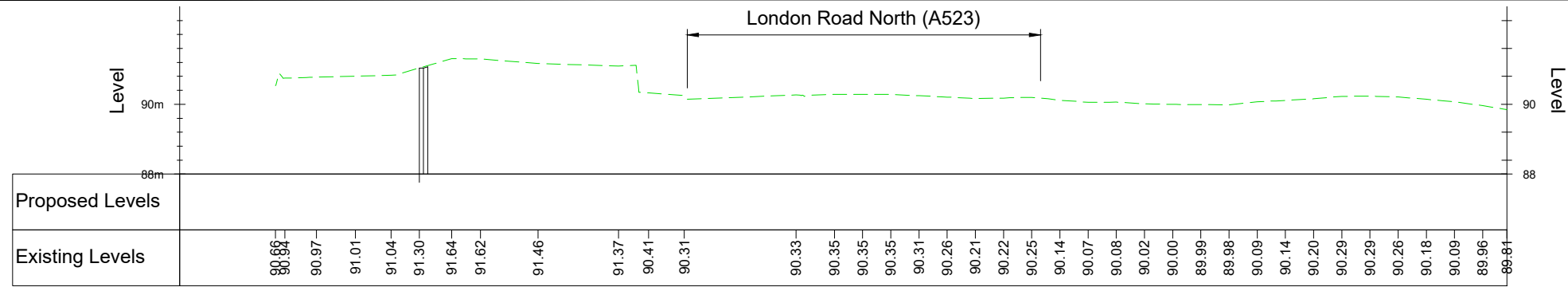
Drawing title  
TYPICAL EMBANKMENT CREST CROSS SECTION & FOOTWAY ACCESS TIE IN DETAILS

Drawing status	SUITABLE FOR INFORMATION	Suitability	S2
Scale	AS SHOWN	DO NOT SCALE	
Jacobs No.	BRJ10627	Rev	P02
Client No.			

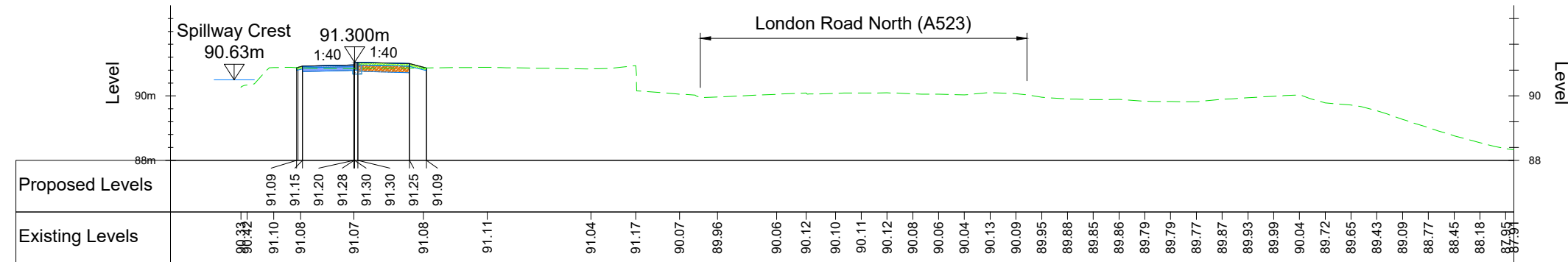
Drawing number  
BRJ10627-JAC-XX-XX-DR-CI-1010

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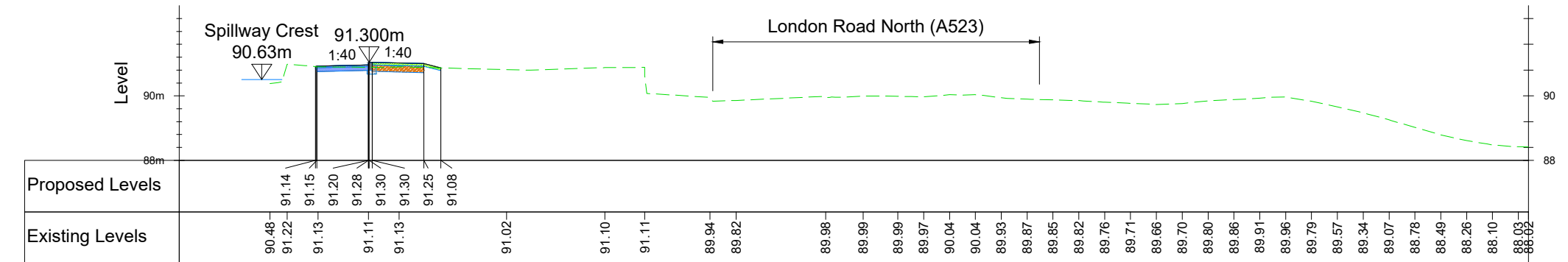
\\europe.jacobs.com\c4\MF5\Projects\Rivers Active\Projects\BRJ10627 PoyntonFloodStudy\04\_Technical\04\_DWG\BRJ10627-JAC-XX-XX-DR-CI-1007.dwg - 13/04/2023 11:37:24 - P02 - WALTONB1



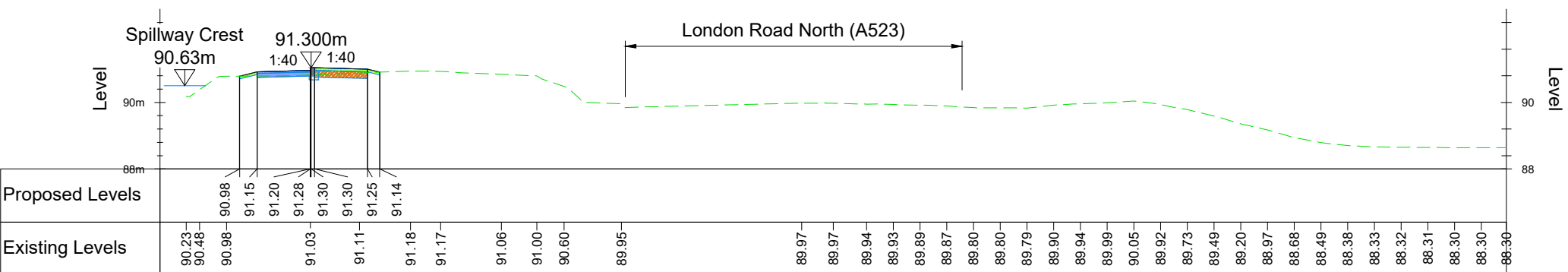
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Section 1-1



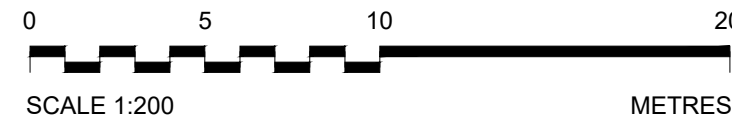
Chainage 50.000m  
Section 2-2



Chainage 100.000m  
Section 3-3



Chainage 150.000m  
Section 4-4



- Notes:
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  2. All chainages are in metres unless noted otherwise.
  3. All levels are in metres above Ordnance Datum unless noted otherwise.
  4. Do not scale from this drawing.
  5. For location of cross sections refer to plan drawings: BRJ10627-JAC-XX-XX-DR-CI-1004 to 1006.
  6. For details of works to crest see Drg.No. BRJ10627-JAC-XX-XX-DR-CI-1010.

- Key
- Proposed Path
  - Proposed Kerb
  - Proposed Clay infill
  - Proposed Topsoil (seeded)
  - Existing ground level
  - Spillway Crest
  - Spillway Crest Level

PO2	2023-03-27	For Planning	BW	CG	AB	BM
PO1	2022-10-10	For Pre-Application	GDM	CG	AB	BM
Rev	Rev. Date	Purpose of revision	Orig	Check'd	Rev'd	Appr'd

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**Cheshire East Council**

Client

Project  
POYNTON POOL RESERVIOR  
FLOOD RESILIENCE IMPROVEMENT SCHEME

Drawing title  
CROSS SECTIONS  
SHEET 1 OF 3

Drawing status  
SUITABLE FOR INFORMATION

Suitability  
S2

Scale  
1:200 @ A3

DO NOT SCALE

Jacobs No.  
BRJ10627

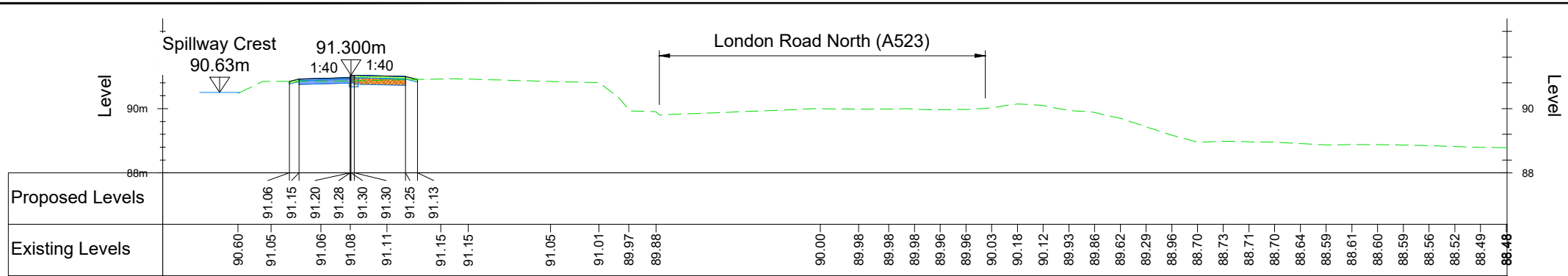
Client No.

Rev  
P02

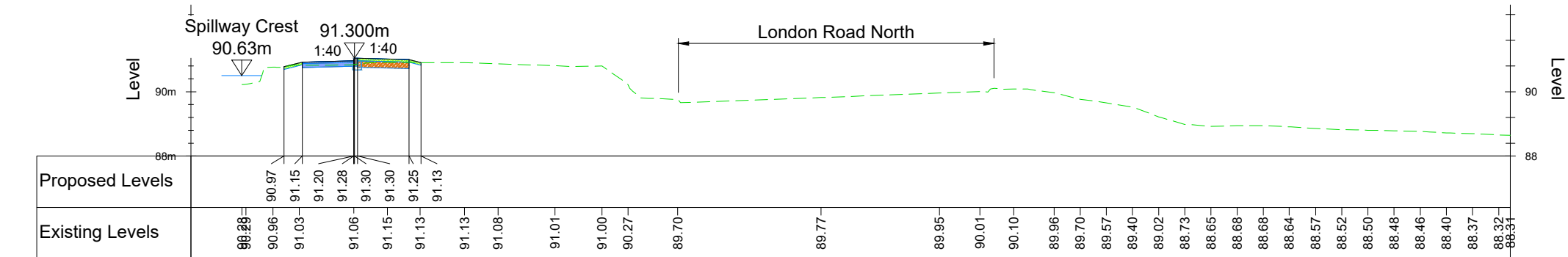
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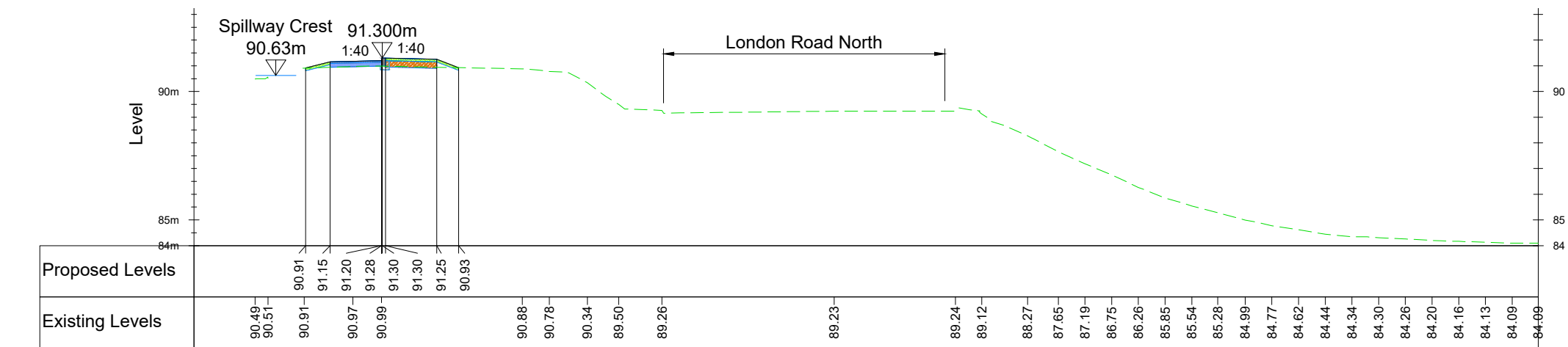
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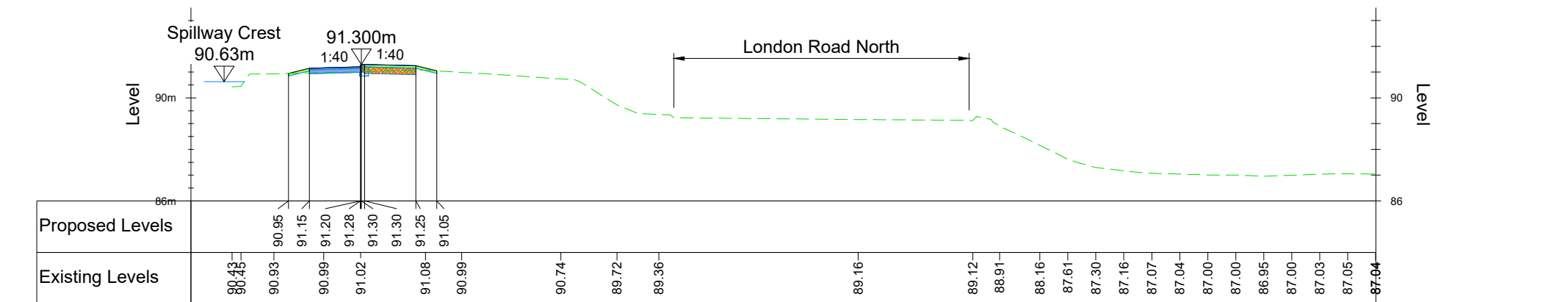
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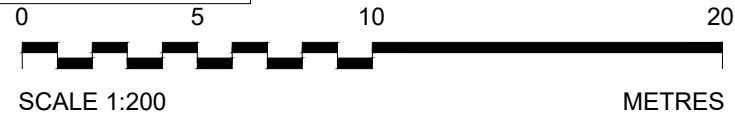
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Section 7-7



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Section 8-8



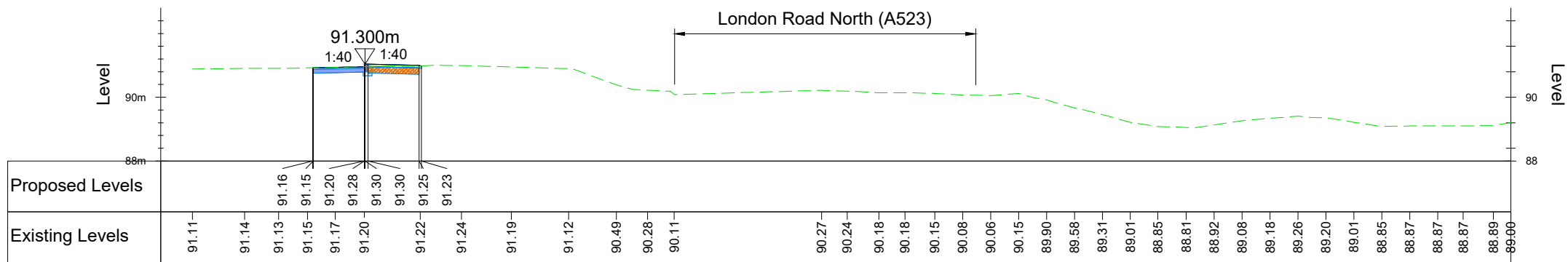
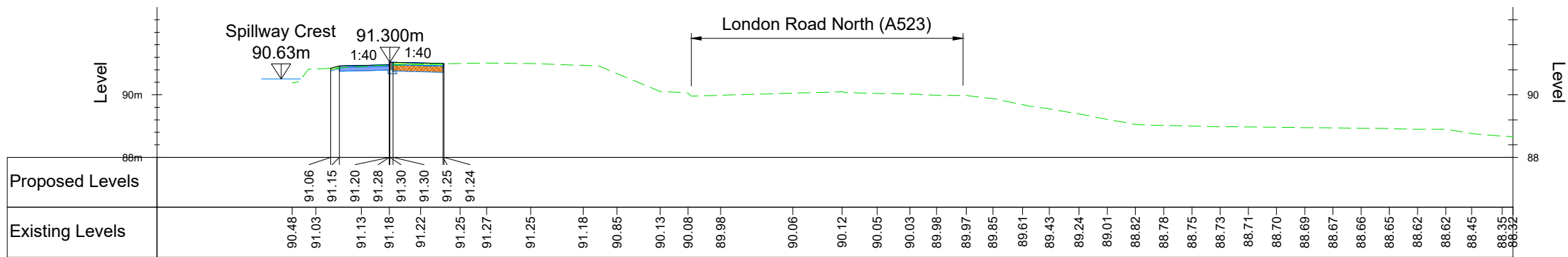
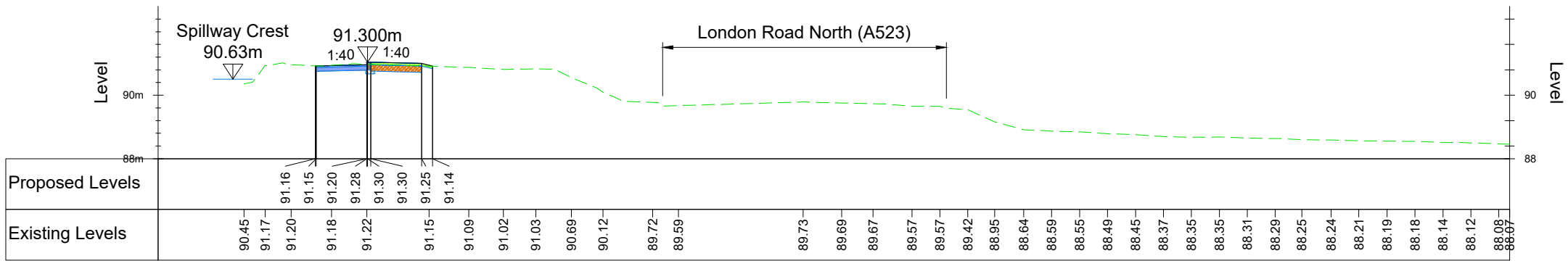
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1. All dimensions are in millimetres unless noted otherwise.
  2. All chainages are in metres unless noted otherwise.
  3. All levels are in metres above Ordnance Datum unless noted otherwise.
  4. Do not scale from this drawing.
  5. For location of cross sections refer to plan drawings: BRJ10627-JAC-XX-XX-DR-CI-1004 to 1006.
  6. For details of works to crest see Drg.No. BRJ10627-JAC-XX-XX-DR-CI-1010.

- Key
- Proposed Path
  - Proposed Kerb
  - Proposed Clay infill
  - Proposed Topsoil (seeded)
  - Existing ground level
  - Spillway Crest
  - Spillway Crest Level

PO2	2023-03-27	For Planning	BW	CG	AB	BM
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Client						
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Project						
POYNTON POOL RESERVOIR FLOOD RESILIENCE IMPROVEMENT SCHEME						
Drawing title						
CROSS SECTIONS						
SHEET 2 OF 3						
Drawing status						
SUITABLE FOR INFORMATION						Suitability S2
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Jacobs No.			BRJ10627		Rev	
Client No.					P02	
Drawing number						
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  5. For location of cross sections refer to plan drawings: BRJ10627-JAC-XX-XX-DR-CI-1004 to 1006.
  6. For details of works to crest see Drg.No. BRJ10627-JAC-XX-XX-DR-CI-1010.

- Key
- Proposed Path
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Client  
**Cheshire East Council**

Project  
POYNTON POOL RESERVOIR  
FLOOD RESILIENCE IMPROVEMENT SCHEME

Drawing title  
**CROSS SECTIONS**  
**SHEET 3 OF 3**

Drawing status  
SUITABLE FOR INFORMATION

Suitability  
**S2**

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1:200 @ A3

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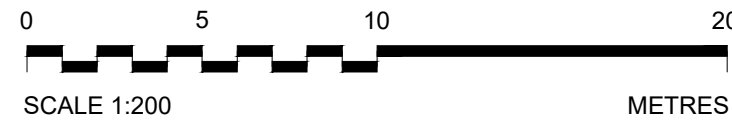
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Rev  
**P02**

Client No.

Drawing number  
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Application No: 22/0785N

Location: Land At, BRADELEY GREEN LANE, WIRSWALL

Proposal: Proposed Golf Driving Range and Junior Golf Academy Centre - involving the change of use of land from agricultural to leisure, the re-grading of the site and associated landscaping works, the construction of a reception/office and driving range building, car park and site access, and the installation of associated flood lighting

Applicant: Rob Ashbrook, Ashbrook Golf Zone

Expiry Date: 24-Apr-2024

#### **SUMMARY:**

The site is located within the open countryside where policy PG 6 sets out, that only development which is essential for agriculture, forestry, outdoor recreation, public infrastructure, essential works undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks a driving range and junior golf academy and it has been demonstrated to be an essential facility for outdoor recreation and thus is considered to comply with this policy.

The proposal seeks to provide a new rural enterprise with some links to an existing enterprise. It would provide some economic benefit to the rural economy with some rural employment and from the construction period. There is potential for linked trips to the existing café across the road and would be positive for health and well-being facility. Such community facilities would assist in meeting a Local and National need for this kind of sporting facility in part compliance Policies EG2, SC1, SC2, SC3 of the CELPS and RUR6, RUR10 of the SADPD.

The proposal is isolated and fails a number of criteria relating to locational sustainability, which in part conflicts with Policies SD1, SD2, EG2, SC2 of the CELPS and RUR6 of the SADPD.

The development will not have a detrimental impact upon residential amenity including contaminated land and would comply with Policies HOU12 SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and ENV16 SADPD.

No harm to existing trees and accords with Policies SE5 of the CELPS & ENV6 SADPD.

It would not result in any severe highway safety impacts and complies Policies C01 of the CELPS and INF3 of the SADPD.

No significant ecological impacts and complies with Policies SE3 CELPS & ENV1, ENV2 of the SADPD.

The development is considered to be acceptable in design terms. As a result the proposal would accord with CELPS policy SE1 CELPS, GEN1 SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

In conclusion, the application would comply with majority of the relevant policies of the Development Plan and is recommended for approval.

**RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL**

Full planning permission for a proposed Golf Driving Range (16 bay) and Junior Golf Academy Centre - involving the change of use of land from agricultural to leisure, the re-grading of the site and associated landscaping works, the construction of a reception/office and driving range building, car park and site access, and the installation of associated flood lighting. The proposal also includes a putting green and short game area.

Proposed opening hours are 9am-9pm Monday to Friday and 8am-8pm Saturday and Sunday.

**SITE DESCRIPTION**

This application relates to an existing agricultural plot of land sited off Bradley Green Lane. The proposed site area totals 7.3 hectares.

To the north are the commercial units at Green Bank Business Park with 2 residential properties beyond, Bradley Green Farm to the east, residential cottages to the south and open land to the east. The site topography is undulating but with a large increase in levels from Bradley Green Lane south-west corner to the north-east corner with the difference being 25m. The site is accessed from Bradley Green Lane.

The site is designated as being within the Open Countryside and Local Landscape Designation as per the Local Plan.

**RELEVANT HISTORY**

No relevant planning history

**DEVELOPMENT PLAN**

**Cheshire East Local Plan Strategy – Adopted Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Hierarchy  
PG6 Open Countryside  
PG7 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
SE1 Design  
SE2 Efficient Use of Land  
SE 3 Biodiversity and Geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodlands  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land Contamination and Land Instability  
SE13 Flood Risk and Water Management  
EG1 Economic Prosperity  
EG2 Rural Economy  
IN1 Infrastructure  
CO1 Sustainable Travel and Transport  
CO4 Travel Plans and Transport Assessments  
Appendix C Parking Standards  
CO 2 Enabling Business Growth Through Transport Infrastructure  
Appendix C Parking Standards  
SC1 – Leisure and Recreation  
SC2 – Indoor and Outdoor Sports facilities  
SC3 – Health and Well-being

**Policies of the Site Allocations and Development Policies Document (SADPD)**

PG9 Settlement Boundaries  
GEN 1 Design Principles  
ENV1 & 2 Ecological  
ENV5 Landscaping  
ENV6 Trees, Hedgerows and Woodlands  
ENV12 Air Quality  
ENV14 Light Pollution  
ENV15 New Development and Existing Uses  
ENV16 Surface Water Management and Flood Risk  
HOU8 Backland Development  
HOU12 Amenity  
INF3 Highways Safety and Access  
RUR5 Agricultural Land  
RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries  
RUR10 Employment Development in the Open Countryside  
REC 5 Community Facilities  
HER8 Archaeology

## CONSULTATIONS:

**CEC Environmental Protection:** No objection subject to conditions/informative regarding working hours for construction, piling, floor floating, contaminated land, electric vehicle charging points & dust.

**CEC Highways:** No objection subject to conditions/informative regarding provision of the passing bays and for the applicant to enter into a S218 licence for the vehicle crossing and S278 agreement for the proposed off site works.

**CEC Local Lead Flood Authority (LLFA):** No objection as happy that the site can be developed without significant flooding/drainage issues subject to condition requiring a drainage strategy.

**United Utilities:** No objection however suggest that the applicant considers the drainage hierarchy should they wish to connect to the public sewer.

**Cheshire Archaeology:** No objection, while this application sits within an area of archaeological potential, it is unlikely to impact significant below ground remains and therefore there are no archaeological observations required for this application.

**Marbury and District Council:** Do not wish to make comments however concerns regarding the danger of traffic from the A49 and the Bradley Green Road.

## REPRESENTATIONS:

19 letters of objection have been received raising concerns over the following matters:

- Highway safety
- Drainage/flooding
- Landscape impacts
- Archaeological impacts
- Light pollution
- Noise impacts
- Loss of agricultural land
- Isolated location
- Contrary to PG6
- Ecological impacts

63 letters have been received supporting the scheme for the following reasons:

- Benefits of the junior academy
- Benefit young people
- Improves sport offering
- No local driving range
- Welcome more accessible golfing facility
- Much cheaper golf option
- Good for social and emotional well-being
- Rural employment
- Benefit to rural economy

## **APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

### **Principle of Development**

The site is located within the open countryside where policy PG 6 sets out, that only development which is essential for agriculture, forestry, outdoor recreation, public infrastructure, essential works undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks a driving range and junior golf academy and thus is considered to comply with the first part of this policy.

In terms of whether or not the need is essential, the applicant advises that he currently has 80 children in his current junior academy at the Hill Valley facility (located in Whitchurch) with some of these players being at County and England level, however given the lack of teaching facilities in the area he has to take pupils out of the area to Northwich to coach them. The Hill Valley facility has no undercover teaching facility and the practice area is not large enough.

The existing facility at Hill Valley is located 3.4 miles away and the application advises that users would be grouped together so that they can be driven by mini bus to the suite for practice before going back for a full game. It also advises that users of the application site could use the café approved across the road from the site at The Sheep Shed.

England Golf have confirmed that there are not enough facilities within the local area for practice facilities.

The application has been supported by an assessment of need for such facilities nationally and an assessment of golf facilities within a 30m drive of the application site. This concludes that there is high demand and supply for golf courses within Cheshire East and nationally, however there is a lack of driving range facilities with just 2 facilities within a 30 minute drive from the site with 1 being for private members only.

It also concludes that in addition to the lack of such facilities, the 61% growth in average golf club membership figures within a 30 minute drive of the site, provides statistical support that more golfers are present in this region than ever before and therefore requiring the additional practice facilities the proposal will provide.

Therefore, it is considered that it has been demonstrated that the proposal is essential for outdoor recreation and the proposal is acceptable in principle within the Open Countryside and thus PG6 of the CELPS.

The main issue therefore is whether there are any other material considerations such as design, amenity, ecology, landscape, trees, living conditions etc that outweigh the support for the proposal.

### **Rural Economy/Employment/Health and Wellbeing/Community Facilities**

Policy EG2 (Rural Economy) states that outside the Principal Towns, Key Services Centres and Local Service Centres proposals that, provide opportunities for local rural employment development that

supports the vitality of rural settlements; create or extend rural based tourist attractions, visitor facilities and recreational uses (amongst other things), will be supported where the development;

- Meets sustainable development objectives as set out in policies MP1, SD 1 and SD 2;
- Supports the rural economy, and could not reasonably be expected to locate within a designated centre by reason of their products sold;
- Would not undermine the delivery of strategic employment allocations;
- Is supported by adequate infrastructure;
- Is consistent in scale with its location and does not adversely affect nearby buildings and the surrounding area or detract from residential amenity;
- Is well sited and designed in order to conserve and where possible enhance the character and quality of the landscape and built form; and
- Does not conflict with Policies PG3, PG4, PG6, PG7, SE3, SE4, SE5, SE6 and SE7 of the Local Plan Strategy (where relevant)

Policy SC1 Leisure and Recreation states that in order to provide appropriate leisure and recreational facilities for communities of Cheshire East, will:

(3) support proposals for facilities that would not be appropriate to the located in or adjacent to centres, provided they are highly accessible by a choice of transport, do not harm the character, amenity, or biodiversity value of the area, and satisfy the following criteria;

- (i) The proposal is a facility that;
  - a. Supports a business use,
  - b. Is appropriate in an employment area; or
  - c. Supports an outdoor sports facility, education or related community/visitor facility; or
  - d. Supports the visitor economy and is based on local cultural or existing visitor attractions.

Policy SC2 support new indoor and outdoor sports facilities, where they:

- i. They are readily accessible by public transport, walking and cycling; and
- ii. The proposed facilities are of a type and scale appropriate to the size of the settlement, and
- iii. Where they are listed in an action plan in any emerging or subsequently adopted Sports Strategy.

Policy SC3 seeks to ensure new developments provide opportunities for healthy living and improve health and well-being including access to sports facilities and opportunity for recreation

Policy RUR6 advises that proposals for outdoor sport, leisure and recreation in the open countryside will be permitted provided they accord with other policies in the development plan and:

- i. it can be demonstrated that a countryside location is necessary for the proposal;
- ii. the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking and vehicular access;
- iii. additional buildings, structures and ancillary development are restricted to the minimum level reasonably required for the operation of the site; are well-related to each other and existing buildings and do not form scattered development or



- development isolated from the main sports, leisure or recreation use of the site;
- iv. the proposal does not unacceptably affect the amenity and character of the surrounding area or landscape either on its own or cumulatively with other developments; and
- v. appropriate landscaping and screening is provided.

Policy RUR10 also supports rural employment if the countryside location is justified and complies with points references in Policy RUR6.

Policy RE5 advises that Proposals for new community facilities will be supported here they are in accordance with policies in the development plan.

Para 84 of the NPPF supports the creation of a prosperous rural economy including sustainable tourism and leisure facilities and para 98 supports open space and recreational facilities.

The proposed use as a driving range, by its nature requires space around it and therefore are most commonly found in rural fringe/rural areas, like those usually associated with golf courses. Therefore, it is considered that the rural location is justified.

The proposed driving range would be a new rural enterprise in the open countryside so supports a new outdoor sports/educational facility yet would also be linked to customers of an existing golf course at Hill Valley (3.4m away), Shropshire County Golf and Ellesmere College which does not have either a driving range or junior golf facility. Therefore, it would support an existing business to some degree and would further support the rural economy along with some employment.

The site would be located in the area of Wirswall which is 3m away from the centre of Whitchurch, 6.7m to Wrenbury and 10.7m to Audlem. There is a very limited public transport network and no footpaths along Main Road. Therefore, the site would largely require customers to drive to the facility given the need for golf clubs, bags, however there would be opportunities to cycle to the facility, as golf equipment can be hired which may be utilised by some customers.

It is accepted that the development would be isolated and does not score well in terms of locational sustainability.

However, as noted above, as outdoor recreation is a use supported in the open countryside, it is inevitable given the nature of use that it will be sited within rural areas given the land intake and need for siting away from residential areas and thus not as sustainable as more urban locations.

The size of the building to provide a 16 bay driving range is not considered to be excessive and the height at 3.75m would not be overly prominent when viewed from the wider setting.

Given the sloping nature of the site, the limited level changes and nature of the proposed building there would not be a significant visual change in the highest or lowest levels of the site, thus the impacts are not considered to be harmful.

Therefore, notwithstanding concerns over the locational sustainability, the proposal generally complies with Policies EG2, SC1, SC2, SC3 of the CELPS and RUR6, RUR10 of the SADPD.

## **Landscape**

The application site is in Cholmondeley, Marbury and Combermere Estate lands Local Landscape Designation Area where policy SE4 part 4 applies, which states: *'.... In Local Landscape Designation Areas, Cheshire East will seek to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance'*

The majority of the site, bar the southern most section of the north-west boundary and part of the south-eastern boundary, is enclosed by mature mixed native hedgerow species. There are also a significant number of mature trees within these hedgerows which provide the site with a strong sense of enclosure.

The existing highest and lowest remains would remain unaltered. The land level will be raised by approx. 2.4m at the highest point for the section of land immediately to the front of the proposed driving range building (shown as serving the 50 yard area) for a distance of approx. 70m. The level will be reduced by approx. 5m at the lowest point for a section of land at the centre of the site (shown as between the 100-150 year area) for a distance of approx. 60m.

No spoil will be removed from the site with spoil used in the infill. The lowest and highest parts of the site will therefore remain unchanged with the level changes taking places between these gradients, which would prevent any significant visual impacts.

The Councils Landscape Officer initially advised that there was insufficient information to assess the Landscape and Visual effects of this proposal and requested further information to consider the topography of the site and the extent of the land level changes being proposed.

As a result, further plans were provided in the form of land levels surveys and an updated Landscape and Visual Effects survey. The Councils Landscape Officer has considered this and advises that subject to two outstanding concerns regarding times of use of the flood lighting and detailed specification, including depths, contours and side gradients of the proposed pond, both of which could be addressed with conditions, it is confirmed that the applicant has responded positively to previous comments and has made sufficient changes to the proposals for them to be acceptable in landscape terms and thus no objection is raised.

The proposal can be accommodated without any significant landscape harm and complies with Policy SE4 of the CELPS and ENV5 of the SADPD.

## **Highways**

Policy INF3 advises proposal should comply with the relevant Highway Authority's and other highway design guidance and provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.

The Council Highways Engineer initially objected to the proposal mainly with concerns with access onto A49 and also the width of Bradley Green Lane being just single lane access.

However, the visibility splay which was secured by condition under application ref 20/3653N for a café adjacent to the development has now been implemented and is required to remain by the same condition. A passing bay on Bradley Green Lane also required by condition under ref 21/4857N has also been implemented. This has resulted in a significant improvement to the visibility in the non-leading

direction along the A49 which before was severely restricted. The visibility onto the A49 is now considered acceptable as is the ability of Bradley Green Lane to accommodate additional vehicles.

The site access visibility splays have been shown and given the low vehicle movements and speeds, the Council's Highways Engineer also deems these to be acceptable. Therefore, no objection is raised from the Council Highways Engineer.

The proposal can be accommodated without any service highway impacts and complies with Policies C01 of the CELPS and INF3 of the SADPD.

## **Design**

Policy SD1 states that wherever possible development should 'provide a locally distinct, high quality, sustainable, well designed and durable environment'.

Policy SD2 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
- 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

SE1 requires proposals to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements;

GEN1 requires proposal to create high quality, beautiful and sustainable buildings and places, avoiding the imposition of standardised and/or generic design solutions where they do not establish and/or maintain a strong sense of quality and place.

The proposal seeks a 16 bay driving range building which includes a reception area, office and small retail area. It measures 49m by 12m at the largest point and 3.75m high. The size of the building is not considered to be excessive in size for its intended use and the height at 3.75m would be typical of a single storey building.

The site is also contained when viewed from the wider area by the existing planting and significant variation in land level to the east. Whilst part of the building may be visible from the road, the single storey nature means it will not be overly prominent. The proposed material of a mixture of green juniper cladding and timber effect cement boarding would ensure an appearance typical to that of buildings found in the rural area.

The proposed parking area would be sited fronting the road, again this would be partly screened by existing planting and condition the final material to limit visual impact.

Therefore, it is considered that the proposal could be accommodated without causing significant harm to the character/appearance of the area and complies with Policies SD1, SD2, SE1 CELPS & GEN1 SADPD.

## **Amenity**

Policy HOU 12 (Amenity) of the SADPD, requires that new development should not have an unduly detrimental effect on the amenities of nearby residential properties from loss of privacy, loss of sunlight or daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution and traffic generation access and parking.

The nearest properties are located to the south Bradley Green Cottages and north east New House and Green Bank.

The actual driving range building would be sited 67m away from properties to the south and 116m from properties to the north east. It is not considered that the building would pose any significant harm through overbearing/overshadowing or loss of privacy.

In terms of noise/disturbance from use of the facility, Environmental Protection have been consulted who consider that any noise disturbance would be limited. The driving range buildings itself will act as a noise barrier to prevent significant noise disturbance from the hitting of golf balls etc. They also advise that unless all 16 cars to serve the 16 bays arrived at the same time noise from car doors closing will be minimal. This scenario is considered to be unlikely.

If issues of noise nuisance arise once in use, the issues can be dealt with under the Environmental Protection Act.

There is flood lighting proposed to serve the driving range, this is shown on the lighting plan with the likely LUX levels. This has been assessed by Environmental Protection Officers who advise that the lights would face north-east and thus would not result in any light pollution to these properties or their garden areas given their location to the rear of the lighting.

Environmental Protection also advise that lighting from the car park and main building will not overspill as the planning application gives specification for low level lights to be used. The lighting map that accompanies the application indicates that light will just overspill the car park a little in places but doesn't pass the site boundary.

Finally, Environmental Protection advise that there may be some glow visible from the wider setting from the flood lights however this can be further limited by condition which ensures the lighting is directed down and shielding to prevent overspill or backwash from the lights.

Therefore, it is considered that the proposals could be accommodated without causing significant harm to living conditions of neighbouring properties. And complies with SADPD Policy HOU12.

## **Air Quality**

Policy SE12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality.

The impact upon air quality could be mitigated with the imposition of a condition to require the provision of electric vehicle charging points.

## **Contaminated Land**

Environmental Protection have considered the site and suggested a condition to address any unexpected contamination.

## **Trees**

All existing trees are to remain with the addition of 27 new trees and 38 new ornamental coniferous trees are to be planted.

The majority of existing hedgerow is also to remain, bar an 8m section to accommodate the new access. However, replacement hedging is proposed infill exists gaps elsewhere.

The Councils Forestry Officer has also been consulted who raises no objection.

As a result, it is considered that the proposal would not result in any loss of existing trees and complies with Policy SE5 CELPS & ENV6 SADPD.

## **Flood Risk**

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

Policy ENV16 SADPD advises it should be demonstrated how surface water runoff can be appropriately managed.

The site is located in flood zone 1. This means it has a low probability of flooding from rivers and the sea. The site area is above 1 hectare therefore a Flood Risk Assessment (FRA) is required and has been provided.

This concludes that the whole of the site is within a Flood Zone 1 and subject to satisfactory surface water drainage to the site there will be no flood risk to the site or that of surrounding properties.

Appropriate additional cut off and French/land drains will be provided to receive potential surface water run off where necessary. There will be no alterations to existing levels outside of the site. Following regrading of the site the existing surface water culvert will remain untouched. The development will not increase flood risk elsewhere with the restriction of surface water run-off at greenfield rates.

The ground has sufficient porosity and therefore the surface water drainage will drain to suitably design soakaways. Permeable paving, rainwater butts, rainwater harvesting, cut-off drainage and hard drainage will be provided where necessary to ensure sustainable drainage techniques.

The foul water from the site will discharge by gravity to a new foul water sewage treatment plant within the site and maintained by private management company. SUDS will be used in the form of soakaways and will be incorporated at drainage design stage.

In addition, a pond area will be created at the lowest part of the site in the north western corner which will collect and potential overland flows.

The Councils drainage/flood risk team have been consulted who advise that there is nothing here to suggest that a satisfactory drainage strategy cannot be provided, the proposal is not in a Flood Zone 2 or 3 or a critical drainage area and there is nothing to suggest this development will not be able to limit discharge to greenfield run off rates without satisfactory drainage design. Therefore they have no objection in principle subject to condition requiring a drainage strategy to be submitted and approved by the LLFA. The drainage strategy can be secured by condition.

United Utilities have also been consulted who raise no objection but advise that their records show that there are no known public sewers in the vicinity of the proposed development therefore they recommend the applicant considers their drainage plans in accordance with the drainage hierarchy outlined above, which would be assessed by the LLFA.

As such subject to condition, it is not considered that the proposal would pose any significant drainage/flood risk concerns. The proposal therefore complies with Policy SE13 CELPS & ENV16 SADPD.

## **Ecology**

### Great Crested Newts

There is a considered low risk that the proposed development may have an adverse impact upon great crested newts which may occur within an adjacent water body. The Councils Ecologist is satisfied that the risks will be adequately mitigated against by the implementation of reasonable avoidance measures detailed within the submission.

### Biodiversity net gain

Any development proposals must seek to lead to an overall enhancement for biodiversity in accordance with Local Plan policy SE3(5). In order to assess the overall loss/gains of biodiversity an assessment undertaken in accordance with the Defra Biodiversity 'Metric' version 3.1 has been undertaken and submitted with the application.

The metric calculation and submitted Ecological Impact Assessment describe the proposed post development habitats which will result in a significant gain for biodiversity. If planning consent is granted, the Councils Ecologist suggests conditions be imposed requiring a 30n year habitat management plan be provided.

With the above condition the proposal would result in a net gain for biodiversity.

### Breeding Birds

If planning consent is granted, the Councils Ecologist suggests a condition to protect breeding birds.

### Wildlife sensitive lighting

In accordance with the BCT Guidance Note 08/18 (Bats and Artificial Lighting in the UK), prior to the commencement of development details of the proposed lighting scheme should be submitted to and approved in writing by the Local Planning Authority.



The scheme should consider both illuminance (lux) and luminance (candelas/m<sup>2</sup>). It should include dark areas and avoid light spill upon bat roost features, bat commuting and foraging habitat (boundary hedgerows, trees, watercourses etc.) aiming for a maximum of 1lux light spill on those features.

The scheme should also include a modelled lux plan, and details of:

- Proposed lighting regime;
- Number and location of proposed luminaires;
- Luminaire light distribution type;
- Lamp type, lamp wattage and spectral distribution;
- Mounting height, orientation direction and beam angle;
- Type of control gear.

This can be secured by condition.

As such the proposal can be accommodated without significant ecological impacts and complies with Policy SE3 of the CELPS, ENV1, ENV2 of the SADPD.

### **Archaeology**

Cheshire Archaeology have been consulted and have advised that having reviewed the supporting documentation and the information held on the Cheshire Historic Environment Records, while this application sits within an area of archaeological potential, it is unlikely to impact significant below ground remains and therefore there are no archaeological observations required for this application.

Therefore the proposal complies with Policy SE7 of the CELPS and HER8 of the SADPD.

### **Agricultural Land**

Policies SE2, SD1, SD2 advise that development should safeguard natural resources including high quality agricultural land.

The National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance no agricultural land report has been provided, however the application has been supported by an extract of the land grading from Natural England Land Classification Report which shows the site as right on the border of good/moderate and poor quality land.

Therefore, it would not appear that the proposal would result in the loss of Grade 2 agricultural land and complies with Policies SE2, SD1, SD2 of the SADPD.

## **Conclusion**

### Land use principle

The site is located within the open countryside where policy PG 6 sets out, that only development which is essential for agriculture, forestry, outdoor recreation, public infrastructure, essential works undertakers, or for other uses appropriate to a rural area will be permitted.

The proposal seeks a driving range and junior golf academy and it has been demonstrated to be an essential facility for outdoor recreation and thus is considered to comply with this policy.

### Benefits

The proposal seeks to provide a new rural enterprise with some links to an existing enterprise, would provide some economic benefit to the rural economy, would provide some rural employment and from the construction period, would provide potential for linked trips to the existing café across the road, would provide heath and well-being facility, would provide improved community facilities and would assist in meeting a Local and National need for this kind of sporting facility in part compliance Policies EG2, SC1, SC2, SC3 of the CELPS and RUR6, RUR10 of the SADPD.

### Negatives

The proposal is isolated and fails a number of criteria relating to locational sustainability, which in part conflicts with Policies SD1, SD2, EG2, SC2 of the CELPS and RUR6 of the SADPD.

### Neutral

The development will not have a detrimental impact upon residential amenity including contaminated land and would comply with Policies HOU12 SADPD.

The development would not have significant drainage/flood risk implications and would be comply with SE13 of the CELPS and ENV16 SADPD.

No harm to existing trees and accords with Policies SE5 of the CELPS & ENV6 SADPD.

Would not result in any severe highway safety impacts and complies Policies C01 of the CELPS and INF3 of the SADPD.

No significant ecological impacts and complies with Policies SE3 CELPS & ENV1, ENV2 of the SADPD.

The development is considered to be acceptable in design terms. As a result the proposal would accord with CELPS policy SE1 CELPS, GEN1 SADPD and the NPPF in relation to design quality and the requirements of the CEC Design Guide.

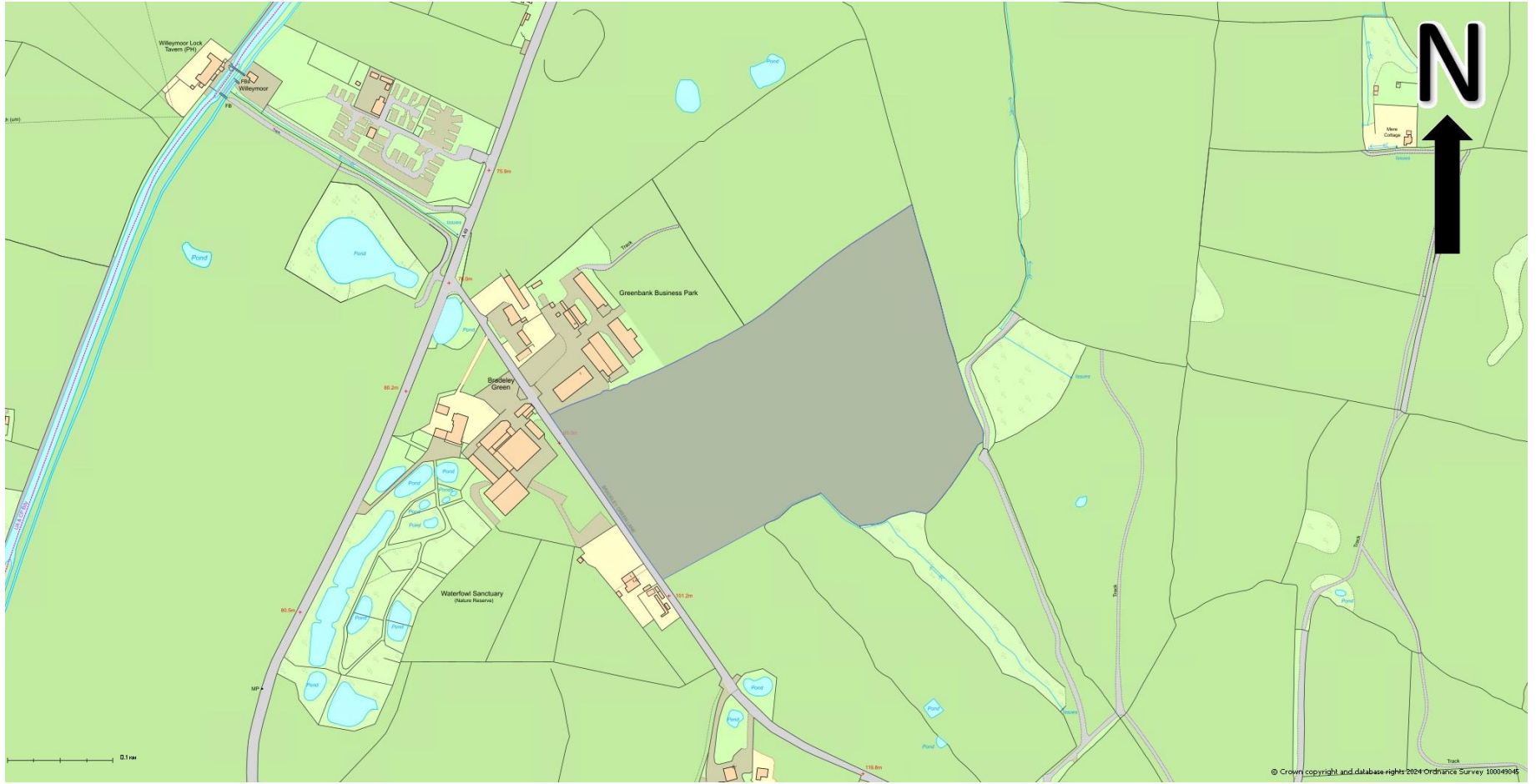
In conclusion, the application would comply with majority of the relevant policies of the Development Plan and is recommended for approval.

## **RECOMMENDATION**

APPROVE subject to the following conditions:

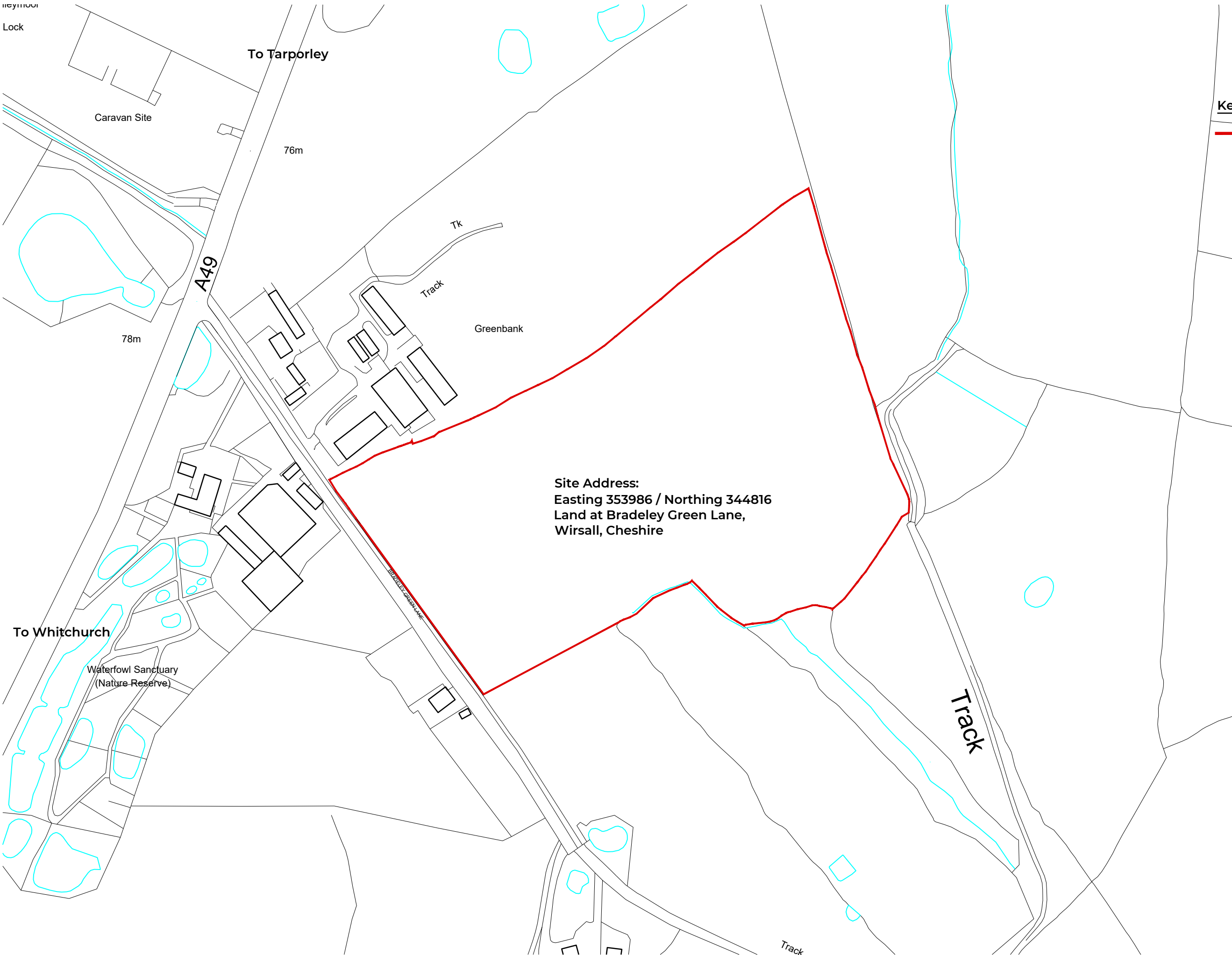
1. 3 year time limit
2. Development in accordance with the approved plans
3. Details of proposed materials
4. Surface water drainage design
5. Electric Vehicle Charging provision
6. Landscaping scheme submission to include more species diversity in the tree planting scheme
7. Landscaping implementation
8. Hours of operation of driving range and flood lights
9. Angling/cowling of flood lights
10. detailed specification, including depths, contours and side gradients of the proposed pond
11. Implementation of reasonable avoidance measures detailed within Appendix 7 of the Ecological Impact Assessment (eyebright ecology, October 2022)
12. A habitat creation method statement and a 30 year habitat management plan for the newly created habitats on site
13. Breeding birds to restrict development during nesting periods
14. Wildlife sensitive lighting to be provided
15. Contaminated land – Risk Assessment
16. Contaminated land – Verification Report
17. Contaminated land – Soil Importation
18. Contaminated land – Unexpected Contamination

**In order to give proper effect to the Board`s/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.**



22/0785N

LAND AT, BRADELEY GREEN  
LANE, WIRSALL, SY13 4HD



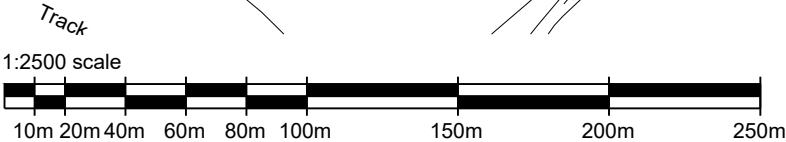
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**Key**

= Site Development boundary

**Site Address:**  
Easting 353986 / Northing 344816  
Land at Bradeley Green Lane,  
Wirsall, Cheshire

LOCATION PLAN 1:2500 @A3



XX	XX
REVISION	NOTES
<div><div><b>RPS</b></div><div>DESIGN GROUP</div><div>0845 5442005</div><div>rpsdesigngroup.co.uk</div><div>Project No: 21.45</div><div>Client: Mr &amp; Mrs Ashbrook</div><div>Site Address: Land at Bradeley Green Lane</div><div>Drawing Title: Location Plan</div><div>Date: 18.11.21    Scale: 1:2500@A3</div><div>Drawn by: AC    Checked by: RM</div></div> <div><div>Drawing No:</div><div><b>L100</b></div><div>Status:</div><div><b>PLANNING</b></div></div>	





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- Key**
- = Existing small scrub bushes/trees/dense vegetation
  - = Existing trees (spans shown as per tree survey)
  - = Existing hedgerow
  - = Proposed hedgerow
  - = Proposed (10m high when fully grown) evergreen tree
  - = Proposed (0.6m high when fully grown) ornamental conifer tree
  - = New semi-mature deciduous trees (see spec for variations)
  - = Driving Range Fairway grass
  - = Tarmac surface
  - = Sand Bunker
  - = Putting surface
  - = Target greens (range signs/vertical targets not shown)
  - = Native British Wildflower Perennial Seed Mixes
  - = Proposed wetland (pond) area

- Key**
- Tree Survey/ Protection Measures**
- = Protective fencing
  - = TDCCS
  - = Root Protection Area
  - = Crown Spread
  - = Category 'A'
  - = Category 'B'
  - = Category 'C'
  - = Category 'U'

P4	Landscaping design amended to suit
P3	Amended proposed contours
P2	Amended proposed contours
P1	Amended to Landscape LVIA recommendations

REVISION	NOTES
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**RPS**  
DESIGN GROUP

0845 5442005  
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Project No: 21.45  
Client: Mr & Mrs Ashbrook

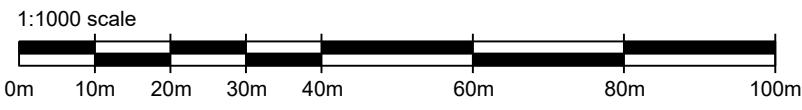
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Bradeley Green Lane, Whitchurch

Drawing Title:  
Proposed Site (Block) Plan

Date: Nov 21 Scale: 1:1000  
Drawn by: Checked by:

AC SS

PROPOSED SITE PLAN 1:1000 @A1

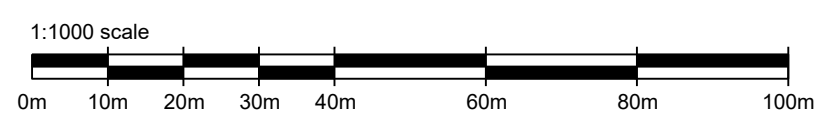






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Existing and Proposed Contours Comparison 1:1000 @A1



P1	AMENDED PROPOSED CONTOURS SHOWN
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REVISION	NOTES
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Project No: 21.45  
Client: Mr & Mrs Ashbrook

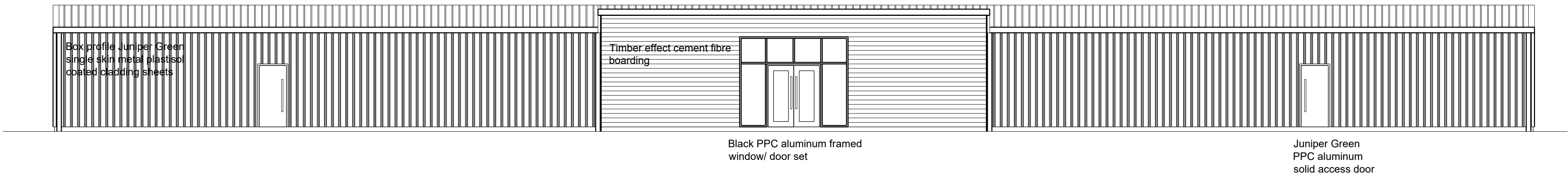
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Bradeley Green Lane, Whitchurch

Drawing Title:  
Existing and Proposed Contours Comparison  
Date: Nov 22 Scale: 1:1000

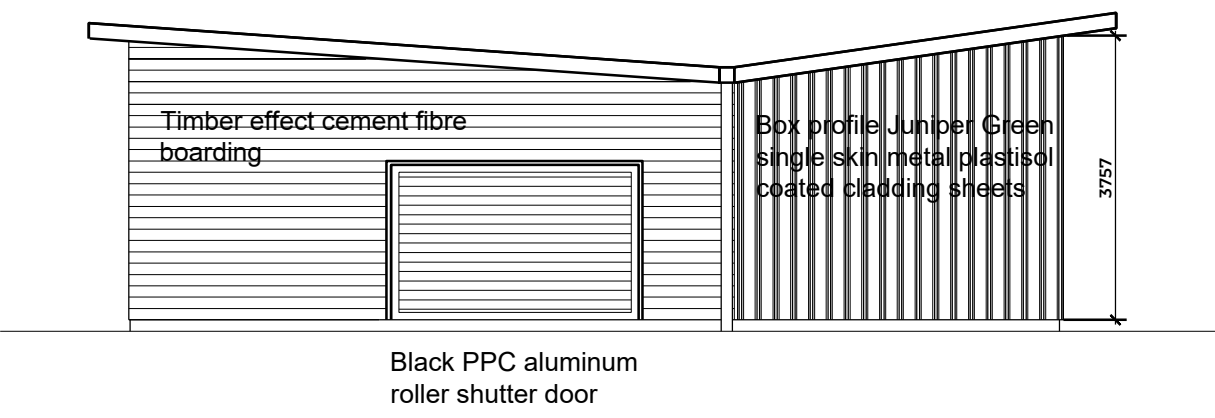
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Drawing No: L107\_P1  
STATUS: PLANNING

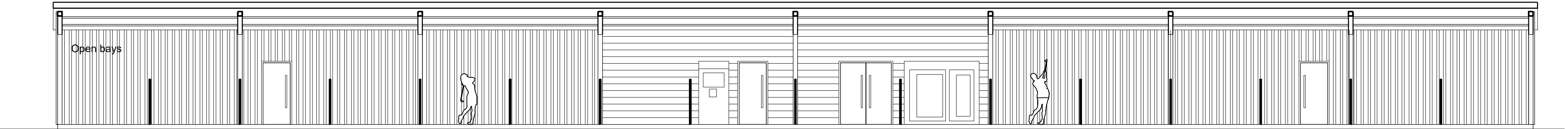




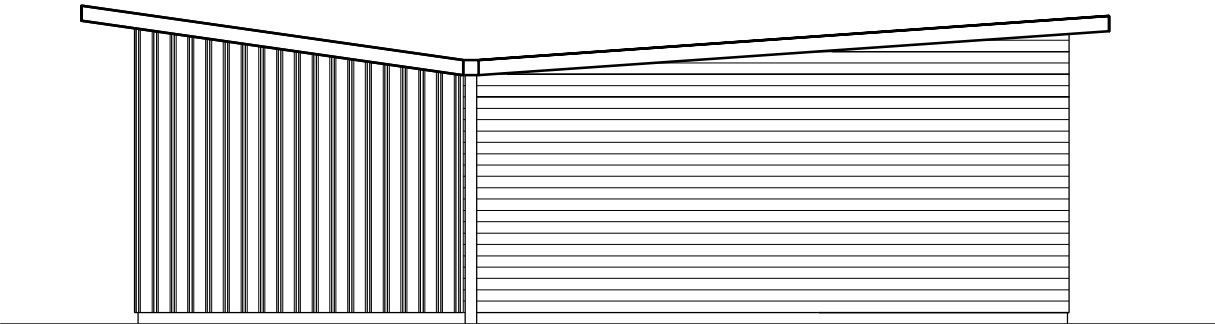
PROPOSED (CAR PARK SIDE) WEST ELEVATION



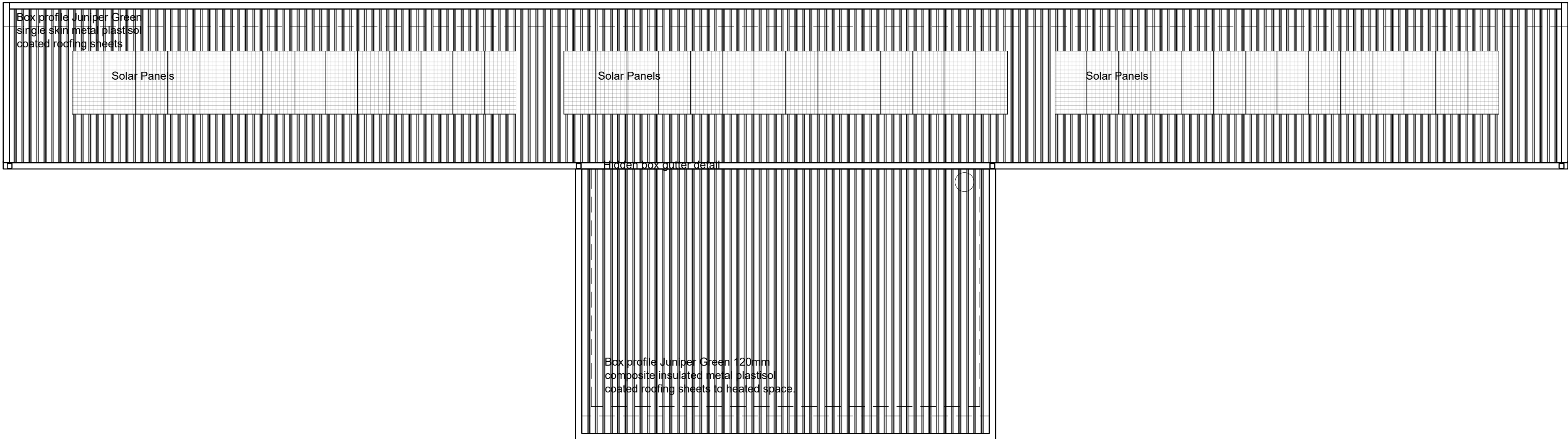
PROPOSED SOUTH ELEVATION



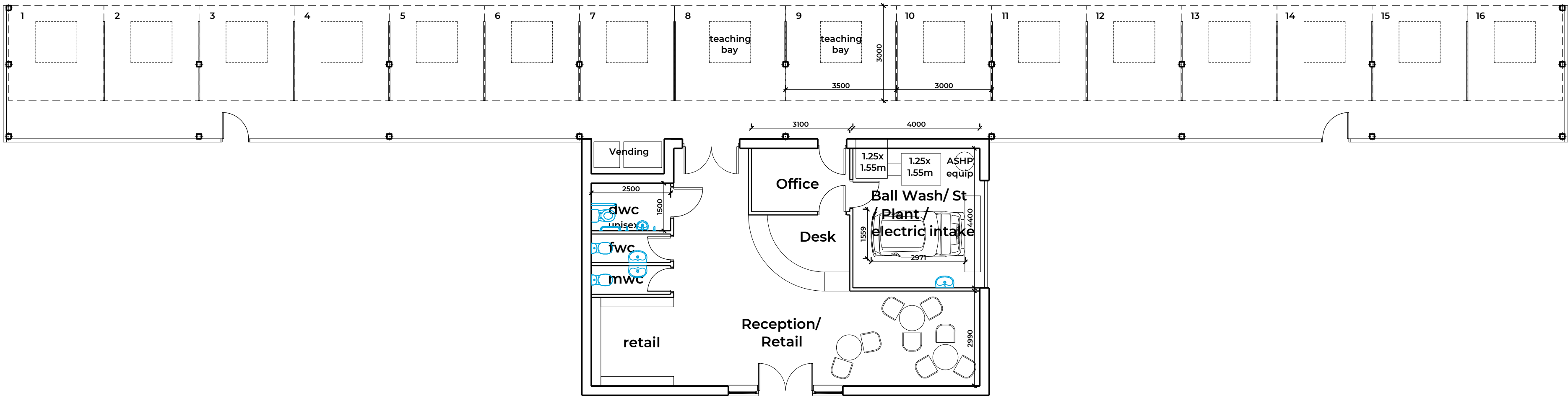
PROPOSED (BAY SIDE) EAST ELEVATION



PROPOSED NORTH ELEVATION



PROPOSED BUILDING ROOF PLAN



PROPOSED BUILDING PLAN (all plans/ elevations @ 1-100 (A1)



P01	Materials amended to client request
REVISION	NOTES

RPS

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0845 5442005

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Project No: 21.45

Client: Mr & Mrs Ashbrook

Site Address:  
Bradeley Green Lane, Whitchurch

Drawing Title:  
Proposed Building Plan & Elevations

Date: Nov 21    Scale: 1:100

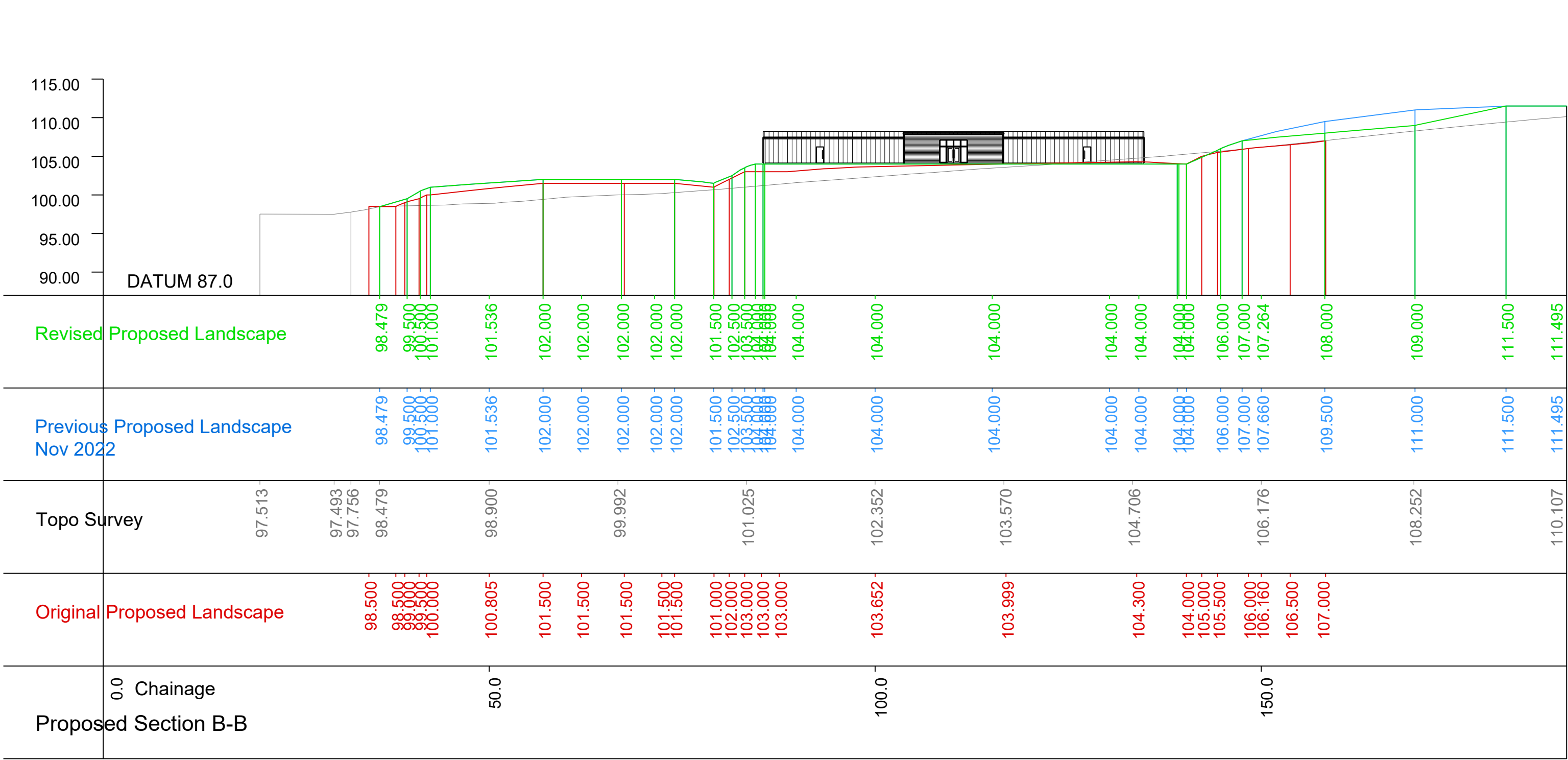
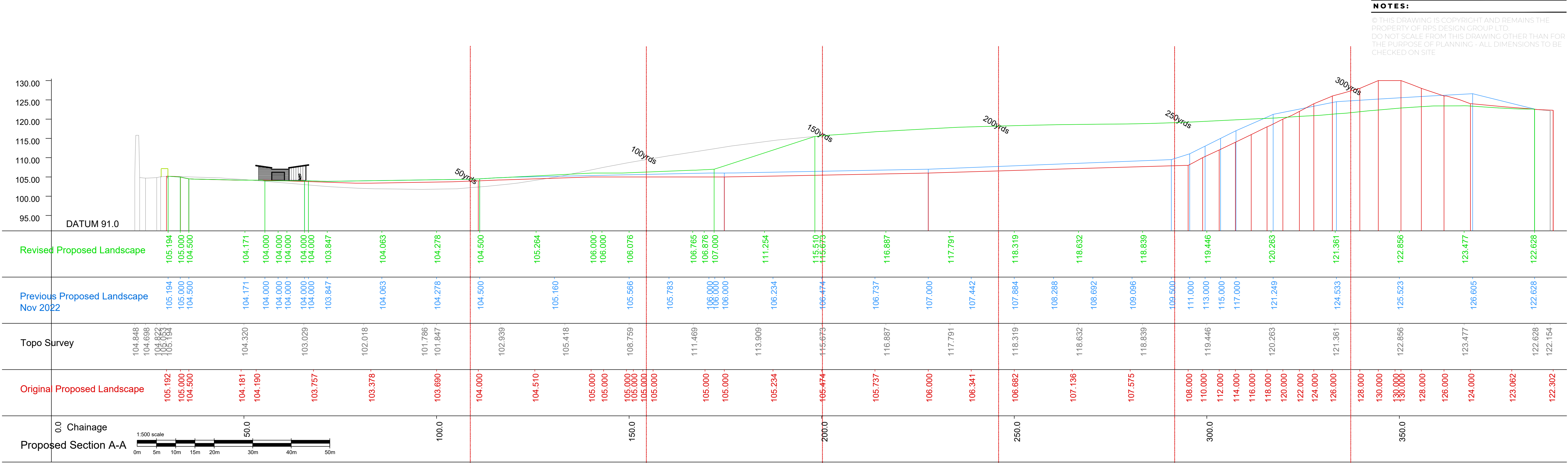
Drawn by:    Checked by:

AC                      SS

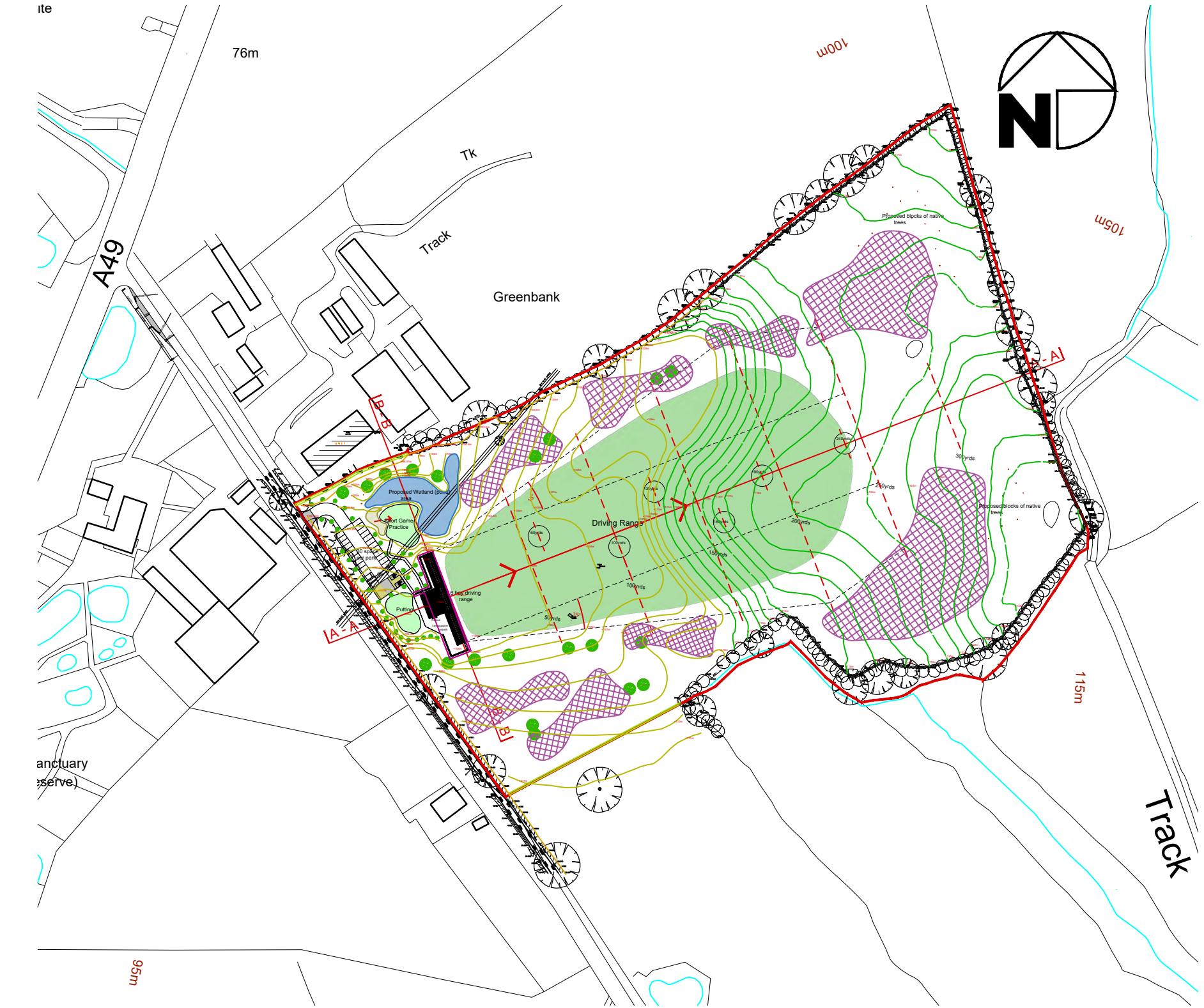
Drawing No:

L104\_P01

Status:  
PLANNING



EXISTING AND PROPOSED SITE SECTIONS 1:500 @A1



INDICATIVE SITE PLAN 1:2500 @A1

P2	SECTIONS AMENDED FOLLOWING AMENDED CONTOURS
P1	SECTIONS AMENDED FOLLOWING CIVIL ENGINEERS CALCULATIONS

REVISION	NOTES
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**RPS**

DESIGN GROUP

0845 5442005

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Project No: 21.45

Client: Mr & Mrs Ashbrook

Site Address:

Bradeley Green Lane, Whitchurch

Drawing Title:

Existing and Proposed Site Sections

A-A & B-B

Date: Jan 22

Scale: 1:500@a1

Drawn by: AC

Checked by: SS

Drawing No: L105\_P2

Status: PLANNING



STANDARD TREE SCHEDULE

Quantity	Species	Specification
3no.	Alnus glutinosa (Ag)	10-12cm girth Selected Standard CG.
7no.	Betula pendula (Bp)	10-12cm girth Feathered Standard CG.
5no.	Carpinus betulua (Cb)	10-12cm girth Selected Standard CG.
9no.	Pinus nigra Austraica (PnA)	1.5-1.75m. Feathered CG. / WRB
7no.	Quercus robur (Qr)	10-12cm girth Selected Standard CG.
7no.	Sorbus aucuparia (Sa)	10-12cm girth Multi-Stem CG
3no.	Tilia cordata (Tc)	10-12cm girth Selected Standard CG.

TRANSPLANTS SCHEDULE

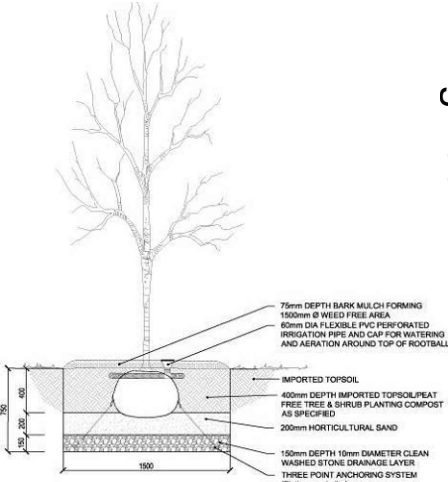
Quantity	Species	Specification
347no.	Betula pendula (Bp)	600-800mm 1+1
330no.	Carpinus betulus	600-800mm 1+1
111no.	Cornus sanguinea	400-600mm 1+1
1061no.	Corylus avellana	400-600mm 1+1
200no.	Crataegus monogyna	400-600mm 1+1
271no.	Ilex aquifolium	400-600mm 5L pot
14no.	Ligustrum vulgare	400-600mm 5L pot
230no.	Prunus avium	600-800mm 1+1
549no.	Quercus robur (Qr)	600-800mm 1+2
37no.	Rosa canina	400-600mm 1+1
74no.	Viburnum opulus	400-600mm 1+1

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Key

- Existing small scrub bushes/ trees/ dense vegetation
- Existing trees (spans shown as per tree survey)
- Existing hedgerow
- Proposed hedgerow
- Proposed (10m high when fully grown) evergreen tree
- Proposed (0.6m high when fully grown) ornamental conifer tree
- New semi-mature deciduous trees (see spec for variations)
- Driving Range Fairway grass
- Native tree and shrub planting
- Tarmacadam surface
- Sand Bunker
- Putting surface
- Target greens (range signs/ vertical targets not shown)
- Native British Wildflower Perennial Seed Mixes
- Proposed wetland (pond) area



Sunningdale,  
Sambrook,  
Newport,  
Shropshire  
TF10 8AP

T: (01952) 551307  
M: 07855 090522

Client

Mr and Mrs Ashbrook

Project

Proposed Golf Driving Range

Drawing Title

Hard and Soft Landscaping Plan

Scale

1:1500 @ A3

Date

09/23

DB

MS/JO

CB

Drawing Number

GDR-DD-01

Rev

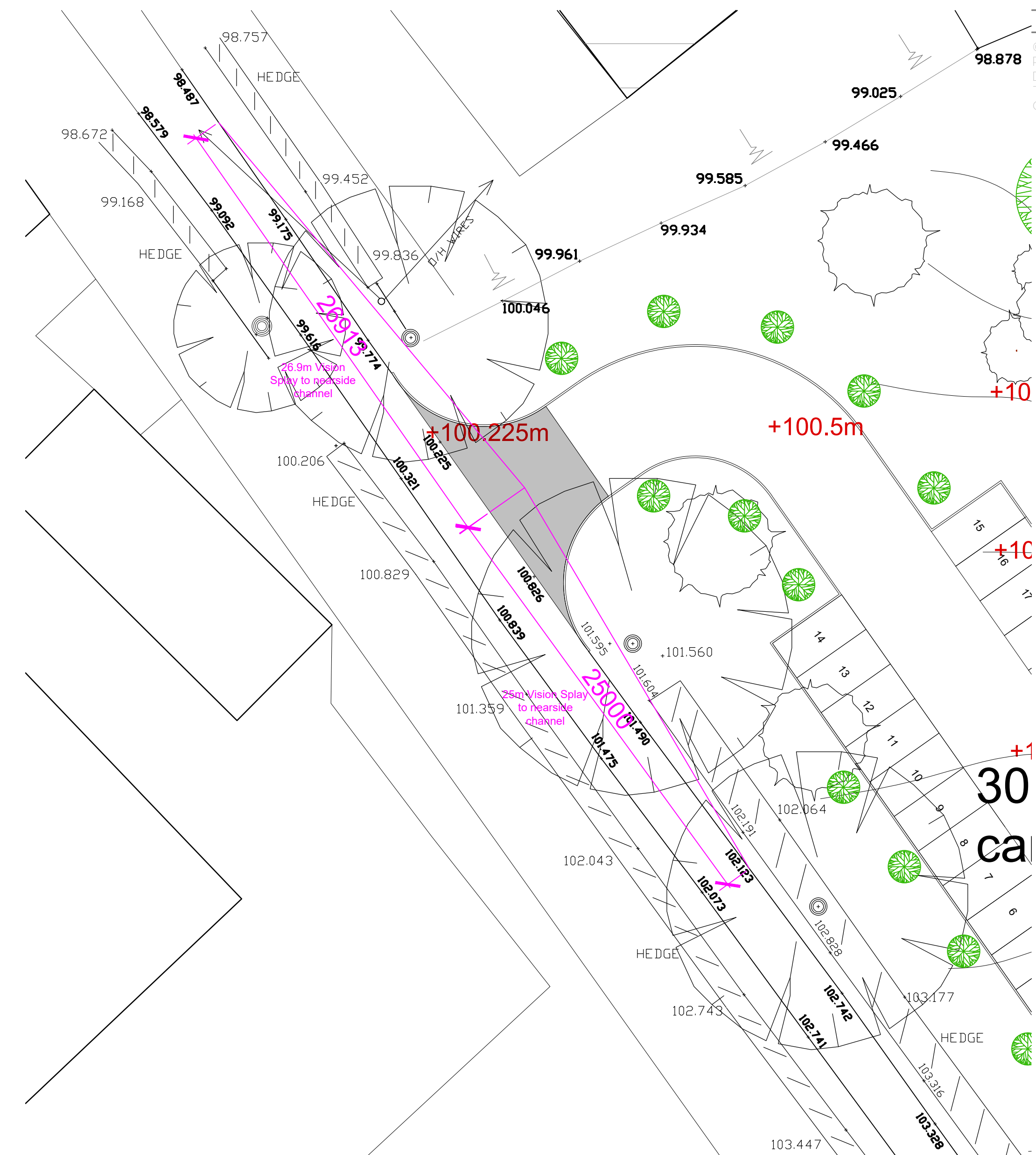


# A49

2.5m(w) x 12.0m (l). No new kerbs to be installed. Full extent of achievable passing place to be designated on-site whilst stone being laid using the above parameters as a minimum recommendation.

Un-surveyed (approx) tree position. Passing place to be positioned to A49 side of existing tree trunk.

PROPOSED PASSING PLACE ON BRADELEY GREEN LANE 1:200  
@A1



PROPOSED DEVELOPMENT SITE VISIBILITY SPLAYS FROM  
BRADELEY GREEN LANE 1:200 @A1

XX	XX
<b>REVISION</b>	<b>NOTES</b>



**0845 5442005**

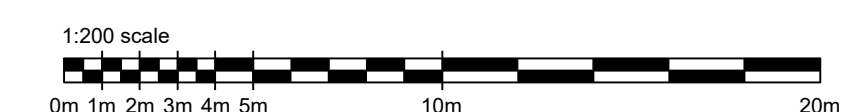
Project No: 21.45

**Site Address:**  
Bradeley Green Lane, Whitchurch

Proposed Passing Place + Development.

Drawn by: \_\_\_\_\_ Checked by: \_\_\_\_\_

AC SS



**L106**  
Status:  
PLANNING

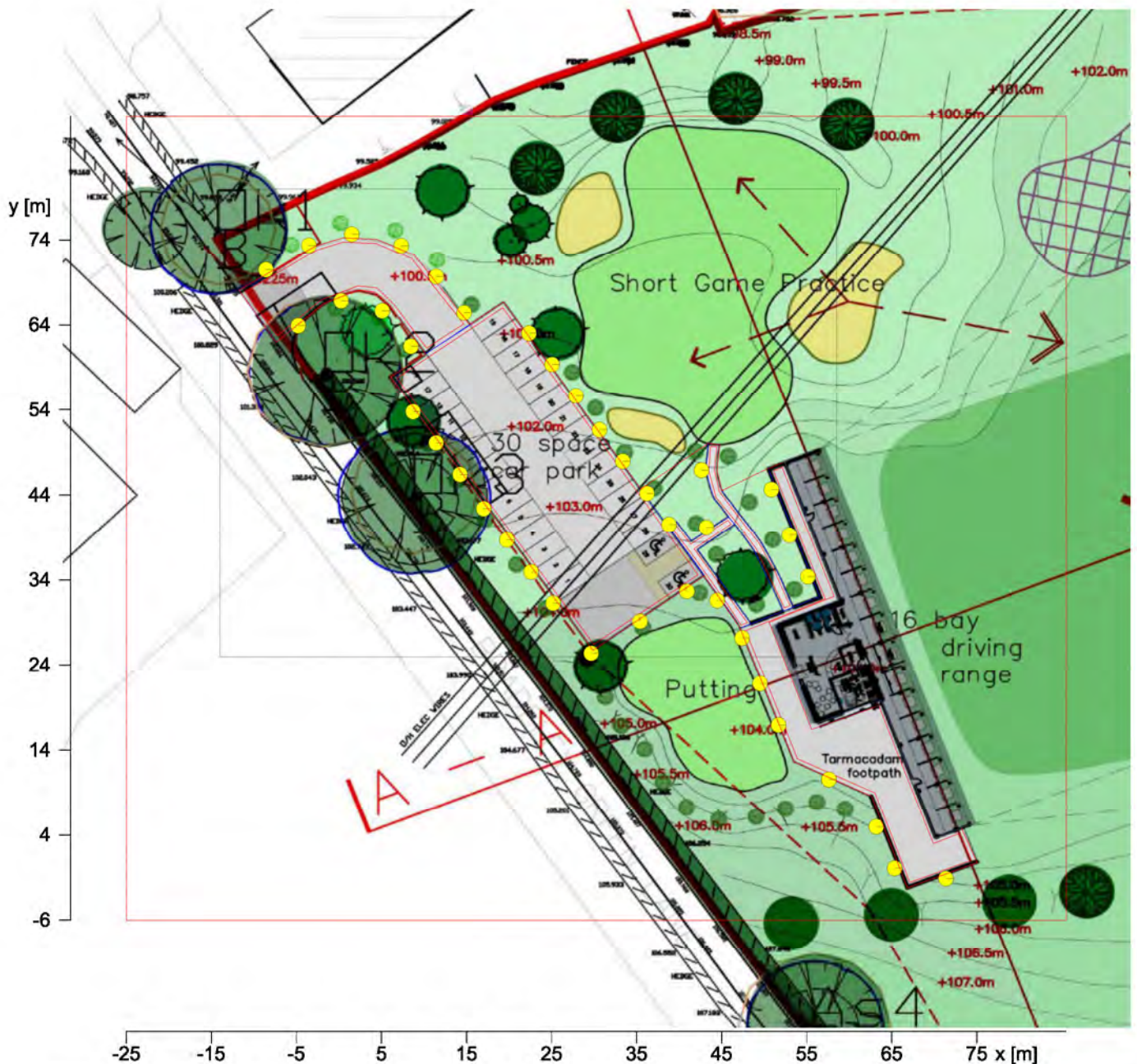




## 2 Bradeley Green Lane

## 2.1 Description, Bradeley Green Lane

### 2.1.1 Floor plan

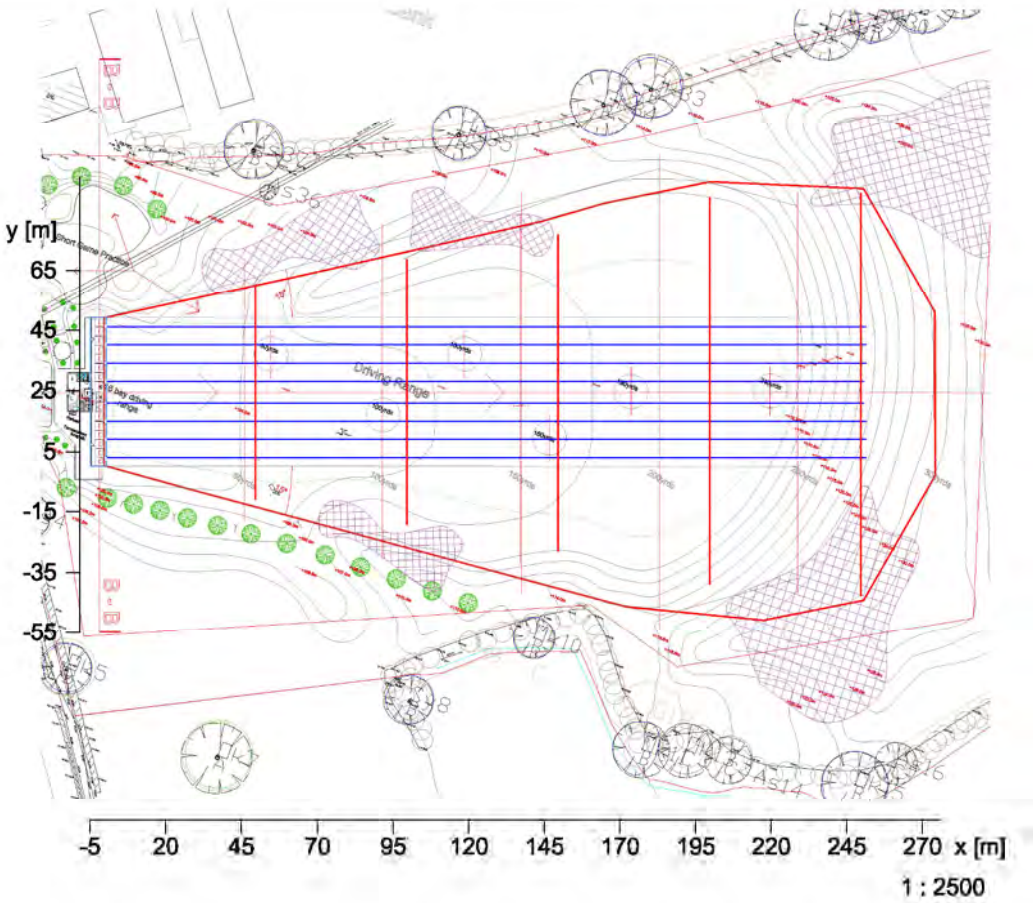




Driving Range

Description, Driving Range

Floor plan



Application No: 24/0130C

Location: Former Twyford Bathrooms Site, Lynley Lane, ALSAGER, ST7 2DF

Proposal: Variation of conditions 2, 15, 16, 19, 20, 21, 22, 26, 30, 32, 33, 36, 37 & 39 on approval 13/4121C: Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C)

Applicant: Sainsbury's Supermarkets Ltd

Expiry Date: 26-Apr-2024

### **SUMMARY**

The supermarket has an extant consent as part of application 13/4121C, and this proposal seeks minor amendments to the design and layout of the proposed development.

The applicant also proposes to amend the Heads of Terms of the S106 Agreement and the conditions relating to the off-site highway works. These amendments are based upon the current position and the Head of Strategic Transport has confirmed that he has no objection to these changes.

As a consequence of the above and that phases 1 and 2 of the development having commenced, there are also changes required to other conditions within this decision and these are considered to be acceptable.

The scheme proposed as part of this application would not cause harm in terms of residential amenity, design, trees, ecology (subject to an update report), flood risk/drainage, pollution or highways. The application complies with the relevant policies of the Development Plan when taken as a whole and is recommended for approval.

### **RECOMMENDATION**

**Approve subject to the completion of a S106 Agreement and the imposition of planning conditions**

### **REASON FOR REFERRAL**

This application is before the Strategic Planning Board as it proposes to amend a condition which was attached by the Strategic Planning Board.



## DESCRIPTION OF SITE

The application relates to 3.28 ha of land, situated to the west of Linley Lane (A5011). The site is located within the Alsager settlement Boundary.

To the south of the site is the Crewe-Derby railway line. The site did include part of a large factory and warehouse building which have now been demolished. The site currently consists of a large concrete slab which remains from the demolished buildings and overgrown self-seeded vegetation.

To the north and west of the site is a large residential development (268 dwellings) which is currently under construction.

## DETAILS OF PROPOSAL

Application 13/4121C granted full planning application for the demolition of the existing buildings and the erection of a new retail food store with a total gross internal area of 4,303sq.m (46,317sq.ft), 2,322sq.m net sales area (25,000sq.ft), a petrol station and 302 car parking spaces. The access to the store is via a new roundabout off Linley Lane (now constructed).

The pre-commencement conditions attached to application 13/4121C were discharged and the permission was lawfully implemented (this was confirmed via a Lawful Development Certificate – 17/5905C).

This application seeks to vary the following conditions attached to application 13/4121C:

2 – Approved Plans

15 – Delivery Hours for the store and biomass boiler

16 – Hours of operation for the biomass boiler

19 – Written schedule of maintenance for the biomass boiler

20 – The biomass boiler shall only operate using clean wood pellets

21 – No changes to the fuel type for the biomass boiler

22 – Biomass boiler stack details and height

26 – Compliance with the mitigation measures contained within the submitted survey for other protected species

30 – Implementation of the landscaping scheme

32 – The net sales area shall be limited to 2,323sq.m.

33 - The sales area shall be limited to 1,975sq.m for the display of convenience goods with the remaining 348sq.m for the display of comparison goods

36 – Construction of the off-site highway works (roundabout access, bus stops on the A5011, and junction improvement works at the junction of the A5011/A50/B5077) prior to the store being brought into use

37 – Provision of a footway and cycleway from the site access with Linley Lane to the signal junction at the A5011/A50/B5077 (the wording of this condition was amended as part of Non-Material Amendment application 17/5683C)

39 – Details to open up the culvert within the site (the wording of this condition was amended as part of Non-Material Amendment application 16/1327C)

The application also seeks to amend the S106 Agreement.

## RELEVANT HISTORY

17/5905C Certificate of lawful use to confirm the works completed at the site represent a material start on site which in turn confirms that the planning permission has been lawfully implemented – Positive Certificate Issued 9<sup>th</sup> January 2018

17/5683C - Non material amendment to application 13/4121C – Approved 15<sup>th</sup> November 2017

17/2311C - Non-material amendment to approval 13/4121C for demolition of existing buildings and construction of a new retail foodstore – Approved 23<sup>rd</sup> May 2017

16/1327C - Non Material Amendment to the wording of Condition 39 – Approved 22<sup>nd</sup> March 2016

13/4121C - Full planning permission for the demolition of all existing buildings and the construction of a new retail foodstore; parking and circulation spaces; formation of new pedestrian and vehicle accesses; landscaping and associated works (re-submission of 12/0800C) – Approved 18<sup>th</sup> June 2015

12/0800C - Full Planning Permission for the Demolition of All Existing Buildings and the Construction of a New Retail Foodstore, Parking and Circulation Spaces, Formation of New Pedestrian and Vehicle Accesses, Landscaping and Associated Works – Withdrawn 23<sup>rd</sup> May 2012

ENQ/0181/12 – EIA Screening Opinion for a proposed supermarket – EIA not required 15<sup>th</sup> March 2012

11/4390C - Application for Planning Permission for a Three Arm Roundabout and Access Road – Withdrawn 13<sup>th</sup> September 2012

11/4109C - Outline Planning Permission with some Matters Reserved for up to 335 Residential Units – Approved 21<sup>st</sup> November 2013

## **POLICIES**

### **National Policy**

National Planning Policy Framework

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

LPS21 – Twyfords and Cardway, Alsager

MP1 – Presumption in Favour Of Sustainable Development

PG2 – Settlement Hierarchy

PG7 – Spatial Distribution of Development

SD1 - Sustainable Development in Cheshire East

SD2 - Sustainable Development Principles

SE 1 - Design

SE 2 - Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE 4 - The Landscape

SE 5 - Trees, Hedgerows and Woodland

SE 6 – Green Infrastructure

SE 8 – Renewable and Low Carbon Energy

SE 9 – Energy Efficient Development



SE 13 – Flood Risk and Water Management  
CO1 – Sustainable Travel and Transport  
CO 4 – Travel Plans and Transport Assessments  
EG5 – Promoting a Town Centre First Approach to Retail and Commerce  
IN1 – Infrastructure  
IN2 – Developer Contributions

**Cheshire East Site Allocations and Development Policies Document (SADPD)**

PG9 – Settlement Boundaries  
GEN1 – Design Principles  
ENV1 – Ecological Network  
ENV3 – Landscape Character  
ENV5 – Landscaping  
ENV6 – Trees, Hedgerows and Woodland Implementation  
ENV7 – Climate Change  
ENV12 – Air Quality  
ENV14 – Light Pollution  
ENV16 – Surface Water Management and Flood Risk  
ENV17 – Protecting water resources  
HER8 – Archaeology  
RET1 – Retail Hierarchy  
RET2 – Planning for Retail Needs  
RET3 – Sequential and Impact Tests  
RET4 – Shop Fronts and Security  
RET7 – Supporting the Vitality of Town and Retail Centres  
INF1 – Cycleways, Bridleways and Footpaths  
INF3 – Highway Safety and Access

**Alsager Neighbourhood Plan (ANP)**

The Alsager Neighbourhood Plan was made on the 15<sup>th</sup> April 2020.

TC3 – Retail, service, business, leisure and residential development in the town centre  
TC5 – Retail, service, business, leisure and residential development outside the town centre  
NBE4 – Woodlands, Tree and Hedgerows  
CW3 – Safe and Accessible Routes  
TTS1 – Promoting Sustainable Transport  
TTS2 – Congestion and Highway Safety  
TTS3 – Car Parking and Electric Charging Points  
TTS4 – Accessibility  
TTS6 – Infrastructure  
TTS8 – Improving Air Quality  
TTS9 – Drainage – Sustainable Urban Drainage (SUDS) Design and Management  
TTS10 – Surface Water

**CONSULTATIONS (External to Planning)**

**Environment Agency:** No objection in principle to the proposed variation of conditions 2, 15, 16, 19, 20, 21, 22, 26, 30, 32, 33, 36, 37 & 39 on approval 13/4121C but take this opportunity to make the following comments. General advice is provided to the applicant.

**United Utilities:** No comments received.

**Strategic Highways Manager:** The applicant has demonstrated that the servicing of the site can be safely accommodated, and the provision of car parking is adequate. The revised contributions from the applicant mitigate the developments harm in an acceptable way and justify the removal of the previous planning conditions relating to an improved footway connection and traffic signal pedestrian crossings. The applicant has also agreed to introduce control and enforcement measures to regulate the use of the car park for Sainsbury's customers. Conditions and Heads of Terms for the revised S106 are requested.

**Environmental Health:** No comments to make.

**Natural England:** No comments received.

**CEC Flood Risk:** No objection.

**Network Rail:** Network Rail require the completion of a BAPA (Basic Asset Protection Agreement). No works shall commence until the BAPA has been agreed with Network Rail.

## **VIEWS OF THE PARISH/TOWN COUNCIL**

**Alsager Town Council:** Alsager Town Council welcome the application and welcome further discussions in relation to the S106 contribution for footpaths and bus services.

**Church Lawton Parish Council:** The Parish Council would like to make the following observations:

- The Parish Council look forward to seeing a detailed drainage scheme.
- The Parish Council ask that a badger survey is undertaken for assurance that sets won't be disturbed.
- The Parish Council ask that S106 money is prioritised to solving the drainage issues at the bridge on Linley Lane.
- The Parish Council hope to be consulted on any improvement to the bus services required and look forward to discussion on this matter.

## **REPRESENTATIONS**

Letters of support have been received from 9 households which raise the following points:

- This is a much-needed facility for the residents of Alsager and brings a quality supermarket.
- Alsager needs a petrol station within the town.
- The café should be provided.
- Residents currently have to drive to Kidsgrove or Crewe to undertake a weekly shop.
- S106 funds should be allocated to improve the site entrance to the Linley estate (the footway under the railway bridge).
- More traffic calming and road markings should be installed within the Wain Homes Estate.
- Supported the original application and glad it is being re-activated.
- The store will give consumer choice which is lacking in Alsager.
- The potential objections to the harm to trade in Alsager are not valid after the decision to introduce parking charges.
- Alsager is a growing town and only has one small supermarket to meet the needs of its growing population.

- Most Alsager residents have to travel out of town for petrol and grocery shopping. The proposal is desperately needed.
- The development will provide jobs to Alsager and the surrounding area.
- Will there be a restriction upon the hours of the loading bay?
- What can be done to minimise light pollution?
- Speed reduction measures are required within the Wain Homes Estate. The route through the site is a benefit and this has been advertised from day one.
- How can traffic be managed around Linley Lane during peak hours?
- Sainsburys should plant trees around the site.
- The proposed landscaping will help to screen the development.
- Signage should be provided to prevent HGVs using the Wain Homes Estate as a through route.
- Two of the parent and Baby spaces should be changed to Disabled spaces to increase provision.
- Improvements should be made to the Linley Lane underpass underneath the railway.
- A hand car wash and click and collect should be provided at the southern end of the site.

Letters of objection have been received from 5 households which raise the following points:

- The Wain Homes estate is used by drivers cutting through the estate, who often speed at 40-50mph. This is done to avoid using the traffic lights.
- The proposed store will increase traffic driving through the estate.
- Speed bumps should be provided within the Wain Homes Estate or the through route to Sainsburys should be cut off.
- Traffic through the Wain Homes Estate is a danger for children.
- Impact upon Alsager Town Centre and its businesses.
- The Cheshire East decision to introduce parking charges will encourage parking at the store where free parking will be provided.
- Concerns that the plan shows potential for a development of a Costa/Starbucks/KFC/McDonalds.
- Sainsburys should fund Alsager's car parks giving residents a choice of where they shop with free parking. This will also save CEC the money of providing parking ticket machines.
- There have been several near misses where children have nearly been hit by cars using the Wain Homes Estate as a rat run.
- The residents of the Wain Homes Estate will have to pay to maintain the roads and grounds within that development.
- Increased noise and light pollution for an estate which already backs onto the railway.

Letters of general observation have been received from 3 households which raise the following points:

- The traffic through the Lawton Green Estate has gradually increased and has now become dangerous due to people using the estate as a shortcut.
- Speeding vehicles through the estate, and the new store could make this worse.
- It would be better if there was no through route through the Lawton Green Estate.
- The speed bumps within the Lawton Green Estate have not materialised.
- The Lawton Green Estate is used by children who walk and ride bikes frequently.
- In order to discourage car use and to maximise community benefit the proposed improvement to the 317-bus service on a Saturday is a good starting point. Although no information is provided in terms of frequency.
- The £100,000 should be used to ensure that the 317-bus operates Leighton Hospital-Alsager every 60 minutes instead of the 60–90-minute service. This should commence within 6 months of the store opening and be operational for a minimum of 3 years.
- The road narrows as you approach the green within the estate and this makes it difficult for two cars to pass.

- Traffic calming should be provided.

## **OFFICER APPRAISAL**

### **Principal of Development**

As noted above the pre-commencement conditions attached to application 13/4121C were discharged and the permission was lawfully implemented (this was confirmed via a Lawful Development Certificate – 17/5905C). This application seeks to make changes to the design/layout, conditions imposed and the S106 agreed as part of application 13/4121C. It is not possible to reconsider the principle of this development.

### **Design**

Application 13/4121C gave approval for a single storey rectangular food store building located toward the western edge of the site. The development included a taller element located at the more prominent north-west corner of the building. A service wing enclosed a service yard, which is to the rear of the site. The service access is directly off the new access into the Twyfords site from Linley Lane. At the eastern boundary of the site, the development includes a petrol filling station and a drive through car wash.

This application seeks to vary the approved plans condition to alter the design of the development and the amendments are summarised as follows:

- Removal of the café from the southern elevation of the building and other changes to the internal layout (including the inclusion of a 'store-in-store' Argos). These result in minor changes to the elevations of the building (minor changes to fenestration and materials).
- The addition of solar panels to the roof.
- Reduction in the size of the carpark.
- Reduction in the size of the petrol filling station and its conversion to an unmanned operation.
- The creation of an area next to the petrol filling station, reserved for future development.
- Revision to the culvert drainage strategy.

The approved and proposed store is proposed to be orientated to the east, overlooking a substantial area of car parking. The car parking extends to the south of the site between the building and the boundary with the railway. In the south-east corner, gas and electricity substations are being retained with access proposed from the car park.

The building is to be faced in timber, metal cladding, brickwork and glazing, and these details will be secured through the imposition of a condition.

The changes to the building are relatively minor, with the most significant changes being the removal of the café to the southern elevation and the reduction in the size of the petrol filling station.

The detailed design is considered to be acceptable and would comply with policies SE1, SD1 and SD2 of the CELPS and GEN1 of the SADPD.

## **Landscape**

Concern has been raised in terms of the lack of tree planting within the carpark and based on the indicative plan this has been repositioned to the boundaries of the store car-park. This is a weakness in the design of the proposed scheme, but the revised layout will require the submission of an updated landscaping plan to reflect the amended layout. This will be secured via an amended landscaping condition (landscaping was condition 30 attached to application 13/4121C).

## **Highways Implications**

The S106 Agreement completed as part of application 13/4121C includes the following Heads of Terms:

- £5,000 Travel Plan Monitoring
- £25,000 for the upgrade of two local bus stops to quality partnership standards sum to be paid prior to commencement of development
- £330,000 for the provision of the agreed new bus service for the site sum to be paid 6 months before the store is first brought into use
- £30,000 for identified local traffic management issue sum to be paid prior to commencement of development

This application seeks to amend the Heads of Terms as follows:

- £100,000 Bus Service Contribution
- £100,000 Footway widening works along Linley Lane (as a replacement to condition 37)
- £200,000 Linley Lane/B5077 junction improvement works (as a replacement of condition 36)
- £100,000 Local highway works

The application also seeks to remove the following highways related conditions:

36 – Construction of the off-site highway works (roundabout access, bus stops on the A5011, and junction improvement works at the junction of the A5011/A50/B5077) prior to the store being brought into use

37 – Provision of a footway and cycleway from the site access with Linley Lane to the signal junction at the A5011/A50/B5077 (the wording of this condition was amended as part of Non-Material Amendment application 17/5683C)

## **Highway Safety and Capacity**

The store would be accessed via an estate road which connects Richard Woodcock Way and a three-arm priority-controlled roundabout which is located on Linley Lane (A5011).

The transport impacts of the revised slightly smaller store will be slightly lower than the consented scheme and the primary access is now in place; so, there are no concerns from a highway safety and capacity point of view.

The letters of objection refer to the traffic moving through the recently constructed Wain Homes development, this has been the intention for the development of this site dating back to the first permission as part of application 11/4109C. As part of the residential development Wain Homes should have provided traffic calming measures including rumble strips along the primary access road. These works have not been provided and the issue is subject to a separate enforcement investigation and discussions with Wain Homes.



### Car Parking

In accordance with the CELPS Parking Standards development requires the provision of 271 parking bays using this standard. This application proposes a total of 249 parking bays and this provision is broadly compliant with that recommended in the Council's standards. It should be noted that the parking standards will only apply where there is clear and compelling justification that it is necessary to manage the road network and that the Council will accept representations to vary from car parking standards on a site-by-site basis.

In support of this application the applicant has provided evidence, that alongside removal of the onsite café (from the consented scheme which reduces dwell-time) and the changes brought about by retail shopping patterns since the pandemic (more people working from home, a significant uptake in home deliveries, and trips to stores are less concentrated around the traditional pre-Covid peak periods), that the 249 spaces are adequate. The Head of Strategic Transport has accepted this and raised no objection to the reduction in the parking provision within this site.

The applicant is aware of the potential issues of displacement parking because of the likely introduction of car parking charges in Alsager on Council controlled car parks. As such, the applicant is prepared to agree a condition for the control and management of the car park; with a maximum 2 hour stay permitted.

### Cycle Parking

As the floor space for the proposed development is greater than 1,000 sqm, the recommendation of 10 cycle parking spaces within the CELPS Parking Standards is exceeded with 20 cycle parking spaces proposed.

### Accessibility by Public Transport

The previous planning consent secured a S106 contribution of £330,000 to provide a suitable level of bus provision to serve the site. This was designed to fund the provision of a new or extended Alsager town centre bus service with a 30-minute frequency on Monday to Saturday and to include a link between the development and Alsager town centre.

It is however noted that the 317-bus service already routes to Alsager town centre, passing the site via the bus stops on Linley Lane from Monday to Friday, but there is no weekend service. The proposal therefore requires a reduced level of public transport support; and it has been agreed with the applicant that a sum of £100,000 will support an hourly Saturday bus service between Alsager and Sandbach for three years. This will give opportunity for this service to become self-financing in due course. The Head of Strategic Transport has raised no objection to this change to the Heads of Terms.

### Accessibility by Walking

Condition 36 of the extant scheme provided improvements to the Linley Lane junction with the inclusion of a pedestrian phase to assist crossing the A5011/A50/B5077 signal junction. The Head of Strategic Transport has agreed the estimated cost of these works at £200,000 and is content to accept

a contribution of this value. This will provide the Council with the maximum flexibility in its approach and undertake maintenance works at the same time.

In addition, condition 37 of the extant scheme required improvements to the footway between the development and the Linley Lane signals. As with the above, the Council has undertaken an exercise to satisfy itself that the cost of these works will be in the region of £100,000 and is content to accept a contribution of this value. This will provide the Council with the maximum flexibility in its approach and undertake maintenance works at the same time.

It is suggested that the contributions above are grouped together as the two schemes abut each other and will allow maximum flexibility in delivering the improvements.

### Traffic Management Measures

With a development of this nature, it is not always possible to fully predict all traffic related issues such as speeding and or anti-social parking, etc. As such the applicant has agreed to provide a sum of £100,000 for the Council to provide a scheme of traffic management measures in the vicinity of the site.

### Highways Conclusion

The applicant has demonstrated that the servicing of the site can be safely accommodated, and the provision of car parking is adequate. The revised contributions from the applicant mitigate the developments harm in an acceptable way and justify the removal of the previous planning conditions relating to an improved footway connection and traffic signal pedestrian crossings. The application is considered to comply with policies CO1 and CO2 of the CELPS, INF1 and INF3 of the SADPD and TTS1, TTS2 and TTS4 of the ANP.

### **Amenity**

The nearest residential properties are over 35 metres to the north of the proposed store and 21 metres to the east (at the closest point). The application would not alter the position of the store, the location of its vehicular access, service yard or delivery areas, whilst the building height would be reduced by 300mm. The proposal would provide a greater level of landscaping to the northern boundary and as such the impact upon residential amenity would not be any greater than the extant planning permission.

### **Noise**

The nearest residential properties are over 35 metres to the north of the proposed store and 21 metres to the east (at the closest point). The application would not alter the position of the store, the location of its vehicular access, service yard or delivery areas.

The extant planning permission is the subject of the following conditions:

- 11. Construction hours
- 12. Piling hours
- 13. Construction Management Plan
- 15. Hours of deliveries to the store
- 17. Details of all fixed plant

## 18. Scheme of CCTV for the proposed car-park

The above conditions would be included within the decision notice for this application and would protect the nearby residential properties from noise generated at the site (condition 15 would be amended to remove the reference to the biomass boiler but would retain the reference to the hours of delivery to the store).

### **Air Quality**

The application seeks to remove the biomass boiler from the proposed development and as such conditions 15, 16, 19, 20, 21 and 22 are requested to be removed.

Installations of biomass boilers, whilst being carbon neutral, can potentially have a local negative impact on air quality in respect of emissions of particulate matter (PM<sub>10</sub>), and to a lesser degree nitrogen dioxide (NO<sub>2</sub>).

The application would result in a benefit in air quality in comparison to the extant scheme and as such there is no objection to the removal of conditions 15, 16, 19, 20, 21 and 22.

### **Lighting**

The details of the external lighting is secured via the imposition of a planning condition. This condition will be imposed as part of any new permission to protect residential amenity.

### **Contaminated Land**

The issue of the land contamination is dealt with via the imposition of a planning condition. This condition will be imposed as part of any new permission to protect residential amenity/public health.

### **Renewable Energy**

The applicant has advised that the biomass boiler will be removed as Sainsburys no longer use these in new stores (principally because the fuel is often not able to be sourced in a sustainable manner). Sainsburys have advised that the amount of energy required will be reduced by reducing the volume of the store, new mechanical and electrical technologies and features such as doors to fridges and freezers). In addition to these measures, the applicant now proposes to install solar panels to the roof of the store, and this will provide a sustainable energy source for the proposed development. A condition will be imposed to ensure that these solar panels are provided before the store first opens.

### **Conditions 32 and 33**

These conditions are as follows:

32 – The net sales area shall be limited to 2,323sq.m.

33 - The sales area shall be limited to 1,975sq.m for the display of convenience goods with the remaining 348sq.m for the display of comparison goods

The applicant has stated that the changes to the floorspace are due to less comparison floorspace being required and a greater focus being given to food sales within the store. The majority of the

comparison goods provision will be centred on the inclusion of a 'store-in-store' Argos which will allow the ordering, purchase and collection of a range of goods.

This application proposes to amend these conditions and combine as *'the net sales area shall be limited to 2,322sqm of which a maximum of 348sqm shall be for the display of comparison goods'*. This is considered to be acceptable and there would be no greater harm to the vitality and viability of Alsager town centre.

### **Trees and Hedgerows**

The trees which stood along the Linley Lane frontage were the subject of the Congleton Borough Council (Crewe Road/Linley Lane) TPO 2007. The trees were of a poor quality and were accepted for removal as part of the earlier application and have since been removed. Replacement planting can be accommodated within the new development, and the proposed site plan shows that tree planting will take place on the site (including the Linley Lane frontage).

There are no other trees within the site other than self-seeded specimens along the railway line. This application would have no greater impact upon trees or hedgerows.

### **Ecology**

#### Other Protected Species

A number of setts were found within the wider site as part of the survey dated February 2014. Condition 26 attached to planning permission 13/4121C requires the development to proceed in accordance with the mitigation measures identified within the 2014 Survey.

An updated badger survey has now been provided. The updated report identifies a potential sett being present in the railway embankment on the south of the site. However, due to the surveyor not having access permission to enter the railway embankment the sett could not be inspected to determine whether was active or not. The sett is potentially within 30m of the proposed works and so could be affected by the proposed development. The Councils Ecologist has advised that until the sett has been surveyed in detail the Council does not have sufficient information assess the potential impacts of the proposed development upon other protected species or to agree a revised mitigation strategy. Discussions are continuing into this matter and an update will be provided.

#### Culvert

The opened-up culvert would be replaced by an ephemeral stream which would accommodate surface water run-off from the site. This ephemeral stream would be landscaped with native planting including bog features/planting and wildflower meadow planting. The Councils Ecologist has confirmed that he is happy that this would be an acceptable solution.

### **Flood Risk and Drainage**

The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

The application proposes to amend condition 39 which states as follows:

*Notwithstanding the approved plans referred to in Condition 2 and prior to the commencement of development on Phase 3 as identified on plan reference A-PL-110 Rev A received on 21st March 2016 details of the works to open up the culvert including a timetable for the works shall be submitted to the Local Planning Authority for approval in writing. The development shall be completed in accordance with the approved details prior to the commencement of use of the premises.*

Some of the letters of representation have made reference to the drainage issues associated with Linley Lane as it passes under the railway. The applicant has undertaken an assessment of the existing situation, and this has identified that the flooding issues are due to the following two factors:

- Inadequate highway drainage. The highways drains are undersized and unable to accommodate even the 10-year flood event.
- Blockage of the culvert inlet due to trash/debris at the inlet safety grill, which is unmaintained.

The opening up of the stretch of culvert along the eastern boundary of the site as required by condition 39 would require extensive engineering works due to its depth and the provision of retaining structures to either side. This would result in the creation of a deep over-engineered channel.

As an alternative the application proposes culvert works to improve its operation rather than an opening up of the culvert. These works would involve improvements to the culvert inlet by widening the channel so that it can accommodate a new culvert trash screen (designed in accordance with the Environment Agency guidance). The new trash screen will be anchored to a new headwall inlet and is designed to accommodate the flow of the watercourse and the trash/debris loads. The trash screen will also incorporate a safe working platform and a safe route of egress in case of accidental entry and provisions for a harness and safety line to allow the removal of debris/trash.

To the north of the culvert inlet the application proposes an ephemeral stream which would accommodate surface water run-off from the site. This ephemeral stream would be landscaped with native planting including bog features/planting and wildflower meadow planting. The provision of a stone riverbed would protect against erosion.

The works to the culvert have been considered by the Councils Flood Risk Officer who has confirmed that he has no objection to the application.

The other drainage conditions: surface water run-off details (condition 5), a scheme to manage the risk from overland flow (condition 6) and a scheme for the disposal of surface water (condition 8) would be retained on the decision notice.

This application does not raise any drainage/flooding issues and the variation of condition 39 is acceptable.

## **Other issues**

In addition to the conditions which the applicant seeks to vary, the following conditions can be amended/deleted in accordance with the amended details:

1. Standard Time Limit – The development has commenced, and this condition is no longer required.
3. Phasing – The condition required the implementation of the access and roundabout as part of phases 1 and 2. The access and roundabout have been constructed and the condition is no longer required.



4. Finished Floor Levels – This application shows that the proposed floor level would be 0.12m lower than that which was approved. The condition will be amended to ensure compliance with the revised details.
7. Petrol filling station tanks - The condition will be amended so the trigger is amended to refer to the commencement of the petrol filling station rather than the development of the entire site.
10. The contaminated land remediation strategy has been approved. The condition will be amended to ensure compliance together with the submission of a site completion report.
13. Construction Management Plan – compliance with the details approved as part of application 16/1305D.
23. This application includes the details of the materials – The details are acceptable and can be approved.
28. Tree Protection Measures – compliance with the details that have been approved as part of application 16/2762D.
29. Arboricultural Method Statement – compliance with the details that have been approved as part of application 16/2762D.
34. Internal road infrastructure – this has been approved and the road infrastructure has been constructed. The condition can be deleted.
40. Minor structures – This condition relates to any trolley bays, sprinkler tanks and any electrical service structures. The condition can be amended so that it requires the details to be submitted prior to the first use of any facing or roofing materials rather than pre-commencement.

## **LEVY (CIL) REGULATIONS**

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

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

In this case the following highways contributions will be required:

- £100,000 Bus Service Contribution
- £100,000 Footway widening works along Linley Lane (as a replacement to condition 37)
- £200,000 Linley Lane/B5077 junction improvement works
- £100,000 Local highway works

The contributions of £100,000 for local highway works is identified within the applicants own Transport Statement and is necessary along Linley Lane and the vicinity of the site. A development of this scale would have highway implications which would require mitigation. The contribution is directly related to the development and fair and reasonable.

In order to improve the sustainability credentials of the site and to ensure that the site is accessible by public transport and by foot, contributions will be required towards an improved bus service, together with the junction improvements and the improvement to the Linley Lane footway. These contributions are directly related to the development and fair and reasonable.

## CONCLUSIONS

The supermarket has an extant consent as part of application 13/4121C, and this proposal seeks minor amendments to the design and layout of the proposed development.

The applicant also proposes to amend the Heads of Terms of the S106 Agreement and the conditions relating to the off-site highway works. These amendments are based upon the current position and the Head of Strategic Transport has confirmed that he has no objection to these changes.

As a consequence of the above and the phases 1 and 2 of the development having commenced, there are also changes required to other conditions within this decision and these are considered to be acceptable.

The scheme proposed as part of this application would not cause harm in terms of residential amenity, design, trees, ecology (subject to an update report), flood risk/drainage, pollution or highways. The application complies with the relevant policies of the Development Plan when taken as a whole and is recommended for approval.

## RECOMMENDATIONS

**APPROVE** subject to completion of a Section 106 Agreement with the following Heads of Terms to replace the S106 Agreement completed as part of application 13/4121C:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Bus Service Contribution</b>	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
<b>Linley Lane/B5077 junction improvement works and Linley Lane footway widening works</b>	£300,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
<b>Local Highway Works</b>	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have

		commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
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**And the following conditions**

1. **Approved Plans – AS AMENDED**
1. **Proposed land levels to be in accordance with the approved plans – AS AMENDED**
2. **Surface water run-off details to be submitted and approved**
3. **A scheme to manage the risk of flooding from overland flow of surface water to be submitted and approved.**
4. **The construction of the petrol filling station hereby permitted shall not be commenced until such time as a scheme to install underground tanks associated with the petrol filling station has been submitted to, and approved in writing by, the local planning authority. The scheme shall include the full structural details of the installation, including details of: excavation, the tanks, tank surround, associated pipework and monitoring system. The scheme shall be fully implemented and subsequently maintained, in accordance with the scheme, or any changes as may subsequently be agreed, in writing, by the local planning authority.**
5. **A scheme to dispose of surface water to be submitted and approved.**
6. **Unexpected contaminated land**
7. **Contaminated Land compliance with the details submitted as part of application 16/0454D. Site completion report to confirm validation works to be submitted.**
8. **Construction hours, and associated construction deliveries to the site, shall be restricted to 08.00 to 18.00hrs Monday to Friday and 09.00 to 14.00hrs on Saturdays. There shall be no working on Sundays or Bank Holidays.**
9. **All piling operations shall be restricted to: Monday – Friday 09:00 – 17:30 hrs, Saturday 09:00 – 13:00 hrs, Sunday and Public Holidays Nil**
10. **Construction Management Plan compliance with the details approved as part of application 16/1305D.**
11. **External Lighting Details**
12. **Hours of Deliveries to the Store to be submitted and agreed.**
13. **Details of Fixed Plant and Equipment to be submitted and agreed.**
14. **Scheme of security barriers/CCTV for the proposed car park to be submitted and agreed.**
15. **Materials as application**
16. **Breeding birds – timing of works**
17. **Nesting Bird Mitigation Measures**
18. **Mitigation recommendation of the 2014 Badger report to be secured**
19. **Boundary Treatment Details including details of all retaining structures**
20. **Tree/Hedgerow protection measures in compliance with the details approved as part of 16/2762D.**
21. **Arboricultural Method Statement compliance with the details approved as part of 16/2762D.**
22. **Submission of a revised landscaping plan and implementation of the approved landscape proposals.**
23. **Cycle parking to be submitted and approved.**

24. The net sales area shall be limited to 2,322sqm of which a maximum of 348sqm shall be for the display of comparison goods
25. Prior to first use all access roads and car parking will be constructed and formally marked out.
26. Travel Plan details to be submitted and approved.
27. Details of the culvert works to be submitted to the LPA for approval in writing
28. Minor structures details to be submitted and approved.
29. Solar panels to be provided prior to the store first opening
30. Prior to the store first being brought into use a scheme for the control and management of the car park; with a maximum 2-hour stay permitted shall be submitted and approved.

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

Should this application be the subject of an appeal, authority be delegated to enter into a S106 Agreement with the following Heads of Terms to replace the S106 Agreement completed as part of application 13/4121C:

<b>S106</b>	<b>Amount</b>	<b>Triggers</b>
<b>Bus Service Contribution</b>	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
<b>Linley Lane/B5077 junction improvement works and Linley Lane footway widening works</b>	£300,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.
<b>Local Highway Works</b>	£100,000	The full sum should be paid prior to the commencement of the above ground works of the store building. If the above ground works have commenced on the date the decision is issued, the sum shall be paid within 1 calendar month of the date of decision.

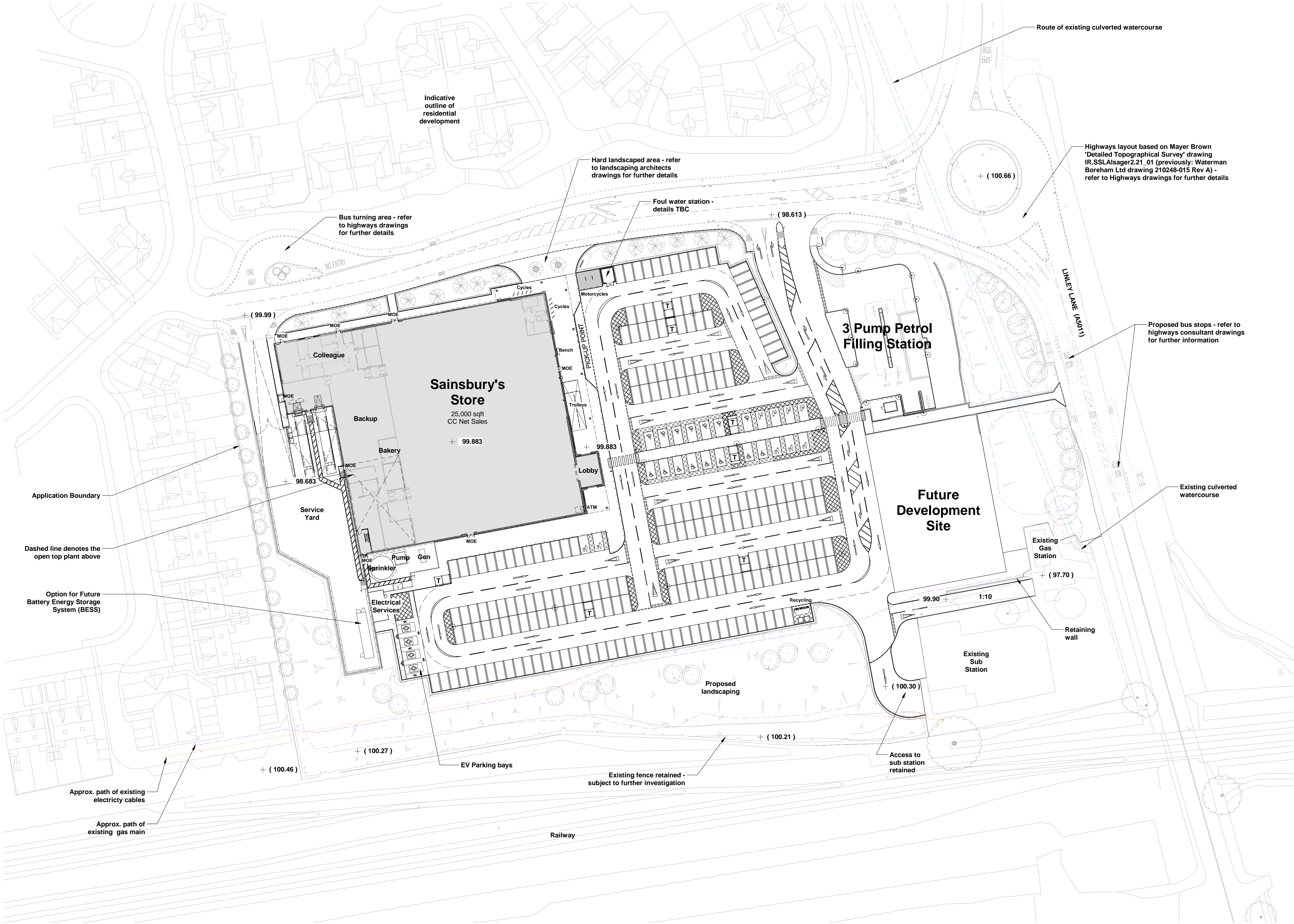




24/0130C

FORMER TWYFORD  
BATHROOMS SITE, LINLEY  
LANE, ALSAGER, ST7 2DF





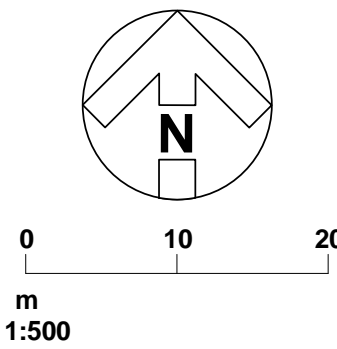
NOTES

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

DO NOT DIMENSION FROM THIS DRAWING.

FIRE STRATEGY SUBJECT TO DESIGN DEVELOPMENT.

DRAINAGE STARTEGY & RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPMENT.



FOODSTORE AREAS	
NET SALES (CC) AREA	25,000 ft <sup>2</sup> / 2,323 m <sup>2</sup>
TOTAL GROSS INTERNAL AREA	40,957 ft <sup>2</sup> / 3,805 m <sup>2</sup>
TOTAL GROSS EXTERNAL AREA	41,678 ft <sup>2</sup> / 3,872 m <sup>2</sup>
CAR PARKING	
STANDARD AND PARENT & CHILD	230
DISABLED	15
EV CHARGING BAYS	4
TOTAL	249
AREA DESIGNATED FOR MOTORCYCLES	
10 SHEFFIELD CYCLE STANDS (20 SPACES)	

REVISION M	BY MIC	CHECKED MJS	DATE 10/01/2024
Site amended in line with latest SDG2 proposed scheme drawing SK018 Rev W. Store lobby repositioned in line with SSL SDG3 approved Store Plan rev B.			
REVISION L	BY RHM	CHECKED	DATE 09/04/2020
Trees within car park removed. Bollards added. Motorcycles relocated. Pond omitted. Landscaping cut back at pedestrian entrance. New store plan shown.			
REVISION K	BY RHM	CHECKED	DATE 27/02/2020
As-built new access road & bus stops shown. Car Parking total 239 spaces, previously 302 spaces. Area for future development in place of car parking at front of site. Pond in lieu of opened up culvert. PFS reduced from 6 to 4 pumps, jet wash in lieu of car wash & kiosk removed. Public realm, shared road surface & side canopy removed, soft landscape area increased. Service yard area reduced. Sprinkler tank, substation & generator relocated. Landscaped raised mounds shown along South boundary. Biomass boiler removed. Recycling centre moved closer to access road. 5 additional cycle hoops. Internal store layout changed, including Argos. Live gas/electric services removed/relocated. FFL shown 99.883m, previously 100.000m			
REVISION J	BY SR	CHECKED	DATE 21/08/2013
Bus shelter relocated			
REVISION H	BY SR	CHECKED	DATE 05/08/2013
Minor amendments to landscaping			
REVISION G	BY SR	CHECKED	DATE 20/06/2013
Cafe amended, car parking amended to suit.			
REVISION F	BY CB	CHECKED	DATE 17/05/2013
Cafe added, car parking amended to suit. 12 parking spaces removed.			
REVISION E	BY SR	CHECKED	DATE 29/11/2012
GOL removed			
REVISION D	BY SR	CHECKED	DATE 03/09/2012
Issued for planning			
REVISION C	BY SR	CHECKED	DATE 01/08/2012
Landscaping amended			
REVISION B	BY SR	CHECKED	DATE 26/07/2012
Minor amendments to PFS			
REVISION A	BY SR	CHECKED	DATE 23/07/2012
Red line boundary amended.			
REVISION *	BY SR	CHECKED	DATE 18/07/2012
Initial issue.			

STATUS

CLIENT

PROJECT

TITLE

PLANNING

NEW STORE  
LINLEY LANE  
ALSAGER

PROPOSED SITE PLAN

Hadfield Cawkwell Davidson

Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk

HCD PROJECT NO.	SCALE	REV.		
2010-071	1 : 500 @ A1	M		
ASSET ID / PROGRAMME CODE	ORIGINATOR	DIVISION	LEVEL	TYPE - ROLE - NUMBER
XA-0207-0065	HCD	Z07	00	A-PL-103

C:\temp\XA-0207\_0065-HCD-206-226-MS-A-2001\_WS23\_Mark@HCD\HY | 6 HCD

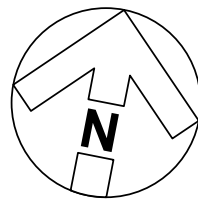


THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

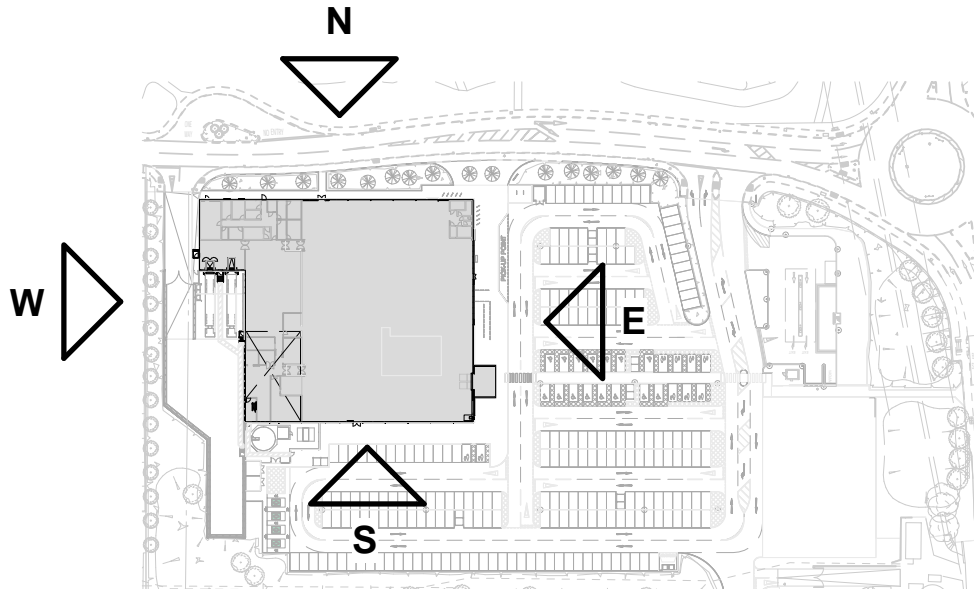
DO NOT DIMENSION FROM THIS DRAWING.

FIRE STRATEGY SUBJECT TO DESIGN DEVELOPMENT.

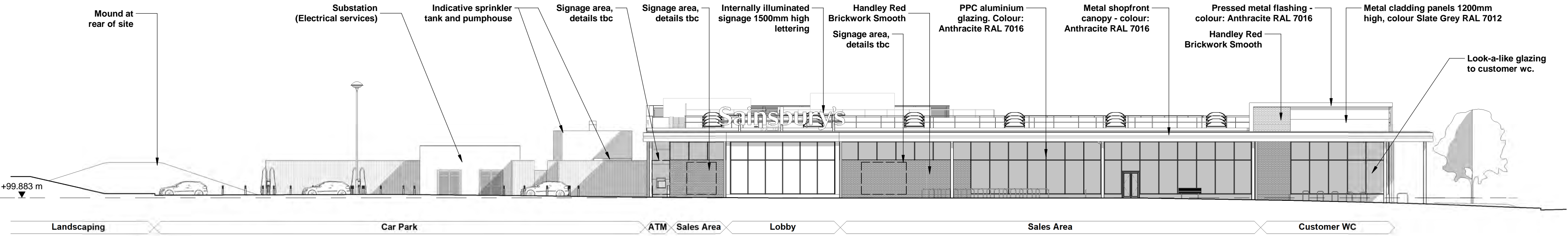
DRAINAGE STARTEGY & RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPMENT.



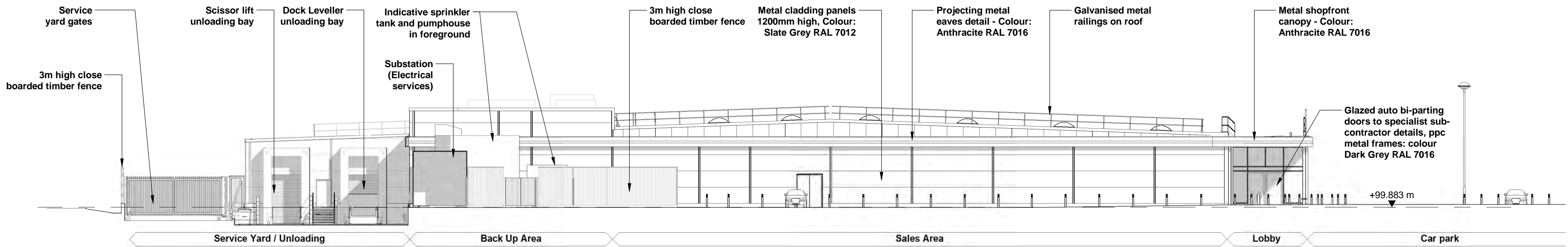
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1:200



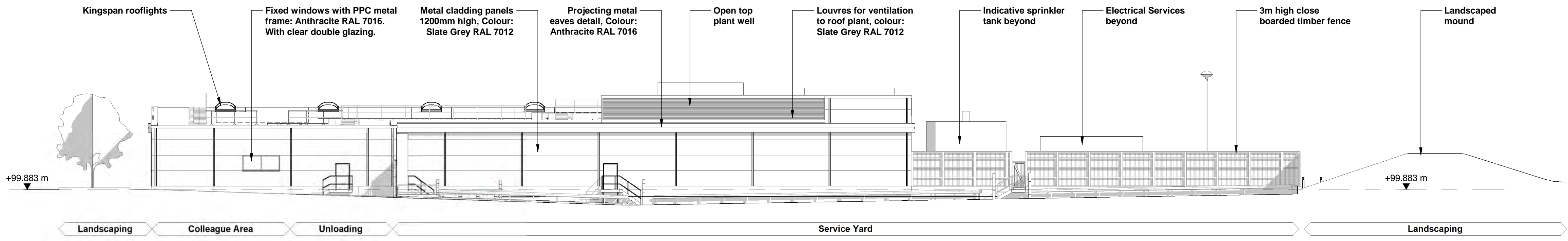
KEY PLAN



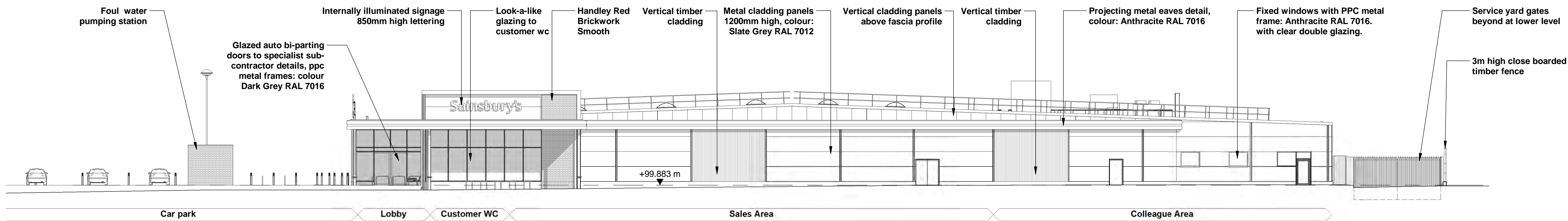
EAST ELEVATION



SOUTH ELEVATION



WEST ELEVATION



NORTH ELEVATION

REVISION M	BY MIC	CHECKED MJS	DATE 10/01/2024
Elevations updated to suit site amended in line with latest SDG2 proposed scheme drawing SK018 Rev W, removal of cafe, & store lobby repositioned in line with SSL SDG3 approved Store Plan rev B.			
REVISION L	BY SR	CHECKED:	DATE 10/06/2013
Minor amendments following client feedback			
REVISION K	BY SR	CHECKED:	DATE 07/06/2013
Cafe glazing amended			
REVISION J	BY CB	CHECKED:	DATE 24/05/2013
Size of coffee bar increased. Glazing amended to suit.			
REVISION H	BY CB	CHECKED:	DATE 17/05/2013
Cafe added, car parking amended to suit. 12 car parking spaces removed.			
REVISION G	BY SR	CHECKED:	DATE 16/11/2012
GOL removed			
REVISION F	BY SR	CHECKED:	DATE 03/09/2012
Issued for planning			
REVISION E	BY SR	CHECKED:	DATE 13/07/2012
Minor amendments to signage			
REVISION D	BY CB	CHECKED:	DATE 29/06/2012
Fire escape relocated			
REVISION C	BY SR	CHECKED:	DATE 28/06/2012
Amended following client feedback			
REVISION B	BY SR	CHECKED:	DATE 26/06/2012
Minor amendments following coordination with store plan			
REVISION A	BY SR	CHECKED:	DATE 26/06/2012
Amendments to GOL			
REVISION *	BY SR	CHECKED:	DATE 18/07/2012
Initial issue.			

STATUS
PLANNING
CLIENT

Sainsbury's

PROJECT  
NEW STORE  
LINLEY LANE  
ALSAGER

TITLE  
PROPOSED ELEVATIONS

Hadfield Cawkwell Davidson			
Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk			
HCD PROJECT NO 2010-071	SCALE 1:200 @ A1	REV M	
ASSET ID / PROGRAMME CODE XA-0207-0065	DISCIPLINE HCD Z07	LEVEL 00	TYPE / ROLE / NUMBER A-PL-107

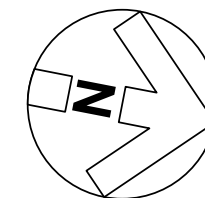


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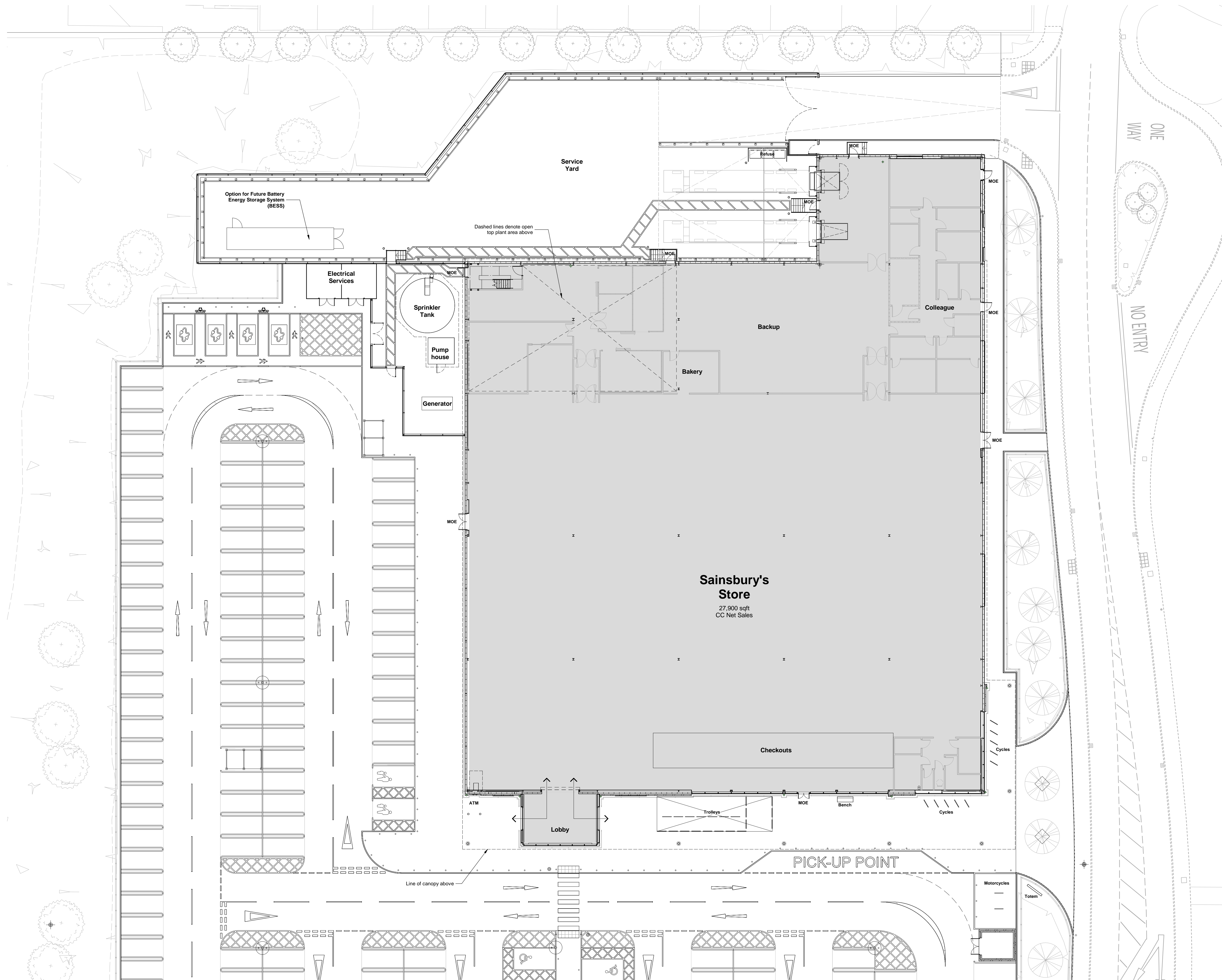
DO NOT DIMENSION FROM THIS DRAWING.

FIRE STRATEGY SUBJECT TO DESIGN DEVELOPMENT.

DRAINAGE STARTEGY & RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPMENT.



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m  
1:200



REVISION **F** BY MIC CHECKED: MJS DATE: 10/01/2024  
Site amended in line with latest SDG2 proposed scheme drawing SK018 Rev W.  
Store plan amended to suit removal of cafe, & lobby repositioned in line with SSL  
SDG3 approved Store Plan rev B.

REVISION **E** BY SR CHECKED: DATE: 05/08/2013  
Minor amendments to landscaping

REVISION **D** BY SR CHECKED: DATE: 20/06/2013  
Car parking and cafe amended

REVISION **C** BY CB CHECKED: DATE: 17/05/2013  
Cafe added, car parking amended to suit. 12 car parking spaces removed.

REVISION **B** BY SR CHECKED: DATE: 29/11/2012  
Highways updated. GOL removed

REVISION **A** BY SR CHECKED: DATE: 03/09/2012  
Issued for planning

REVISION **\*** BY SR CHECKED: DATE: 27/06/2012  
Initial issue.

STATUS  
**PLANNING**  
CLIENT

**Sainsbury's**

PROJECT  
**NEW STORE  
LINLEY LANE  
ALSAGER**  
TITLE

**PROPOSED GROUND FLOOR PLAN**

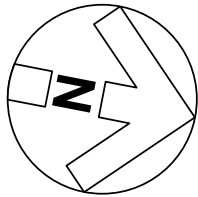
**Hadfield Cawkwell Davidson**  
Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk  
HCD PROJECT NO. 2010-071 SCALE 1:200 @ A1 REV F  
ASSET/ID PROGRAMME CODE ORIGINATOR DESIGNER LEVEL TYPE/ROLE NUMBER  
XA-0207-0065 HCD|Z07| 00 A-PL-104

THIS DRAWING IS NOT TO BE USED FOR CONSTRUCTION PURPOSES.

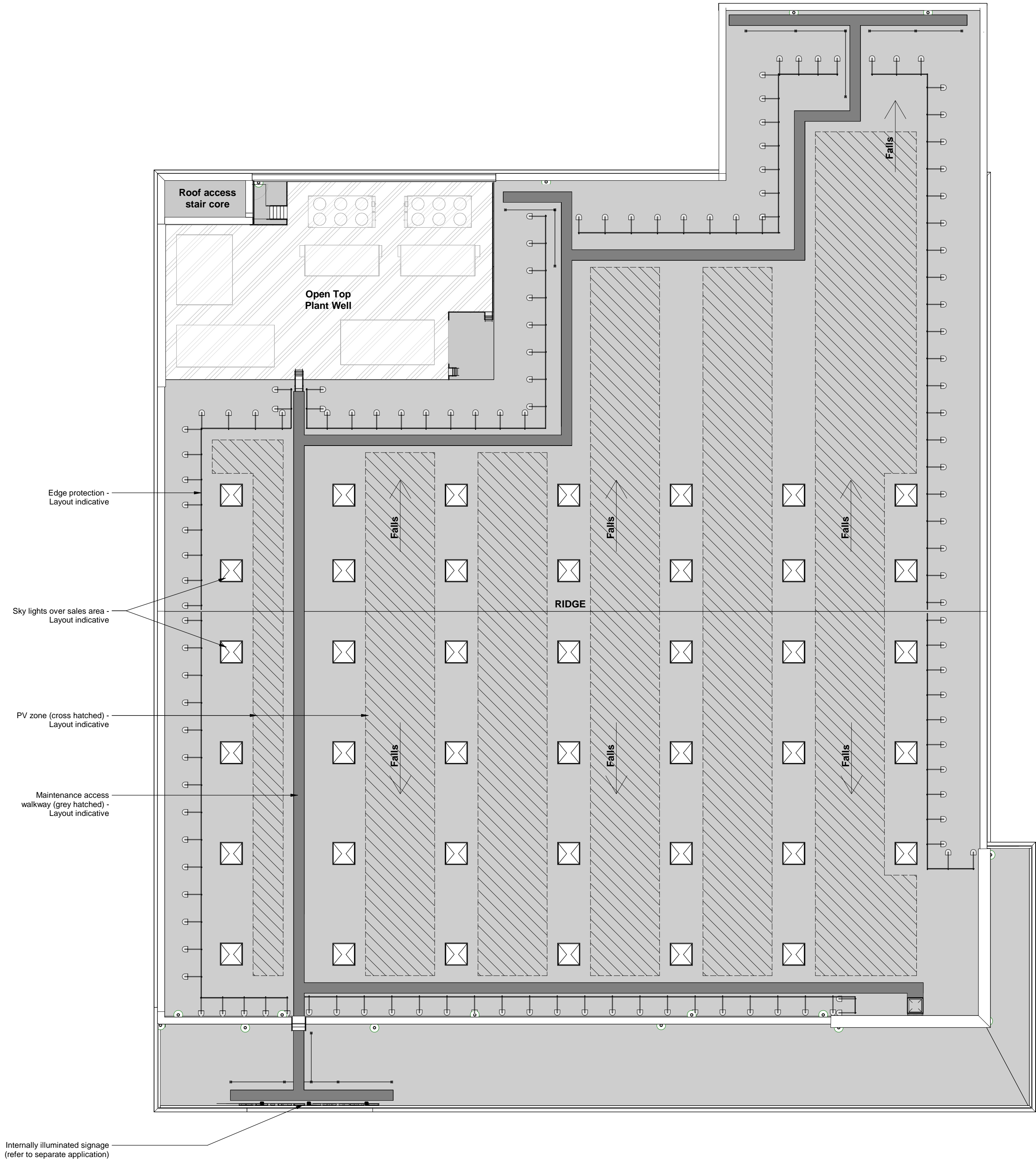
DO NOT DIMENSION FROM THIS DRAWING.

FIRE STRATEGY SUBJECT TO DESIGN DEVELOPEMENT.

DRAINAGE STARTEGY & RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPEMENT.



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m  
1:200



REVISION	E	BY	MIC	CHECKED	MJS	DATE	10/01/2024
Roof plan & canopy updated to suit amended store lobby repositioned in line with SSL SDG3 approved Store Plan rev B, and removal of cafe.							
REVISION	D	BY	SR	CHECKED		DATE	20/06/2013
Roof above cafe amended							
REVISION	C	BY	CB	CHECKED		DATE	17/05/2013
Cafe added, car parking amended to suit. 12 car parking spaces removed.							
REVISION	B	BY	SR	CHECKED		DATE	29/11/2012
GOL removed							
REVISION	A	BY	SR	CHECKED		DATE	03/09/2012
Issued for planning							
REVISION	*	BY	SR	CHECKED		DATE	28/06/2012
Initial issue.							

STATUS	PLANNING
CLIENT	

Sainsbury's

PROJECT	NEW STORE LINLEY LANE ALSAGER
TITLE	

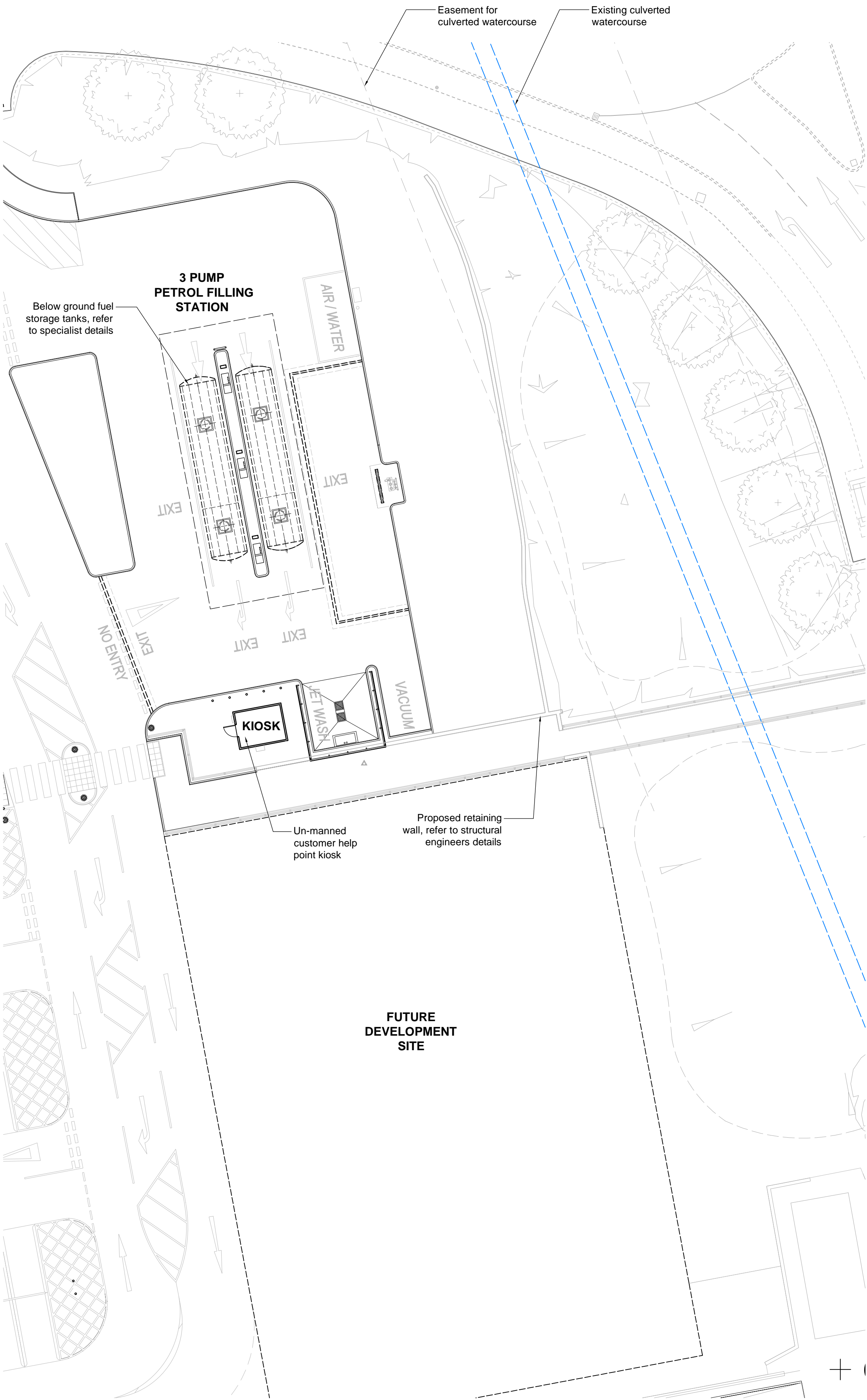
PROPOSED ROOF PLAN

Hadfield Cawkwell Davidson

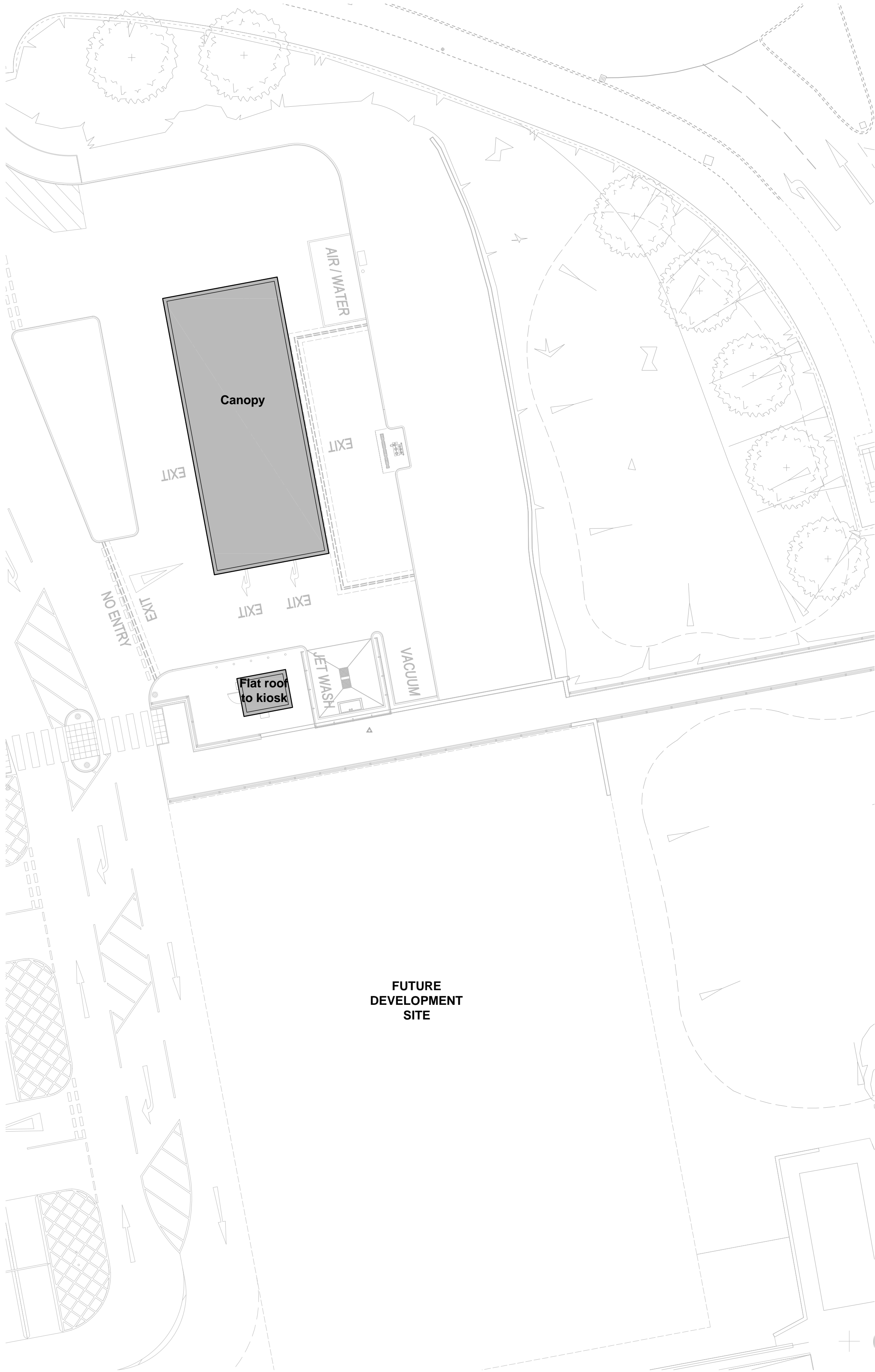
Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk

HCD PROJECT NO. 2010-071	SCALE 1 : 200 @ A1	REV. E
ASSET ID / PROGRAMME CODE XA-0207-0065	ORIGINATOR / DIVISION HCD / Z07	LEVEL / TYPE / ROLE - NUMBER 00 / A-PL-105



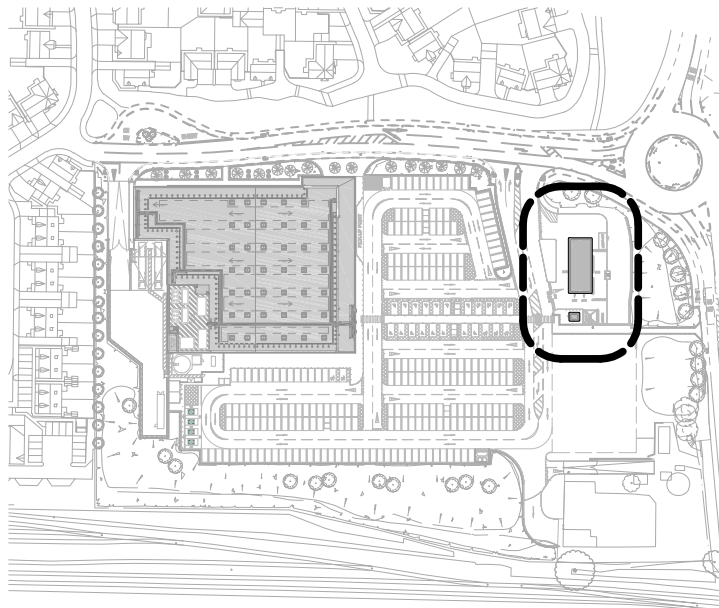
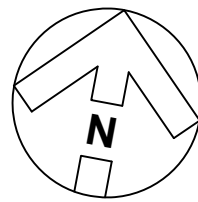
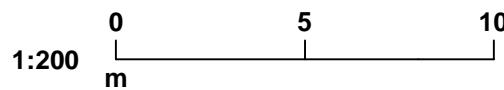


Ground Floor Plan



Roof Plan

NOTES:  
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DO NOT DIMENSION FROM THIS DRAWING.  
FIRE STRATEGY SUBJECT TO DESIGN DEVELOPMENT  
PROPOSED LEVELS SUBJECT TO DESIGN DEVELOPMENT  
DRAINAGE STRATEGY & RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPMENT



REVISION: H	BY: MIC	CHECKED:	DATE: 10/01/2024
PFS layout amended to 3 Pump design.			
REVISION: G	BY: SR	CHECKED:	DATE: 21/08/2013
Bus shelter relocated			
REVISION: F	BY: SR	CHECKED:	DATE: 05/08/2013
Minor amendments to landscaping			
REVISION: E	BY: SR	CHECKED:	DATE: 30/06/2013
Minor amendments to Kiosk			
REVISION: D	BY: CB	CHECKED:	DATE: 17/05/2013
Cafe added, car parking amended to suit. 12 car parking spaces removed.			
REVISION: C	BY: SR	CHECKED:	DATE: 29/11/2012
Key plan amended			
REVISION: B	BY: SR	CHECKED:	DATE: 03/09/2012
Issued for planning			
REVISION: A	BY: SR	CHECKED:	DATE: 26/07/2012
Minor amendments to kiosk and car wash			
REVISION: *	BY: SR	CHECKED:	DATE: 23/07/2012
Initial issue			

PLANNING

PLOT DATE:

Sainsbury's

CLIENT:  
LINLEY LANE  
ALSAGER

PROJECT:  
PROPOSED  
PETROL FILLING STATION  
PLANS

DRAWING: SCALE: DATE:  
DRAWN BY: SR 1:200 @ A1 JULY 2012

Hadfield Cawkwell Davidson

Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk

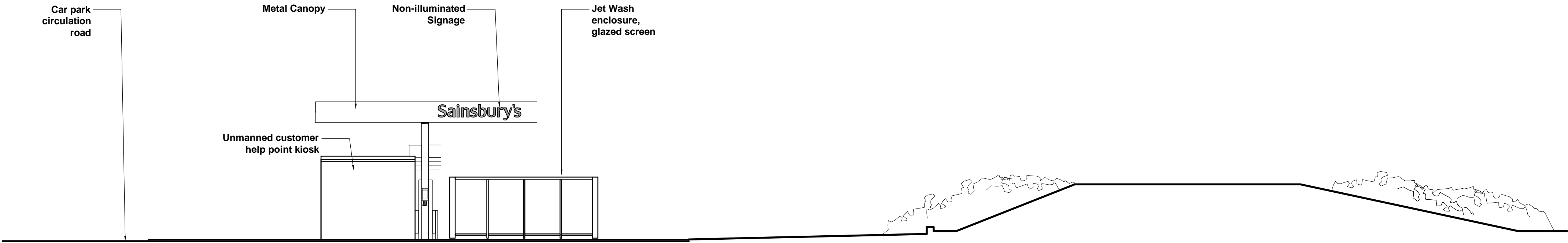
ARCHITECTURE | ENGINEERING | INTERIOR DESIGN | MASTERPLANNING | URBAN DESIGN

DISCIPLINE: JOB NO: DRAWING NO: REV:

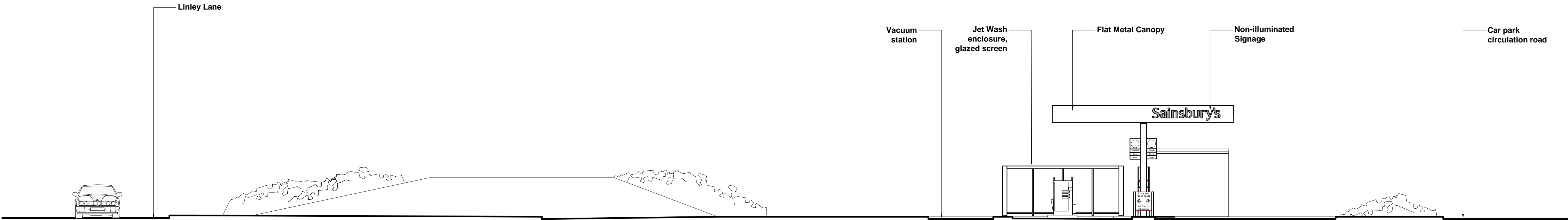
ARCH / 2010-071 / A-PL-108 / H

S:\Architecture\2010-071\Drawings\DR - Plot Sheets\2024 Planning amendments\A-PL-108\_proposed PFS plan.dwg

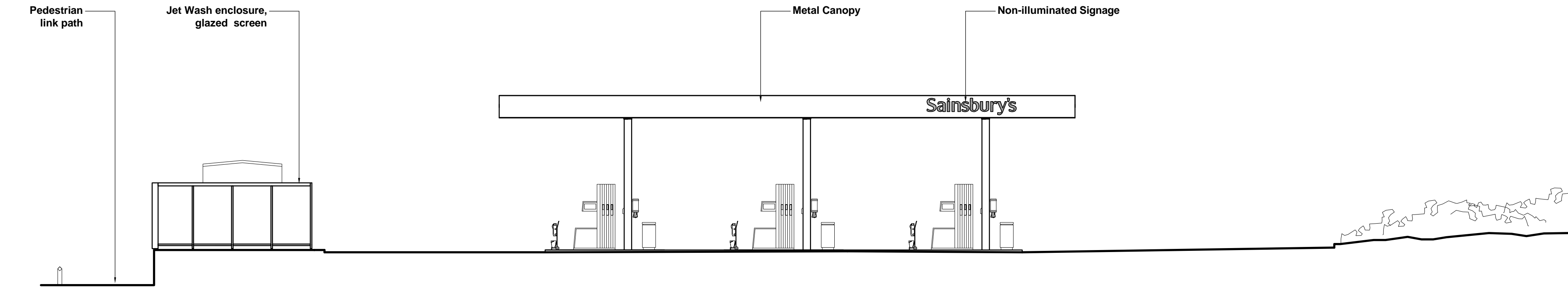




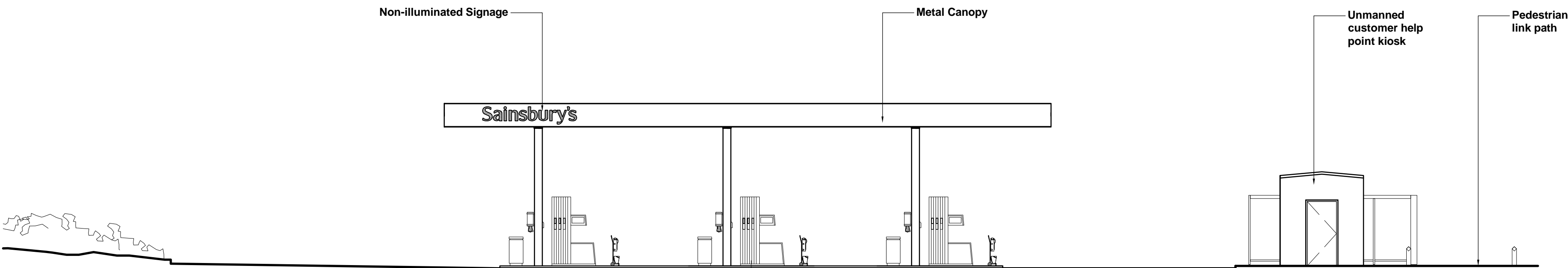
South Elevation



North Elevation

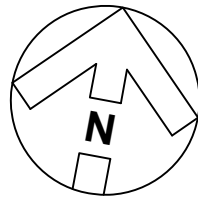
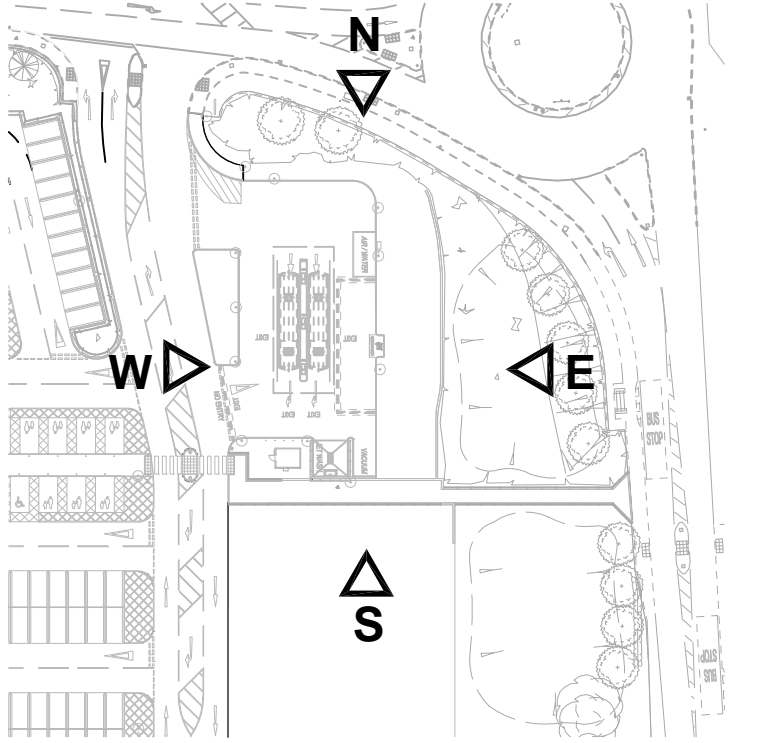
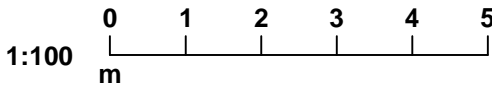


East Elevation



West Elevation

NOTES:  
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DO NOT DIMENSION FROM THIS DRAWING.  
FIRE STRATEGY SUBJECT TO DESIGN DEVELOPMENT  
PROPOSED LEVELS SUBJECT TO DESIGN DEVELOPMENT  
DRAINAGE STRATEGY & RAIN WATER PIPES SUBJECT TO DESIGN DEVELOPMENT



REVISION: D	BY: MIC	CHECKED:	DATE: 10/01/2024
PFS layout amended to 3 Pump design.			
REVISION: C	BY: SR	CHECKED:	DATE: 20/06/2013
Minor amendments to kiosk			
REVISION: B	BY: SR	CHECKED:	DATE: 03/09/2012
Issued for planning			
REVISION: A	BY: SR	CHECKED:	DATE: 26/07/2012
Minor amendments			
REVISION: *	BY: SR	CHECKED:	DATE: 23/07/2012
Initial issue			

PLANNING

PLOT DATE:

Sainsbury's

CLIENT:

LINLEY LANE  
ALSAGER

PROJECT:

PROPOSED  
PETROL FILLING STATION  
ELEVATIONS

DRAWING: DATE:  
DRAWN BY: SR SCALE: 1:100 @ A1 JULY 2012

Hadfield Cawkwell Davidson

Broomgrove Lodge, 13 Broomgrove Rd, Sheffield, S10 2LZ T 0114 266 8181 www.hcd.co.uk

Architecture | Engineering | Interior Design | Masterplanning | Urban Design

DISCIPLINE: ARCH JOB NO: 2010-071 DRAWING NO: A-PL-109 REV: D

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**OPEN**

## **Strategic Planning Board**

**24 April 2024**

### **Planning Enforcement Performance Update**

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**Report of: David Malcolm, Head of Planning**

**Ward(s) Affected: All**

#### **Purpose of Report**

- 1 To update Members on the performance of planning enforcement during the last quarter of 2022/2023 and the year of 2023/2024.
- 2 The report is for information only.

#### **Executive Summary**

- 3 The report provides statistical information in relation to the performance of planning enforcement during the last quarter of 2022/2023 and the year 2023/2024. It includes information in relation to the number of notices served or other actions taken in addition to quantifying the workflow through the service during this time. The report also includes a status report on those cases where formal enforcement action has been taken.

<b>RECOMMENDATION</b>
<p>The Strategic Planning Board is requested to:</p> <ol style="list-style-type: none"><li>1. Note the content of the report.</li></ol>



#### **Background**

- 4 The last performance report was presented to Members of the committee in March 2023. A further update report was scheduled for April 2024.
- 5 Whilst overall the number of alleged breaches reported fell during 2022, 871 compared to 1069 in 2021, it appears that the number of reports is again on the increase with 982 being received in 2023. So far in 2024, 233 alleged breaches have been reported.

Quarter	Cases Opened	Cases Closed
January 2023 - March 2023	252	183
April 2023 - June 2023	239	146
July 2023 - September 2023	270	167
October 2023 - December 2023	209	168
January 2024 – March 2024	233	154

The following table breaks down the number of complaints received by type. Members will note that by far the highest number relate to operational development.

Nature of Complaint	Jan 2023-Mar 2023	Apr 2023 - Jun 2023	Jul 2023 – Sep 2023	Oct 2023 – Dec 2023	Jan 2024 - Mar 2024
S215	2	5	6	3	4
Adverts	1	4	2	8	8
Trees in Conservation Areas	1	1	0	0	0
Non-compliance with conditions	47	37	36	31	44
Material change of use	59	46	66	48	53
Operation Development	127	142	150	114	112
TPO	15	9	10	5	11

- 6 The following table sets out the reasons for closure of cases per quarter. A common thread running through all quarters is that the majority of cases are closed because the matter reported did not represent a breach of planning control. In the main this would be as a result of the development being permitted development under the terms of the Town and Country Planning (General Permitted Development) (England) Order 2015. Members will no doubt be aware that the provisions of the Order have been significantly expanded since 2015 with further amendments proposed. This effectively means that less development falls within the control of the Local Planning Authority (LPA). This trend means that it is increasingly difficult to manage public expectations as lack of action is still often seen as a failure the LPA to act.



<b>Reason for Closure</b>	<b>Jan 2023- Mar 2023</b>	<b>Apr 2023- Jun 2023</b>	<b>Jul 2023 – Sep 2023</b>	<b>Oct 2023 – Dec 2023</b>	<b>Jan 2024- Mar 2024</b>
Not Expedient	28	14	18	13	25
Complied Voluntarily	35	20	25	25	36
No Breach	85	98	101	116	79
Not Development	5	3	1	2	0
Permission Granted	23	10	16	8	7
Special Circumstances	3	3	3	2	3
Immune	0	0	1	0	1

- 7 The third quarter of 2023 saw a significant number of notices being issued. This included 5 on one site. In this instance it was necessary to stop works which were causing or likely to cause significant demonstrable harm to trees within a Conservation Area. A Planning Contravention Notice, two Temporary Stop Notices, an Enforcement Notice and Stop Notice were issued in quick succession. This resulted in officers being pulled away from dealing with other matters for a period of time which, of itself, can lead to additional backlogs. However, at times resources must be channelled to those cases where clear and demonstrable harm is being or is likely to be caused. This can often be to the detriment of progressing other matters where a similar level of harm cannot be demonstrated.
- 8 It is of note that there may be some stages within an investigation where information cannot be publicly shared because it may prejudice the Council's case.
- 9 The Following table provides information on the number of notices served with the reporting period. Further details in relation to the notices can be found at Appendix 1 to this report. For ease of reference notices served since the last report are in red.

<b>Action Type</b>	<b>Jan 2023 - Mar 2023</b>	<b>Apr 2023 - Jun 2023</b>	<b>Jul 2023 – Sep 2023</b>	<b>Oct 2023 – Dec 2023</b>	<b>Jan 2024 - Mar 2024</b>	<b>Total</b>
PCN	3	5	11	2	2	24
Enforcement Notice	1	6	8	5	4	24
Temp Stop Notice	2	0	3	0	0	5
Breach of Condition Notice	1	0	2	0	1	4
Listed Building Enforcement Notice	0	1	0	1	0	2
Injunction	0	0	0	0	0	0
S215 Notice	0	0	0	0	0	0

- 10 The above table demonstrates that there has been significant amount of activity in relation to the number of notices which have been served throughout the reporting period. However, it should be noted that notices are only served in a very small percentage of cases and are done so as a last resort in most instances. Every effort is made to secure a remedy through negotiation and with the agreement of the alleged transgressor in the first instance. This is usually the swiftest and most effective way to deal with breaches of planning control. Many of which can be regularised through the submission of a planning application and therefore brought within the control of the Local Planning Authority.
- 11 So far 10 appeals have been lodged in relation to the Council's decision to issue an enforcement notice. At present the Planning Inspectorate (PINS) are experiencing capacity issues, particularly when dealing with enforcement appeals. This is having a direct effect on the time it is taking them to reach a decision on an appeal. The LPA has received a letter from PINS in relation to a number of appeals advising that they are currently unable to allocate to an Inspector to undertake the necessary site visit and as a consequence they can give no indication when a decision may be reached. This is an extremely frustrating situation and one which the LPA is unable to influence in any way. To date only 1 decision has been received in relation to those 10 appeals, it was dismissed, and the notice was upheld. In addition, one appeal has been withdrawn.
- 12 By way of an example of the delays being experienced an appealed notice issued in March 2022 only received a decision in March 2024. While not all as a result of delays by PINS, and partly due to the appellant albeit failing to agree to a rescheduled hearing date within a reasonable timescale, it shows the timeframes involved. In another example a notice issued in October 2021 did not receive a decision until October 2023.
- 13 The above demonstrates how cases can become extremely protracted due to external factors which can be extremely frustrating for Members, residents and officers alike.
- 14 Similar circumstances can arise during prosecution proceedings. It is not uncommon for a first hearing to be adjourned with no plea having been entered. If at a subsequent hearing a not guilty plea is entered a further adjournment for a trial date will be necessary. This can result in there being many months between an initial court date and decision.
- 15 Members may recall a press release from February in relation to a landowner and his wife who had failed to comply with the requirements of a high court injunction. Those requirements included the cessation of any residential use of the land by 15<sup>th</sup> July 2024. All buildings included in the injunction must be demolished by 26<sup>th</sup> January 2025. All a timetable for all other requirements of the order must be agreed with the Council by no later than 31<sup>st</sup> August 2024. The judge imposed a 12-month suspended sentence. If the landowner fails to meet the requirements by the timescales set and further committal proceedings are successful, he will have to serve a term in prison.

- 16 Whilst both parties were found guilty the judge did not impose any sentence on the wife as he did not consider there to be a sufficient level of culpability on her part.
- 17 The above clearly demonstrates why injunctions are very the last resort tool available to planning enforcement and should only be used in a situation whereby the LPA is satisfied that a judge may be willing to impose a custodial sentence having regard to the level of culpability.
- 18 Some members will recall that reference was made in the previous report to an outstanding payment of court costs amounting to £18,597. The Council sought a charging order to recover these costs as the defendant had failed to pay within the required 21 days. The matter was heard in the magistrates' court in Telford. A charging order, a way of securing a debt against a debtor's assets, was made and an application has been made to HM District Land Registry to have it placed as a restriction on the title. Since the charging order was made additional costs have been awarded to the Council as a result of further proceedings. An application is to be made to add these to the order. These include £10,000 in relation to an unsuccessful appeal to the Court of Appeal in London on 12<sup>th</sup> March 2024. The appeal was against the decision of the High Court to commit him to prison.
- 19 The migration to the new Development Management computer system remains ongoing. When fully implemented it should be possible to streamline ways of working and improve capability to keep Members and customers updated on more regular basis.

### **Consultation and Engagement**

- 20 Consultation and Engagement has not been required because the purpose of this report is for information only.

### **Reasons for Recommendations**

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

### **Other Options Considered**

- 22 N/A

### **Implications and Comments**

#### ***Monitoring Officer/Legal***

- 23 No direct comments as report is for information only.

#### ***Section 151 Officer/Finance***

- 24 No direct comments as report is for information only.

### ***Policy***

- 25 It is an objective of the Corporate Plan for new development to be appropriately controlled to protect and support our borough and to have robust and effective planning enforcement.
- 26 Service provision should be provided in accordance with the Cheshire East Enforcement Policy and the service specific adopted Planning Enforcement Policy.

### ***Equality, Diversity and Inclusion***

- 27 No direct implication.

### ***Human Resources***

- 28 No direct implication.

### ***Risk Management***

- 29 No direct implication.

### ***Rural Communities***

- 30 No direct implication.

### ***Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)***

- 31 No direct implication.

### ***Public Health***

- 33 No direct implication.

### ***Climate Change***

- 34 No direct implication.

<b>Access to Information</b>	
Contact Officer:	Deborah Ackerley deborah.ackerley@cheshireeast.gov.uk
Appendices:	Appendix 1 – Status report on cases where formal enforcement action has been taken.
Background Papers:	Corporate Plan. Cheshire East Enforcement Policy

	Planning Enforcement Policy
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## Appendix 1 – Enforcement Update April 2024

SITE	Ward	Breach	Type of Notice	Current Status
The Quinta, Beechfield Road, Alderley Edge	<b>ALDERLEY EDGE</b>	Unauthorised fencing	Enforcement Notice	Notice served. Appeal lodged. Still no start date letter from PINS as of 15 <sup>th</sup> March 2024
Chorley Old Hall, Chorley Hall Close, Alderley Edge	<b>ALDERLEY EDGE</b>	Unauthorised fencing	Enforcement Notice	Notice issued 09/08/2023. Compliance due. Planning Application 23/4061M refused appeal lodged 24 <sup>th</sup> January 2024.
8 Elm Crescent, Alderley Edge	<b>ALDERLEY EDGE</b>	Unauthorised fencing	Enforcement Notice	Notice served 09/08/2023. Appeal dismissed, notice upheld 22/01/2024 Compliance due 22 <sup>nd</sup> March 2024
Brookfield Stables, Watery Lane, Astbury	<b>ASTBURY</b>	Unauthorised stable block	Enforcement Notice	Enforcement Notice issued 17 <sup>th</sup> November 2016. Appeal dismissed. Initial site visit established notice not complied with. Successful prosecution December 2018 Fined £500 plus VSC. Stables still remain.  Further prosecution.
The Stables, Kynsal Lodge Buerton	<b>AUDLEM</b>	Listed Building	Listed Building Enforcement Notice	Listed Building Enforcement Notice issued August 2022 Appeal dismissed requirements of notice varied. Awaiting full compliance.
Aston House Farm, Wrenbury Road, Aston	<b>AUDLEM</b>	Listed Building	Listed Building Enforcement Notice	LBEN issued 6 <sup>th</sup> April 2023. Compliance due 9 <sup>th</sup> August 2023 Compliance visit due March 2024.
Dairy House Farm, Wrenbury Heath Road, Sound	<b>AUDLEM</b>	Unauthorised extensions and alterations to a dwelling.	Enforcement Notice	Notice issued. No Appeal. Compliance due January 2025.

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Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	<b>BOLLINGTON</b>	Unauthorised erection of two buildings and an area of hardstanding	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Owner refused permission to lodge appeal in High Court. Costs awarded in favour of Council. Two buildings removed and therefore Enforcement Notice substantially complied with, but seeking clarification from legal regarding expediency of pursuing reinstatement of land
Land at Swanscoe Lane, Higher Hurdsfield, Macclesfield	<b>BOLLINGTON</b>	Unauthorised erection of two timber buildings	Enforcement Notice	Enforcement Notice issued – different building to those covered by previous Enforcement Notice. Appeal dismissed. Compliance due February 2015. Notice substantially complied with as both buildings removed. Area of hardstanding removed further visit required to establish if area has been seeded for grass.
George and Dragon, 61 Rainow Road, Macclesfield	<b>BOLLINGTON</b>	Untidy Land	S215 Notice	Untidy Land Notice issued 1 <sup>st</sup> March 2018. Compliance due July 2018. Notice not complied with. Prosecution proceedings instigated. The matter was heard in the Magistrates court on 19 <sup>th</sup> November 2019 and none of the defendants were present. The defendants were convicted in their absence and 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. Planning application under consideration for the demolition of the pub and erection of houses. <u>The planning application has been refused.</u> Pursuing compliance with the Notice.  Trial listed for 1 <sup>st</sup> July 2024.
Jahanara Bhavan	<b>BRERETON RURAL</b>	Unauthorised operational development	Enforcement Notice	Planning application refused appeal decision awaited. Appeal dismissed April 2022– Notice required to be issued. Further appeal submitted and further application for CLEUD submitted.

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				Enforcement Notice issued 23/08/2023 – currently under appeal. Letter from PINS delay in site visit therefore delay in decision
Land South of Dragons Lane, Moston	<b>BRERETON RURAL</b>	Unauthorised Material Change of Use	Enforcement Notice	Notice served October 2021 appeal pending, still waiting for a hearing date from PINS (over 12 months)  Appeal hearing due 5 <sup>th</sup> September 2023. Appeal dismissed – compliance due November 2024.
Meadow View, Dragons Lane, Moston	<b>BRERETON RURAL</b>	Amendment to site layout including creation of new access	Breach of Condition Notice	Compliance due February 2024 Notice not complied with.
Lazarus Farm, Dragons Lane, Moston	<b>BRERETON RURAL</b>	Amendment to site layout including creation of new access	Breach of Condition Notice	Compliance due February 2024 Notice not complied with.
The New Inn, Newcastle Road, Betchton	<b>BRERETON RURAL</b>	Unauthorised material change of use scaffolders yard.	Enforcement Notice	Retrospective planning permission refused. Notice issued 1 <sup>st</sup> September 2023 No appeal Compliance due July 2024
Land off Chells Hill Road, Church Lawton	<b>BRERETON RURAL</b>	Unauthorised material change of use for motocross	Enforcement Notice	Notice issued 2 <sup>nd</sup> August 2023 Appeal lodged PINS holding letter no Inspector available for site visit.
Land South East of Warmingham Lane, Mostob	<b>BRERETON RURAL</b>	Unauthorised deposit of soil, materials and waste.	Temporary Stop Notice	TSN issued 11 <sup>th</sup> August 2023
White Lodge, Chester Road, Mere	<b>BUCKLOW</b>	Formation of an earth mound, hardtsanding, alterations to driveway,	Enforcement Notice	Enforcement Notice issued 22 <sup>nd</sup> March 2021. Appeal lodged. Appeal decided 29 <sup>th</sup> October 2021. Part allowed part dismissed. Earth bund granted planning permission, but weld mesh fencing and CCTV refused



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		erection of fence and aerial/CCTV pole		and requirements of enforcement notice in this regard remain. Compliance due February 2022.  Full compliance achieved CASE CLOSED.
The Chase Plumley Moore Road Plumley	<b>CHELFORD</b>	Unauthorised change of use of land from agricultural to garden, erection of gate, gate piers and hardstanding.	Enforcement Notice	Enforcement Notice issued 9 <sup>th</sup> December 2019. Compliance due 14 <sup>th</sup> April 2020. Appeal lodged 7 <sup>th</sup> January 2020. Appeal dismissed on 24 <sup>th</sup> August 2020. Compliance due by 24 <sup>th</sup> February 2021.  Site Visit to check compliance.  Land has changed hands. Officers working with new owners to achieve compliance. Further site visit required to check full compliance.
Woodend Nursery Stocks Lane Over Peover	<b>CHELFORD</b>	Unauthorised change of use of land to agriculture, horticulture and the parking of vehicles, formation of hardstanding, lighting columns, ticket machines and barrier.	Enforcement Notice	Enforcement Notice issued 21 <sup>st</sup> January 2020. Compliance due 28 <sup>th</sup> June 2020. Appeal lodged 5 <sup>th</sup> February 2020. Appeal dismissed January 2021. Compliance due May 2021 – site visit required to check compliance.  Partial compliance only
Wood Platt Cottage, Chelford Road, Marshall	<b>CHELFORD</b>	Unauthorised change of use of land to an unauthorised waste transfer site	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> August 2017. Appeal dismissed 10 <sup>th</sup> January 2019, Compliance due 10 <sup>th</sup> June 2019. Notice partly complied with. Pursuing compliance with the Notice.  Under review.
Wood Platt Cottage,	<b>CHELFORD</b>	Unauthorised erection of a building	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> August 2017. Appeal dismissed 10 <sup>th</sup> January 2019, the Notice was upheld. Compliance due 10 <sup>th</sup> September 2019. Notice not complied with. Pursuing compliance with the Notice.

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Chelford Road, Marthall				
Wood Platt Cottage, Chelford Road, Marthall	<b>CHELFORD</b>	Unauthorised erection of a building, walls, siting of portacabins, weighbridge and areas of hardstanding	Enforcement Notice	<p>Enforcement Notice issued 23<sup>rd</sup> March 2022, currently under appeal.</p> <p>Appeal postponed due to be heard 11<sup>th</sup> July 2023. No show by Inspector appeal finally heard 11<sup>th</sup> January 2024 – Appeal dismissed.</p>
Hawthorn House, Free Green Lane, Over Peover	<b>CHELFORD</b>	Unauthorised Building	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> January 2017. Appeal dismissed. Partial award of costs awarded to the Council. Compliance due July 2018. Notice not complied with. Pursuing compliance with the Notice.
Land North of Pedley Lane, Timbersbrook	<b>CONGLETON EAST</b>	Unauthorised change of use from and agricultural use to a recreational and education use.	Enforcement Notice	<p>Enforcement Notice issued and appealed. Appeal dismissed 30 July 2010. Compliance due 30 March 2011. Works in default carried out August 2011 and site cleared of all buildings/shelters/animals. Occupier repopulated the site. High Court action instigated to secure an Injunction. Voluntary undertaking secured which required site clearance. Failed to comply, Committal proceedings instigated in High Court. Further agreement reached which required submission of Certificate of Lawful Use (CLUED). CLUED submitted. Appeal against non-determination of CLUED lodged. Council's statement submitted. Appeal withdrawn November 2014. Further breaches on site currently under investigation. Prosecution proceedings instigated in relation to non-return of Planning Contravention Notice. Landowners convicted in their absence fined £220 each, £250 costs each and Victim</p>

## Appendix 1 – Enforcement Update April 2024

				<p>surcharge £34 each. Further contact to be made requiring response to PCN.</p> <p>Court made an error in that they did not have regard to an email from the defendants advising why they could not attend court, case re-opened.</p> <p>An agreement was made outside of the court proceedings that the defendants would pay £15k towards the outstanding costs of works in default. In light of this and a commitment from the owner to pursue civil action against the current occupier to remove them from the site NFA in relation to the PCN.</p> <p>Ongoing issues, liaising the owners</p> <p>Occupier erected a dwelling on site but recently removed from the land.</p> <p>Site also subject to separate civil proceedings to evict occupier.</p> <p>Civil proceedings successful, occupier required to vacate by 3<sup>rd</sup> January 2023.</p> <p>Occupier did not vacate. Matter remains subject to civil proceedings.</p> <p>Owners civil action successful – occupier evicted from the land October 2024 CASE CLOSED</p>
34 South Bank Grove, Congleton	<b>CONGLETON EAST</b>	Untidy Land	S215 Notice	S215 Notice served 9 <sup>th</sup> June 2018. Partial compliance. Case to be reviewed.
Coole Acres, Coole Lane, Newall	<b>COOLE PILATE</b>	Breach of condition, temporary residential unit and business unit	Breach of Condition Notice	Breach of Condition Notice issued 12 <sup>th</sup> January 2016 Compliance due November 2017. Further application submitted to amend condition in relation to temporary residential unit and business unit. Application refused, appeal lodged. Appeal dismissed in relation to

## Appendix 1 – Enforcement Update April 2024

				temporary residential unit. Condition No. 5 requires its removal July 2020. Site visit required to check compliance and any necessary further action.
Coppenhall House, Groby Road, Crewe	<b>CREWE EAST</b>	Unauthorised material change of use of a stable building to B8 warehouse and distribution with ancillary offices.	Enforcement Notice	Enforcement Notice issued. Appeal dismissed January 2020. Currently pursuing compliance with Notice. Owner has failed to respond to request to attend an interview under caution.  Building to which notice relates burned down, effectively forcing compliance with notice 2022. Appears owner may have relocated the business into the dwelling under investigation.  .
4 Hall O Shaw Street	<b>CREWE EAST</b>	Untidy Site	S215 Notice	Untidy Land Notice issued 15 <sup>th</sup> September 2016. Notice not complied with. Conviction secured. Continued failure to comply with notice. Further prosecution instigated, conviction secured. Further site visit required. Some works of demolition have now been undertaken – to be reviewed.
Land at Maw Green Road, Crewe	<b>CREWE EAST</b>	Untidy Land	S215 Notice	Notice served 27 <sup>th</sup> September 2019. Land alleged to have been sold. If land has been sold further notice required. Recent planning application for a single dwelling refused. Case to be reviewed.
221 Broad Street, Crewe	<b>CREWE EAST</b>	Unauthorised single storey front extension	Enforcement Notice	Notice issued 8 <sup>th</sup> March 2024, effective 12 <sup>th</sup> April 2024.
24 Gresty Road, Crewe	<b>CREWE SOUTH</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity. – Properties sold, further site visit required.

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20 Gresty Road, Crewe	<b>CREWE SOUTH</b>	Untidy Land	S215 Notice	Untidy Land Notice issued. Compliance due January 2015. Notice not complied with. Case referred to Multi Agency Group for discussion regarding hoarding activity – properties sold, further site visit required.
15 White Hart Lane, Wistaston	<b>CREWE SOUTH</b>	Unauthorised operational development.	Enforcement Notice	Enforcement Notice issued 21 <sup>st</sup> April 2023. Compliance due 26 <sup>th</sup> June 2023.  Visit required to check compliance. Fence reduced to 1.3 metres in height. CASE CLOSED
Land adjacent to Riverswood, Strines Road, Disley	<b>DISLEY</b>	Unauthorised use of land as a Residential Caravan site	Enforcement Notice	Enforcement Notice issued 11 <sup>th</sup> June 2015. Appeal dismissed Compliance due September 2016. Site visit undertaken, the Notice has been partly complied with. Pursuing compliance with the Notice.
Woodend Cottage Disley	<b>DISLEY</b>	Unauthorised operational development - Detached Garage	Enforcement Notice	(Retrospective planning application currently under appeal, PINS may use their powers under s79(6) to dismiss the appeal if they consider the appellant is causing undue delay in the process (letter dated 2 <sup>nd</sup> November 2021). Appeal was dismissed.  Notice issued 30 <sup>th</sup> May 2022 – Compliance due October 2022 Site Visit required to check compliance.
Field Adjacent Entrance to Rocks Barn, Rocks Farm, Mudhurst Lane, Disley	<b>DISLEY</b>	Unauthorised engineering operation.	Temporary Stop Notice. Enforcement Notice	TSN issued 16 <sup>th</sup> August 2023 Enforcement Notice issued 9 <sup>th</sup> February 2024. Compliance due September 2024.



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Ladera, Back Lane, Eaton	<b>GAWSWORTH</b>	Unauthorised change of use from a recreational caravan site to a residential and recreational caravan site.	Enforcement Notice	Enforcement Notice issued on 28 <sup>th</sup> May 2019. Appeal lodged 17 <sup>th</sup> July 2019. Appeal hearing took place in February 2020. Appeal withdrawn on 17 <sup>th</sup> March 2020 by the appellant. Partial award of costs awarded to the Council. Compliance with the Notice due 17 <sup>th</sup> September 2021.  Site visit required, officers trying to arrange this with owner.
Forest Yard, Salters Lane, Siddington	<b>GAWSWORTH</b>	Unauthorised material change of use to a timber yard.	Enforcement Notice	Planning permission refused, appeal dismissed. Enforcement Notice issued 5 <sup>th</sup> February 2024 Compliance due July 2024. <u>Appeal lodged with the planning inspectorate</u>
Five Oaks, Clay Lane, Haslington	<b>HASLINGTON</b>	Unauthorised material change of use	Enforcement Notice	Notice served, compliance due. Case officer liaising with owner  Prosecution authorised. Trial listed for 05/03/2024
Oakhanger Euestrian Centre, Holmshaw Lane, Haslington	<b>HASLINGTON</b>	Unauthorised operational development	Enforcement Notice	Enforcement Notice issued 8 <sup>th</sup> August 2023 Awaiting appeal decision. PINS issued holding letter no Inspector available
143 Wilmslow Road, Handforth	<b>HANDFORTH</b>	Unauthorised Fencing	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> March 2023 Notice partially complied with, further works planned.
Mere End Cottage, Mereside Road, Mere, Knutsford	<b>HIGH LEGH</b>	Unauthorised erection of dwelling house and detached garage	Enforcement Notice	Enforcement Notice served. Appeal lodged. Appeal allowed for garage but dismissed for dwelling. Dwelling remains incomplete and unoccupied. Pursuing compliance with Notice.

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Land at Spinks Lane, Pickmere	<b>HIGH LEGH</b>	Unauthorised Change of use of land from agricultural use to the siting of residential and touring caravans	Enforcement Notice	Subject of an Enforcement Notice and an appeal, two planning applications and two appeals, two injunctions and one prosecution. Consent Order agreed 21 July 2014. Notice not complied with. Further Court Hearing in September 2015 at which time it was agreed that the caravans could remain for a period of two years subject to the conditions set out in the Court Order.
Aston Park House, Budworth Road, Aston By Budworth	<b>HIGH LEGH</b>	Unlawful works to a Grade II* listed building	Listed Building Enforcement Notice	Listed Building Enforcement Notice Issued 18 <sup>th</sup> May 2017 requiring restoration works to be carried out to the dwelling. Appeal lodged 20 <sup>th</sup> June 2017. Appeal withdrawn 9 <sup>th</sup> January 2018. Partial award of costs awarded to the Council. Enforcement Notice to be complied with by August 2018. Pursuing compliance with the Notice. Successful prosecution 2018, 250 hours community service £65k costs. Full payment of costs remain outstanding. Property has now been sold, appears new owner unaware of extent of outstanding works – Outstanding application for discharge for conditions, awaiting decision before progressing case.
Meadow Lodge, Clamhungar Lane, Mere	<b>HIGH LEGH</b>	Unauthorised operational development, erection of a garage	Enforcement Notice	Enforcement Notice served 11 <sup>th</sup> August 2021, notice due to come into effect 13 <sup>th</sup> September 2021. Appeal decision awaited Appeal dismissed compliance due December 2022 Further visit required.
Holly Farm, Withers Lane, High Legh	<b>HIGH LEGH</b>	Unauthorised operational development	Enforcement Notice	Enforcement Notice issued 24 <sup>th</sup> May 2023 Appeal lodged Sept 2023 Letter from PINS no Inspector to carry out site visit delay in decision
Sudlow Barns, Sudlow Lane	<b>HIGH LEGH</b>	Breach of Condition	Breach of Condition Notice	Notice issued 14 <sup>th</sup> February 2024 Compliance due 14 <sup>th</sup> May 2024.

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Land at Beggarmans Lane Knutsford	<b>KNUTSFORD</b>	Unauthorised use of land for dog exercise area	Enforcement Notice	Notice issued 20 <sup>th</sup> September 2022 Appeal dismissed. Partial compliance – use ceased fencing still to be removed.
Pinewood, 1 Legh Road, Knutsford	<b>KNUTSFORD</b>	Unauthorised extension to garage	Enforcement Notice	Notice served 16 <sup>th</sup> August 2023 Appeal Lodged February 2024 Letter from PINS no Inspector to carry out site visit delay in decision
Land opposite 162 Moss Lane Macclesfield	<b>MACCLESFIELD SOUTH</b>	Unauthorised change of use of land for parking/storage of vehicles and domestic paraphernalia, siting of a storage container and hardstanding	Enforcement Notice	Enforcement Notice issued 2 <sup>nd</sup> August 2019. Compliance due 4 <sup>th</sup> January 2020. No appeal lodged. Notice not complied with. Pursuing compliance with Notice.  REVIEW further site visit required
Land Opposite Five Acre Farm, Cledford Lane, Middlewich	<b>MIDDLEWICH</b>	Unauthorised operation development, erection of a building and boundary walls	Enforcement Notice	Enforcement Notice issued 5 <sup>th</sup> August 2015. Appeal dismissed. Prosecution for non-compliance February 2019. Found guilty, fined £200 with £30 VSC. Notice still not complied with further proceedings required. Registered owner now deceased, case to be reviewed. Original landowner now deceased.
Land at Moss Lane Mobberley	<b>MOBBERLEY</b>	Unauthorised hardstanding and earth bund	Enforcement Notice	Notice issued 25 <sup>th</sup> October 2019. Compliance due 29 <sup>th</sup> May 2020. No appeal lodged. Notice not complied with. Pursuing compliance with the Notice. Case to be reviewed, possible new owner of the land. A planning application has been submitted reference 21/2963M, awaiting decision. Application was withdrawn. There is a new owner of the land, discussions required to take place regarding compliance with the Notice. Last visit Nov. 2022 Review

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Castle Hill Farm, Castle Mill Lane, Ashley	<b>MOBBERLEY</b>	Unauthorised material change of use to a mixed use for agriculture and storage of caravans, boats, trailers and motor vehicles	Enforcement Notice	Notice issued 11 <sup>th</sup> August 2017. Appeal dismissed. Compliance due January 2020. Compliance visit due – Under review.
Land at Broadoak Lane, Mobberley	<b>MOBBERLEY</b>	Unauthorised hardstanding and use of the land for the siting of residential caravans	Injunctions	<p>An injunction was granted on 13<sup>th</sup> August 2020 to prevent further operational development taking place and anymore caravans being brought on the land, a further injunction was granted on 1<sup>st</sup> September 2020. Injunctions not complied with. Committal proceedings instigated for breaches of the court order. Trial date 14<sup>th</sup> and 15<sup>th</sup> October 2020 to consider committal proceedings and a final injunction on the land. Trial adjourned. Awaiting new trial date.</p> <p>Injunction obtained – compliance required Committal proceedings verdict sentencing 4<sup>th</sup> May 2021 – found guilty and ordered to pay costs of at least £25k. Further proceedings instigated regarding cost recovery,</p>
Land at Broadoak Lane, Mobberley	<b>MOBBERLEY</b>	Unauthorised material change of use to a residential caravan site	Enforcement Notice	<p>Notice issued 03/02/21 appeal lodged Public Inquiry due to start 14<sup>th</sup> December 2021 however PINS sent further letter on 15<sup>th</sup> November stating would commence 22 February 2022.</p> <p>Appeal dismissed compliance due June 2023. Residential use of the site has ceased – partial compliance with notice. Under review. Land has now changed hands</p>

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Land at Davenport Lane, Mobberley	<b>MOBBERLEY</b>	Unauthorised operational development	Enforcement Notice	Notice issued 23 <sup>rd</sup> June 2021 – no appeal lodged. Compliance due October 2021. Site visit required to check compliance. Not complied with under review
Land at Pedley House Lane, Great Warford	<b>MOBBERLEY</b>	Unauthorised material change of use	Enforcement Notice	Notice issued 6 <sup>th</sup> October 2023 Appeal lodged
106-108 Station Road, Scholar Green	<b>ODD RODE</b>	Unauthorised extensions and alterations	Enforcement Notice	Enforcement Notice issued 6 <sup>th</sup> March 2020. Appeal lodged. Further significant works undertaken to the property meaning notice no longer capable of compliance Notice withdrawn. Retrospective application refused. Notice issued 29 <sup>th</sup> October 2021 – advised appeal to be lodged. Notice currently under appeal Appeal dismissed except for front extension compliance due April 2023 Under review
106-108 Station Road, Scholar Green	<b>ODD RODE</b>	Unauthorised boundary walls	Enforcement Notice	Enforcement Notice issued 6 <sup>th</sup> March 2020. Appeal lodged. Walls subject to the notice removed, Amended walls erected, Notice withdrawn as no longer relevant. Retrospective application refused. Notice issued 29 <sup>th</sup> October 2021 – advised appeal to be lodged. Notice currently under appeal Appeal dismissed Compliance due October 2022 – under review Walls reduced in height
Land at Liverpool Road, West	<b>ODD RODE</b>	Unauthorised material change of use – deposit of waste	Temporary Stop Notice	TSN issued 10 <sup>th</sup> July 2023. Some material removed. Owner agreed to remove additional material in Spring 2024.



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Canalside Farm, Adlington	<b>POYNTON AND WEST ADLINGTON</b>	Unauthorised material change of use – petting farm	Enforcement Notice	Notice Served 16 <sup>th</sup> March 2022, effective date 18 <sup>th</sup> April 2022, compliance date due 18 <sup>th</sup> October 2022. Appeal lodged notice in abeyance. Appeal dismissed – Use to cease by 21 <sup>st</sup> January 2023 other requirements to be complied with August 2023
Canalside Farm, Adlington	<b>POYNTON AND WEST ADLINGTON</b>	Unauthorised buildings	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> May 2023. Compliance due 27 <sup>th</sup> December 2023. Appeals lodged then withdrawn. Under review
Elm Beds Caravan Park, Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised residential caravan	Enforcement Notice	Enforcement Notice issued. Appeal Lodged. Appeal Dismissed. Resolution from SPB in October 2012 to apply to Court for Injunction. Following legal advice, the injunction is not being pursued at the present time. Case remains open. Legal advice currently being sought. Legal advice received. Site meeting arranged with the operator. Site meeting held. Operator advised they must comply with the notice.
Panache, 1 London Road, Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised flue	Enforcement Notice	Enforcement Notice issued 25 <sup>th</sup> November 2019. Compliance due 6 <sup>th</sup> May 2020. No appeal lodged. Site visit undertaken to check compliance with the Notice. Notice not complied with. Pursuing compliance with the Notice.  Under review
1 Waterloo Road Poynton	<b>POYNTON EAST AND POTT SHRIGLEY</b>	Unauthorised fence	Enforcement Notice	Enforcement Notice issued 1 <sup>st</sup> March 2021. Notice came into effect 31 <sup>st</sup> March 2021. No appeal lodged. Compliance due 31 <sup>st</sup> May 2021. Site visit required to check compliance. Possible prosecution Fence reduced in height but trellis placed on top of part of it – remains in breach – Under review

## Appendix 1 – Enforcement Update April 2024

Land adjacent to 5 Rushmere Close, Adlington	<b>POYNTON WEST AND ADLINGTON</b>	Unauthorised change of use of land to garden	Enforcement Notice	Enforcement Notice issued 16 <sup>th</sup> February 2015. Appeal lodged. Appeal decided 29 <sup>th</sup> September 2015. Appeal dismissed. Compliance due 29 <sup>th</sup> June 2016. Notice partly complied with. Pursuing compliance with the Notice.
Mottram Wood Farm Smithy Lane Mottram St Andrew	<b>PRESTBURY</b>	Unauthorised Dwelling	Enforcement Notice	Enforcement Notice issued 10 <sup>th</sup> June 2015. Notice due to be complied with by 10 <sup>th</sup> May 2018 (special circumstances for lengthy compliance date). Notice not complied with. A planning application, reference 20/1452M for the retention of the cabin for the processing of alpaca wool in association with the alpaca breeding enterprise submitted. Application refused 1 <sup>st</sup> Feb. Decision appealed; appeal allowed. Review case to close.
Land at Willot Nurseries, Wilmslow Road, Prestbury	<b>PRESTBURY</b>	Unauthorised material change of use to residential and residential garden, with areas of hardstanding, pond, building and walls.	Enforcement Notice	<p>Enforcement Notice issued 28<sup>th</sup> September 2020. Notice comes into effect on 2<sup>nd</sup> November 2020.</p> <p>Appeal pending site visit due 21<sup>st</sup> September 2021, decision still awaited.</p> <p>Appeal dismissed December 2021 compliance due June 2022</p> <p>Application 22/1829Mm for a reduced garden area approved. Check implemented/notice complied with in respect of remaining area.</p> <p>Awaiting application for DISON (No. 4) Newt mitigation and fish removal from pond.</p>
Ash Cottage, London Road, Prestbury	<b>PRESTBURY</b>	Unauthorised operational development	Breach of Condition Notice	BCN served requiring demolition of original dwelling and removal of all resultant materials from the land. Compliance due February 2022. Under review.

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Land lying to the South of Dunge Farm, Over Alderley	<b>PRESTBURY</b>	Unauthorised operational development	Enforcement Notice	Enforcement Notice issued 15 <sup>th</sup> July 2021. Notice comes into effect 15 <sup>th</sup> August 2021. Compliance due by 15 <sup>th</sup> February 2023. Works have commenced in association with the Notice. Visit required to check compliance
Tree Tops Greendale Lane Mottram St Andrew	<b>PRESTBURY</b>	Unauthorised operational development – Boundary wall	Enforcement Notice	Enforcement Notice issued 26 <sup>th</sup> January 2022 Effective 1 <sup>st</sup> March 2022 compliance due 01 <sup>st</sup> July 2022. Application for a Certificate of Proposed Use or Development submitted reference 22/0911M proposing to amend the wall. Negative certificate issued Further application submitted July 2022 22/2675M – awaiting decision Pursue highways for compliance
9 Lees Lane, Newton	<b>PRESTBURY</b>	Unauthorised operational development	Enforcement Notice	Notice issued 29 <sup>th</sup> September 2023 Appeal lodged
30 Lime Close, Sandbach	<b>SANDBACH TOWN</b>	Unauthorised erection of a front dormer window	Enforcement Notice	Enforcement Notice issued. Appeal dismissed. Notice not complied with. Owners had children with special needs and so legal action held in abeyance. Property has been repossessed. Prospective owners being advised of requirement to remove front dormers. Notice not complied with as of 12 March 2015. Contact to be made with new owners. Requires review.
13 Lime Close, Sandbach	<b>SANDBACH TOWN</b>	Unauthorised operational development	Enforcement Notice	Notice issued 18 <sup>th</sup> May 2023. Effective 30 <sup>th</sup> June 2023. Compliance due 30 <sup>th</sup> August 2023
4 Brickhouse Barns, Congleton	<b>SANDBACH TOWN</b>	Unauthorised works to a listed building	Listed Building Enforcement Notice	Notice issue 18 <sup>th</sup> October 2023 Compliance due October 2024

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Road, Sandabch				
Land at Gaw End Lane Lyme Green	<b>SUTTON</b>	Unauthorised change of use of land to agricultural and parking of vehicles, skips, formation of earth bunds, hardstanding, fencing and gate	Enforcement Notice	Enforcement Notice issued 12 <sup>th</sup> December 2018. Compliance due 10 <sup>th</sup> May 2019. Appeal lodged 27 <sup>th</sup> March 2019. Appeal dismissed. Compliance due by 10 <sup>th</sup> January 2020. Notice not complied with. Pursuing compliance with the Notice.  Land now being developed for housing. Need to check compliance with Notice.  Notice complied with. <b>CASE CLOSED</b>
The Wharf, Bullocks Lane, Sutton	<b>SUTTON</b>	Unauthorised material change of use from storage of roofing materials to residential	Enforcement Notice	Enforcement Notice issued 26 <sup>th</sup> October 2016. Appeal dismissed. Compliance due by March 2018. Notice partially complied with. Unauthorised building used for residential purposes demolished.  Existing buildings probably still being used for domestic storage
Land at 45 Robin Lane Lyme Green	<b>SUTTON</b>	Unauthorised fencing	Enforcement Notice	Application for boundary fence refused 22/1271N Enforcement notice issued 18 <sup>th</sup> October 2023 Appeal lodged out of time Compliance due 1 <sup>st</sup> June 2024.
Land North of Moorfields, Willaston, Nantwich	<b>WILLASTON AND ROPE</b>	Non-compliance with condition	Breach of Condition Notice	BCN issued 01/03/2023 – Developers in administration
Rush Cottage, Gore Lane, Chorley,	<b>WILMSLOW WEST AND CHORLEY</b>	Unauthorised extensions to residential property	Enforcement Notice	Enforcement Notice issued 29 <sup>th</sup> November 2016 in relation to unauthorised extensions to the property. Appeal dismissed. Compliance due 13 <sup>th</sup> January 2018. Notice not complied with. Pursuing compliance with Notice.

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Alderley Edge				Under Review
Foden House, Foden Lane, Alderley Edge	<b>WILMSLOW EST AND CHORLEY</b>	Unauthorised operational development	Enforcement Notice	Notice issued 6 <sup>th</sup> October 2023 Compliance due 01/02/2024 visit required
Lode Hill, Altrincham Road, Styal, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	Unauthorised use of land for commercial parking (airport parking)	Enforcement Notice	Enforcement Notice issued. Appeal lodged. Appeal part allowed and part dismissed (use allowed to continue, but hard standing to be removed). Planning Inspectorate made typing error in their formal Decision Letter which cannot be corrected and may result in the Council not being able to pursue the removal of the hard standing. Legal advice being sought.  Police closed down airport parking operation
Lode Hill, Altrincham Road, Styal, Wilmslow	<b>WILMSLOW LACEY GREEN</b>	Unauthorised material change of use of land for deposit of waste	TSN Enforcement Notice Stop Notice	TSN served 8 <sup>th</sup> February 2023, ceases to have effect on 6 <sup>th</sup> March 2023. Enforcement Notice and Stop Notice served 16.02.23. Stop Notice comes into effect 1 <sup>st</sup> March 2023. Enforcement Notice comes into effect 22 <sup>nd</sup> March 2023. Works to comply with enforcement notice undertaken. Under to review to confirm full compliance.
Fairview Stanneylands Road Styal	<b>WILMSLOW LACEY GREEN</b>	Unauthorised material change of use of land from agriculture to the importation of material, storage of non agricultural items, storage container and hardstanding.	Temporary Stop Notice (TSN) and Enforcement Notice	TSN issued on 18 <sup>th</sup> July 2018 to stop further material being imported and deposited on the land. The TSN was complied with. Enforcement Notice issued. Appeal dismissed. Compliance due 28 <sup>th</sup> July 2019. Notice partly complied with, hard standing remains. Pursuing compliance with the Notice.  Notice now complied with. <b>CASE CLOSED</b>



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17 Fletsand Road Wilmslow	<b>WILMSLOW EAST</b>	Without planning permission, the importation and deposit of material in order to the raise the levels of the land within the rear garden	Enforcement Notice	Enforcement notice issued on 1 <sup>st</sup> March 2021. Appeal lodged. Appeal decided. Notice upheld. Compliance due 11 <sup>th</sup> December 2021. LPA allowed a further period of time for compliance in order to complete the works.  Under review
9a Daveylands, Wilmslow	<b>WILMSLOW EAST</b>	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incidental vehicles, equipment, materials, children's play equipment and domestic chattels	Enforcement Notice	Application for planning permission 20/2271M refused dismissed at appeal Dec 2022  Notice issued 13 <sup>th</sup> April 2023 – appeal lodged
Six Acres, Wirswall Road, Wirswall	<b>WRENBURY</b>	Material change of use from agriculture to a mixed use of agriculture and the parking of non-incidental vehicles, equipment, materials, children's play equipment and domestic chattels.	Enforcement Notice	Enforcement Notice issued. Compliance due 8 <sup>th</sup> December 2014. Notice had been complied with but now possible further offence. Case to be reviewed.  Warrant required for further visit, due to apply after lockdown. Witness statements prepared for injunction application – court papers being drafted.  Further operational development taken place on the land to be included in proceedings.  Injunction awarded by High Court 3 <sup>rd</sup> October 2022. All unauthorised development to be removed from the land by April 2023 land to be returned to condition prior to unauthorised development by August 2023.  Injunction not complied with, committal proceedings successful 12 month suspended sentence imposed. Residential use must cease by 15 <sup>th</sup> July 2025. All

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				unauthorised development to be removed by January 2025. Appeal against court order dismissed 12 <sup>th</sup> March 2024.
Six Acres, Wirswall Road, Wirswall	<b>WRENBURY</b>	Construction of a building and creation of a hard standing	Enforcement Notice  Injunction	<p>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.</p> <p>Warrant required for further visit, due to apply after lockdown. Witness statements prepared for injunction application – court papers being drafted</p> <p>Injunction awarded by High Court 3<sup>rd</sup> October 2022. All unauthorised development to be removed from the land by April 2023 land to be returned to condition prior to unauthorised development by August 2023. Injunction not complied with, committal proceedings successful 12 month suspended sentence imposed. Residential use must cease by 15<sup>th</sup> July 2025. All unauthorised development to be removed by January 2025. Appeal against court order dismissed 12<sup>th</sup> March 2024. Under review</p>
Bank House Farm, Audlem Road, Hatherton	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	<p>Enforcement Notice issued 27<sup>th</sup> September 2018. Notice not complied with.</p> <p>Conviction secured. Letter sent to Mr Harvery advising must comply review is no movement take back to court</p>

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				Compliance remains outstanding – under review. Appears property has been sold. Contact to be made with new owner.
Avenue Lodge, London Road Doddington	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building.	Listed Building Enforcement Notice	<p>Enforcement Notice issued 25<sup>th</sup> February 2019.</p> <p>Notice quashed in a ridiculous appeal decision further notice issued 17<sup>th</sup> December 2020 subject to further appeal. Appeal dismissed compliance due January 2022.</p> <p>Prosecution case adjourned twice now listed for 16<sup>th</sup> April 2024</p>
Lake Lodge, London Road, Doddington	<b>WYBUNBURY</b>	Unauthorised installation of plastic windows in a listed building	Listed Building Enforcement Notice	<p>Enforcement Notice issued 17<sup>th</sup> December 2020 – subject of an appeal. Appeal dismissed compliance due January 2022</p> <p>Prosecution case adjourned twice now listed for 16<sup>th</sup> April 2024.</p>

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Application No: 23/1174M

Location: Dawson Farm, BUXTON ROAD, BOSLEY, SK11 0PX

Proposal: Demolition of existing agricultural buildings and dwellinghouse, and construction of new replacement dwellinghouse with associated renewables and landscaping.

Applicant: Mr Alan Budden, Eco Design Consultants

Expiry Date: 12-Apr-2024

### **SUMMARY**

The application site lies within the Open Countryside within the Peak Park Fringe Local Landscape Designation Area.

The application proposals would result in a replacement dwelling that is materially larger than the buildings it replaces. In addition, the proposals are considered to result in undue harm to the rural character of the countryside by virtue of the scale, siting, size and design and the extent of land to be reprofiled to accommodate the dwelling which would have a disruptive and adverse effect of the visual qualities of the existing landscape character.

The proposals would result in environmental harm that would be created due to the risks posed in relation to Bats present on site. There are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan policy relating to ecology.

No concerns are raised with regard to heritage, amenity, highway safety, trees, flood risk or drainage, contamination, loss of best or most versatile agricultural land and airport safeguarding or subject to conditions where appropriate.

In consideration of the benefits of the proposals limited weight is afforded to the economic benefits of the scheme with regards to the job creation through the construction period and the social benefits of the scheme which are the location of accommodation within the countryside.

Significant weight is afforded to the environmental benefits of the scheme which would be the sustainability credentials of the dwellings Passivhaus premium construction, the renewable energy generating solar panels and the positive contributions to biodiversity through planting and rewilding and the resulting net gain.



Overall, as highlighted above, although the environmental benefits are compelling, the benefits overall identified are not deemed to outweigh the combined harm to the visual qualities of the surrounding open countryside, the unsustainable location of the site, the harm to protected species and the in principle open countryside harm.

The application is subsequently recommended for refusal.

### **SUMMARY RECOMMENDATION**

### **REFUSE**

### **REASON FOR REFERRAL**

Members of the Northern Planning Committee at their meeting of 10 April 2024 resolved to approve this application subject to conditions, contrary to officer recommendation. Under the terms of the Council's Constitution and Terms of Reference, it is therefore referred to Strategic Planning Board for a decision as approval of the development would represent a significant departure from planning policies within the Development Plan, regarding development in the open countryside, design and those affecting protected species.

The Northern Planning Committee were minded to approve the application because:

1. The proposal faces up to the challenges of climate change, in terms of providing multigenerational living and reducing its energy consumption using renewable energy.
2. The design is appropriate as it fits into the landscape, would be pleasant in the Peak Park Fringe and would maintain the openness of the countryside.
3. The economic benefits to the local economy are considerable given the scale of development and the construction required.
4. The environmental benefits of the scheme are considerable given the proposed multigenerational living and renewable energy.
5. The proposal would result in the removal of some aesthetically displeasing agricultural buildings.
6. The size, scale, siting and design would not be a visually obtrusive feature and would create and add a new concept of what is acceptable in the landscape with a modern multigenerational living arrangement.
7. Impacts on protected species would be ameliorated through habitat mitigation comprising of extensive bat boxes and retention of a barn. The development is of overriding public interest because of its experimental multigenerational living to reduce the development requirements in terms of the need for buildings and would provide sufficient renewable energy to sustain it.

If Members are minded to approve this application against recommendation, then the following headline conditions would be required:

1. Standard Time limit (3 Years)
2. Accordance with approved plans
3. Details of materials to be submitted, approved and implemented.
4. Scheme of landscaping to be submitted and approved.
5. Implementation of approved landscaping scheme
6. Accordance with submitted arboricultural report and submission, approval and implementation of an arboricultural method statement (AMS)
7. Details of existing and proposed levels including details of the cut and fill exercise to be submitted, approved and implemented.
8. Materials management plan to be submitted, approved and implemented.
9. Details of surface and foul water to be submitted, approved and implemented.
10. Drainage strategy to be submitted, approved and implemented.
11. Construction management plan (CEMP) to be submitted, approved and implemented.
12. Biodiversity net gain enhancement strategy to be submitted, approved and implemented.
13. Accordance with submitted ecological reports including implementation of bat mitigation and Reasonable Avoidance Measures (RAMS)
14. Submission of nesting bird survey if development to be carried out during the bird breeding season.
15. Post demolition Phase II contaminated land assessment to be submitted, approved and implemented.
16. Verification of contaminated land to be submitted and approved prior to occupation.
17. Soil brought onto site to be checked for contamination and details to be submitted, approved and implemented.
18. Unidentified contaminated land to be reported with scheme of appropriate remediation to be submitted, approved and implemented.
19. Removal of permitted development for extensions and outbuildings.

The report and recommendation which follows is that which was presented to the Northern Planning Committee meeting of 10 April 2024.

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## **DESCRIPTION OF SITE AND CONTEXT**

The site comprises 3.6 hectares of land and buildings which form Dawsons Farm located within Bosley, to the northeast of Congleton. The farmstead is within an agricultural holding of around 36ha grazed by dairy cattle and accessed via a long track, (from the A54), which slopes upwards in a northerly direction leading to the brick farmhouse, brick barns and outbuildings and a range of modern agricultural buildings and sheds, totalling 9 buildings in all.

The existing farmhouse sits at the northern end of the site. It is a two-storey building with a brick exterior, although parts have been rendered, with a stone slate roof. There is a single storey pitched roof outbuilding on the rear elevation, with a lean-to on the west gable, with this having a corrugated sheet roof and an open porch on the front elevation.

The agricultural buildings are located to the south and east of the house and can be separated into two groups. Firstly, there are two traditional barns close to the house. The one to the south is a traditional brick barn with a stone slate roof, with a single storey outshot on the south elevation; this barn is to be retained in the proposed development for a bat roost. The second barn is a single storey building that runs north south to the east of the access road. The northern part of this is brick-built, with a blue clay tile roof, but the southern section is a later extension in a different, more modern brick and with a lower pitched roof clad with metal corrugated sheets. In addition to these buildings are several modern agricultural buildings and structures, built in a variety of materials, but primarily blockwork, grey brick, and metal and timber cladding located to the south and southeast of the farmhouse.

Within the site land falls to the west and south and rises to the north and east, with a steep rise to the northeast to Sutton Common. There are no public rights of way close to the site with Bosley public right of way FP9 running approximately 200m away to the west. The site occupies an isolated position with scattered farmsteads in the surrounding area being over 600m from the site.

The application site benefits from established trees and boundary hedgerows across the site although none of these are afforded protection by a Tree Preservation Order and the site is not located within a Conservation Area. A habitat action plan woodland area lies immediately to the east of the site with a very small section falling within the red line.

The site lies within the Open Countryside and within the Peak Park Fringe Local Landscape Designation Area. None of the buildings on site are listed and there are no nature designations on the site although it does fall within Natural England's SSSI impact risk zones.

The site is located within floodzone 1 and generally within in an area at very low risk from surface water flooding, with several small areas within high-risk areas to the north of the existing buildings.

## **DESCRIPTION OF PROPOSAL**

This application seeks the demolition of the farmhouse and agricultural buildings on site and replacement with a partially subterranean "Passivhaus plus" dwelling

which is a design standard whereby more energy is produced than required to operate the building. The dwelling will be set into the hillside on the north, east and western elevation, with the south facing elevation being open and constructed from stone and glazing with first floor balconies.

Accommodation will be provided over 3 floors with 9 ensuite bedrooms, guest suite and living accommodation at ground and first floor and vehicle and cycle parking and plant at second floor level.

The proposals also include the provision of 760 ground mounted solar panels (covering an area of approximately 4158sqm) located to the eastern section of the site to serve the dwelling. A landscaping scheme is provided which includes a new pond, orchard and rewilding around the site.

The following plans and documents accompany the application:

- Planning statement;
- Preliminary ecological assessment
- Bat roosting survey
- Biodiversity Net Gain Plan
- Biodiversity Net Gain Calculator
- Habitats Regulations Assessment
- Hydrology report including flood risk assessment
- Landscape and Visual Appraisal Report
- LVIA Supporting graphics
- Landscape Architect site plan
- Arboriculturist Tree Constraints Plans
- Arboriculturist Tree Schedule
- Arboricultural Impact Assessment
- Ground investigation report

Additional biodiversity net gain data and more detailed site plans and sections were submitted during the course of the application to address queries from officers.

## **RELEVANT HISTORY**

14/5931M - Variation of condition on application 13/2314M (Erection of 1no. 50kW wind turbine including associated infrastructure, access track and ancillary kiosk at land east of Dawson Farm, Buxton Road, Bosley, Macclesfield SK11 0PX) - Not decided / 05-May-2016

13/2314M - Erection of an Endurance 50kw wind turbine and associated infrastructure, including a kiosk and access track. - Refused / 23-Dec-2013. Allowed on appeal.

76825P - Agricultural workers dwelling - Not decided / 17-Mar-1994

## **RELEVANT PLANNING POLICY**

### **Cheshire East Local Plan Strategy 2010-2030 (CELPS)**

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG6 Open Countryside

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SC3 Health and Well-being

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE8 Renewable and Low Carbon energy

SE 9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

SE 15 Peak District National Park Fringe

CO1 Sustainable Travel and Transport

### **Cheshire East Site Allocations and Development Policies Document (SADPD)**

HER1 Heritage assets

HER 7 Non designated Heritage Assets

GEN1 Design principles

RUR 5 Best and Most Versatile Agricultural Land

RUR 12 Residential Curtilages outside of settlement boundaries

RUR 13 Replacement Buildings outside of settlement boundaries

ENV 1 Ecological Network

ENV 2 Ecological implementation

ENV 3 Landscape character

ENV 5 Landscaping

ENV 6 Trees, hedgerows and woodland implementation

ENV 7 Climate Change

ENV 10 Solar Energy

ENV 12 Air quality

ENV 14 Light pollution



ENV 16 Surface water management and flood risk  
ENV 17 Protecting water resources  
HOU 8 Space Accessibility and wheelchair housing standards  
HOU 12 Amenity  
HOU 13 Residential Standards  
INF1 Cycleways, bridleways and footpaths  
INF3 Highways safety and access  
INF6 Protection of existing and proposed infrastructure  
INF9 Utilities

**Other Material Planning Considerations**

National Planning Policy Framework (2021) National Planning Policy  
Guidance Cheshire East Design Guide

**No made Neighbourhood Plan.**

**CONSULTATIONS (External to Planning)**

**Environment Agency** – No objection in principle.

**Natural England-** No objection. The proposed development will not have significant adverse impacts on designated sites.

**Peak Park National Park Planning Authority** – No comments received.

**Strategic Highways** – No objections.

**Environmental Protection (CEC)**

Contaminated Land – No objection. Recommend that contaminated land, soil importation and unreported contamination conditions should be placed on the decision notice, if approved.

Amenity – Recommend informatives regarding dust and hours of construction. Air Quality – Recommend condition relating to EV charging.

**Local Lead Flood Authority** – No objections in principle subject to condition requiring surface water drainage condition.

**Manchester Airport** – No objection.

**Bosley Parish Council** – Support of this well considered aesthetically pleasing sympathetic application with little visual impact. However, lane is in poor condition. Due to the size and layout the property could lend themselves to a variety of commercial uses and a condition should prevent this.

## REPRESENTATIONS

None received.

## OFFICER APPRAISAL

### Principle of development

The site is with the open countryside and is located within the Peak Park Fringe Local Landscape Designation.

The proposals seek to demolish all existing buildings on the site (other than the two-storey brick barn) and replace with one single dwelling to the west and a large array of ground mounted solar panels to the east of the site.

CELPS policy PG6 Open Countryside sets out the main policy criteria for development in the open countryside. Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. Exceptions may be made for a number of developments including

*“iii. for the replacement of existing buildings (including dwellings) by new buildings not materially larger than the buildings they replace”.*

This policy also advises that acceptability of such development will be subject to compliance with all other relevant policies in the Local Plan. In this regard, particular attention should be paid to design and landscape character so the appearance and distinctiveness of the Cheshire East countryside is preserved and enhanced.

SADPD policy RUR13 states that the replacement of existing buildings in the open countryside will only be permitted where the replacement building:

- i. is not materially larger than the existing building; and
- ii. would not unduly harm the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion.

When considering whether a replacement building is materially larger, matters including height, bulk, form, siting, design, floorspace and footprint will be taken into account. Increases in overall building height and development extending notably beyond the existing footprint in particular have the potential to be materially larger.

When assessing the net increase in floorspace between the existing building and the replacement building as part of the consideration of whether a proposal is materially larger, floorspace from any detached outbuildings in the curtilage will only be taken into account where the buildings to be replaced can sensibly be considered together in comparison with what is proposed to replace them.

<b>Building</b>	<b>Floorspace</b>	<b>Increase</b>
Existing farmhouse	237.2sqm	
Proposed dwelling	4788sqm	1918%

In consideration of the proposals against policy RUR 13, 1.i. requires that the replacement building is not materially larger than the existing building. Clearly, the proposed building is significantly and overwhelming larger than the existing farmhouse, representing a 1918% increase in floor space alone.

A comparison of all buildings, including the agricultural buildings and farmhouse on site are included below.

<b>Building</b>	<b>Floorspace</b>	<b>% Increase over existing</b>	<b>Max height</b>
Building 1	132sqm		4.3m
Building 2	158sqm		4.5m
Existing Farmhouse	237.2sqm		6.9m
Building 4	620sqm		6.4m
Building 5	102sqm		5.4m
Building 6	360sqm		6.7m
Building 7	308sqm		7.3m
Building 8	1249sqm		5.7m
<b>EXISTING TOTAL</b>	3166.2sqm		
Proposed dwelling	4788sqm	51%	9.8m
Solar panels	4158sqm	31%	3.4m

<b>PROPOSED TOTAL</b>	8946sqm	182%	
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The proposals still extend notably beyond the existing combined floorspace of existing buildings and therefore would be considered materially larger. The table above also shows the significant height difference between the buildings on site and the proposed dwelling which would be 2.5m greater in height than the tallest existing agricultural building on site.

It is noted that the proposed dwelling is set into the ground and partially subterranean utilising existing land levels and re-grading the land to reduce the prominence of the new dwelling from long range views. However, submitted details show approximately 3750m<sup>2</sup> of land to be excavated and around 10070m<sup>2</sup> to be filled which amounts to massive engineering works to accommodate the property. The scale of this new dwelling is enormous and from the southern elevation, which is the most exposed elevation, presents a two-storey elevation of some 59m in width, and height of 9.8m. This is a vast expanse of masonry and glazing with balcony, and hard landscaped garden area to the west and south which will further increase the apparent scale of the new building.

The Town and Country planning act definition of a building includes any structure of erection. The solar panels would cover an area of approx. 4158m<sup>2</sup> and have a maximum height of 3.5m and would be considered as an additional building on the site which extends over and above the total area of the site covered by buildings presently. This further demonstrates the sheer scale of development considered materially larger on this site.

It is also noted that the red line area extends significantly beyond the established curtilage of the farmhouse and also beyond the farm buildings including a significant area of land to the west of the site. SADPD policy RUR 12 advises that proposals for the extension of residential gardens or curtilages involving the material change of use of land will only be permitted where the proposal will not cause unacceptable harm to the amenity, character and appearance of the surrounding area or the open countryside, either on its own or cumulatively with other development.

The proposals would represent a significant increase the curtilage of the dwelling on this site introducing built form and associated gardens further to the west in an area completely free from any development or domestic use. As such this would have a significant impact on the character and appearance of the site to the detriment of the rugged character of the open countryside.

Overall, proposed dwelling and solar array is materially larger than the existing buildings on site. Furthermore, by virtue of the scale, bulk and visual intrusion of the development within the site, is considered to result in harm to the rural

character of the countryside. The proposals would therefore fail to comply with policies PG6 of the CELPS and policies RUR 12 and RUR 13 of the SADPD.

## **Heritage**

Paragraph 195 of the NPPF states that heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

The buildings on site are of a traditional form and appearance and appear on the tithe maps (1885-1889). A heritage assessment accompanies the application which evaluates the heritage value of the buildings and concludes that the existing buildings do not meet the criteria to qualify as non-designated heritage assets. The conservation officer agrees with this conclusion, and as such no significant heritage concerns are raised.

## **Character, Form and Design**

Paragraph 84 of the NPPF advises that decisions should avoid the development of isolated homes in the countryside unless one or more of the following circumstances apply:

(e) the design is of exceptional quality, in that it:

- It is truly outstanding, reflecting the highest standards in architecture, and would help to raise standards of design more generally in rural areas; and
- would significantly enhance its immediate setting and be sensitive to the defining characteristics of the local area.

Paragraph 135 of the NPPF seeks to ensure that, amongst other things, developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit.

Policy SE1 of the CELPS sets out the design criteria for new development and states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS further details the design matters that should be considered, including; height, scale, form and grouping of development, choice of materials,



external design features, massing of development and the balance between built form and green/public spaces. Furthermore, development will be expected to respect and where possible, enhance the significance of heritage assets, including their wider settings.

SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design and creating a sense of identity and legibility by using landmarks and incorporating key views into, within and out of new development and reflecting local character. Policy RUR 13 requires that whilst not being materially larger, development must not also unduly harm the rural character of the countryside, by virtue of prominence, scale, bulk or visual intrusion.

The proposals will result in the removal of all buildings, except a two-storey brick barn, and replacement with a single contemporary 3-storey house built to Passivhaus Premium standard (which is a building design standard for an energy efficient building which uses minimal space heating or cooling and that will produce considerably more energy than it uses and be a net contributor). This is in addition to the solar panels proposed.

The house would be located in a depression on a south facing slope to the west of the site, with engineering works to recontour the land to accommodate the dwelling extending to just over 1 hectare. The southern elevation would present a two-storey curved glass and masonry elevation up to 9.8m in height with an overall width of 59m. The two-storey western elevation is 9.8m at the highest point with an overall width of 28m.

To the east where the site plateaus, a large agricultural shed would be cleared for a photovoltaic array which would cover an overall area of 4158m<sup>2</sup>. The panels would vary in height from 1.3m to 3.4m. The dwelling would be so energy efficient during the summer months that much of the energy generated by the PV array would be fed to the national grid. However, during the winter months there would be an energy deficiency and the panels would not fulfil the energy needs of the house alone. This gives some indication of the scale of the house and its energy needs despite the Passivhaus premium standard construction.

The application is accompanied by a detailed design and access statement and it is clear that a very thorough process has been undertaken to develop the proposals.

The Council's Design Officer considered that the siting of the dwelling into the landscape results in an effectively single aspect dwelling with a gritstone clad elevation and earth covered roof. The design officer concludes that the dwelling is inobtrusive to the point of being almost invisible from all vantage points.

However, although partially under a grass bank, the north elevation presents a gritstone wall of approximately 70m with a large vehicle access and 3 entrance doors, and ventilation grilles. To the north of this will be an access drive which slopes down to the front of the dwelling with an area for parking and turning cut away. The western elevation is also partially visible and consequently this is not considered to be a single aspect dwelling.

Although the physical presence of the proposal in the wider context of the surrounding area would be mitigated by surrounding topography and vegetation and thus any harm to the character and appearance of the surrounding area would be limited, due to its sheer scale the proposed building would be an incongruous and overly dominant addition to the site. Overall, the dwelling would be a significant scale and would be prominent within the site and an uncharacteristic building when compared to the existing traditional farmstead. The dwelling would not be in keeping with the vernacular and would present a bland and austere northern elevation resembling a service access rather than the entrance point to a dwelling. The southern elevation by virtue of its scale and with the evenly spaced gritstone clad pillars, regular openings and glazing patterns has the appearance of a hotel rather than single dwelling. The proposals would alter the open and rural character of the site introducing urbanising features and a heavily landscaped development which, although would not easily visible from longer range views, would enclose the western section of the site introducing this large dwelling and garden in an otherwise open area.

Although buildings will be removed the barn to be retained is not insignificant in size. The removal of buildings would be replaced by the large expanse of solar panels to the east (760 in total) which would extend into areas that are not covered by buildings and would therefore encroach into open countryside beyond the confines of the existing farm buildings. Although the panels could be screened in order to be effective, at a maximum height of 3.4m this would need to be a significant height that would likely reduce the light to some of the panels and affect their efficacy. The solar panels would further urbanise the site. This is at odds with the countryside location and would appear obtrusive and detrimental to the character of the countryside to which this site forms a part.

The application draws focus on the improved openness as being a positive outcome of the removal of the buildings on site. Whilst not meeting the criteria for being a non-designated heritage asset the buildings are collectively a traditional farmstead characteristic of the open countryside. The loss of the traditional brick buildings on site is not considered to result in positive improvement of the site but would remove an established and functional farm and reconfigure the land to include a contemporary building, its access and garden area and a largescale area of solar panels into an area otherwise free from built development. As noted above

the curtilage extension would have a detrimental impact on the character and appearance of the surrounding open countryside.

Overall the proposals do not result in an exceptionally high quality development. Although the environmental credentials are commendable and contribute positively to the proposals, the development is not considered to reflect the highest standards of architecture, would not raise rural design standards and would not enhance its immediate setting or be sensitive to the defining characteristics of the local area.

The proposals would therefore fail the requirements of SADPD policy RUR 13, and GEN 1, CELPS Policy SE1 and SD2 and NPPF paragraphs 84 (e) and 135 in this regard.

## **Landscape**

Policy SE4 of the CELPS seeks to conserve the landscape character and quality and where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes. Policy SD2 advises that development should respect and, where possible, enhance the landscape character of the area.

Policy ENV3 of the SADPD outlined that development proposals should respect the qualities, features and characteristics that contribute to the distinctiveness of the local area, as described in the Cheshire East Landscape Character Assessment (2018) taking into account any cumulative effects alongside any existing, planned or committed development. Policy ENV5 of the SADPD sets out what should be included in landscaping plans.

The site lies within the Peak Fringe Local Landscape Designation Area (LLDA) which recognises that the area is an extension of many of the special qualities associated with the nationally protected Peak Park landscapes. The naturally varied undulating landform and buildings of local materials add sense of place including stone walls, dispersed settlements, farms, and narrow winding lanes all feature in the summary of special qualities of the area. Most of the site lies within the Upland foot slopes Landscape character type.

The site currently comprises a series of traditional and non-traditional but typical farm buildings. The farmland is attractive and characteristic of the Peak Fringe Area with panoramic views within the site to the south and west over the Cheshire Plains.

The landscape appraisal accompanying the application concludes that overall, the magnitude of change is considered to be moderate adverse and not significant on completion of the development. The submitted appraisal finds no short, medium, or long-distance views are anticipated to be significantly adversely affected and

thus all the views are not significant, and the proposed development will be an improvement on the existing as the visually intrusive cattle barns and outbuildings would be demolished and returned back in part to the rural landscape character. The only exception being the PV arrays which will occupy the footprint of the cattle barns but will be mitigated by boundary hedge and tree planting.

However, the proposals would result in the loss of a traditional Peak Fringe farmstead and the introduction of large-scale and uncharacteristic features within the designated landscape. The dwelling and the PV array would be prominent and uncharacteristic features in short-range views from within the landholding. The extensive earthworks required to accommodate the proposed dwelling would affect around one hectare of land and would result in the loss of mature trees and hedgerows, and a change in the landform. Although the application refers to some rewilding, this would take some time to establish and regenerate gradually changing the landscape character of the area.

The scale and form of the huge gritstone-clad dwelling would not be in keeping with the vernacular of the Peak Fringe and the architectural design would not be exceptional. The development would contrast with the existing landscape context and would have an adverse effect on the character of the landscape.

The proposals would therefore be contrary to CELPS policy SE 4(3), and SD2 and SADPD policy ENV 3.

### **Amenity**

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of its relationship to neighbouring properties. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and the requirement to include an appropriate quantity and quality of outdoor private amenity space, having regard to the type and size of the proposed development. This is required to maintain an adequate standard of privacy and amenity between residential properties and provide appropriate amenity space for future occupants.

Dawsons Farm is situated in a relatively isolated location with no immediate neighbouring properties. The nearest property is Sourbutts Farm approximately 500 metres to the southwest of the site. Given this distance and the siting and design of the proposed replacement dwelling, the proposal will not harm the amenities of any neighbouring properties.

It is therefore considered that the proposals comply with the principles of CELPS policy SE1, SADPD policies HOU 12 and 13 and advice within the Cheshire East Design Guide in this regard.

### **Highways/Accessibility**

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations.

SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles. Development traffic should be satisfactorily assimilated into the operation of the existing highway network so that it would not have an unacceptable impact on highway safety, incorporating measures to assist access to, from and within the site by pedestrians, cyclists and public transport users and meets the needs of people with disabilities.

The highway officer has not raised any objections to the proposals. Sufficient space exists within the site for parking and manoeuvring vehicles and based on the use agricultural use of the access, this is considered acceptable.

The site is within a rural location and would intensify the residential use on site which would be very reliant on the private vehicle. The site would not be considered to be a sustainable location for residential development.

There would be no adverse impact on the safety or operation of the adjacent highway.

### **Trees**

CELPS Policy SE5 seeks to ensure the sustainable management of trees, woodland and hedgerows including provision of new planting to provide local distinctiveness within the landscape, enable climate adaptation resilience, and support biodiversity. Furthermore, the planting and sustainable growth of large trees within new development as part of a structured landscape scheme is encouraged in order to retain and improve tree canopy cover within the borough as a whole. Similarly, SADPD policy ENV 6 requires proposals to retain and protect trees, woodland and hedgerows. Proposals should include measures to secure the long-term maintenance of newly planted trees.



The application site is located within open countryside and benefits from established hedgerows and trees within and adjacent to the site boundary.. The site is not within a Conservation Area and no Tree Preservation Orders are present on the site.

The proposal has been supported by an Arboricultural Impact Assessment and has identified 9 individual and 1 woodland which are high quality A Category trees, 8 individual and 7 groups of moderate quality B category trees, 17 individual and 21 groups of low-quality C Category trees and 10 hedgerows. Of these, 1 high quality A Cat tree (T8), 1 moderate quality B Cat tree (T7), 4 individual and 2 groups of low-quality trees and 1 hedgerow (80 metres in length) are shown to be removed to accommodate the proposal.

Tree T5, an A Cat tree located close to existing structures to be retained, is sited adjacent to/the east of an area which will be affected by levels changes including extensive fill. The Council's arboricultural officer raises concerns that there is the potential for an additional high-quality tree to be lost and/or detrimentally impacted by development. However, this would be offset by the additional planting to the southwest of the dwelling.

As noted previously, the farm and existing natural landscape features are not highly visible from adjacent roads or public rights of way. As a result, the tree losses as proposed would be unlikely to have a significant impact on the wider amenity of the area. However, the loss of high and moderate quality trees to accommodate development is regrettable, especially where some of the trees are mature and could be described as a historic feature of the landscape character given that the schedule description and size of trees T7 and T8 correlate with tree positions on the 1875 Ordnance Survey maps of the area.

The Council's arboricultural officer is concerned that the ornamental tree and shrub species proposed in the indicative landscape strategy do not necessarily represent an enhancement/improvement given the rural nature of the site and that opportunities exist to reduce impacts on the existing landscape character and natural features of the site.

However, there is additional tree and hedgerow planting proposed and the provision for replacement planting of native species and high canopy trees could be secured via detailed landscaping condition on any approval.

### **Flooding and Drainage**

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

The site is located within Flood Zone 1, indicating that the site is not at risk from fluvial or tidal sources according to the Flood Map for Planning, and the site is generally within a very low risk area for surface water flooding.

The Local Lead Flood Authority have commented on the application and raised no objections to the proposals on the basis that a surface water drainage scheme in line with the details which accompany the application is required by condition. The EA have raised no objections and direct the applicant to the wastewater drainage hierarchy.

As it is considered that conditions could appropriately deal with drainage design and management at the site, the proposals accord with policy SE13 of the CELPS and the NPPF in this regard.

### **Contamination**

CELPS policy SE12 seeks to ensure that all development is located and designed so as not to result in a harmful or cumulative impact upon air quality, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm. In most cases, development will only be deemed acceptable where it can be demonstrated that any contamination or land instability issues can be appropriately mitigated against and remediated, if necessary.

The Contaminated Land team has no objection subject to conditions regarding contamination and soil importation and informatives regarding the Environmental Protection Act 1990, dust and hours of construction.

In the event of an approval, details of lighting can be secured in the interests of the management of light pollution.

A condition has also been requested to secure the provision of Electric Vehicle Infrastructure, including a single Mode 3 compliant Electric Vehicle Charging Point (EVCP).

The amended Building Regulations, which came into force on 15 June 2022, require the installation of an EVCP. Planning decisions should not duplicate the function of other regulatory bodies or controls, and therefore as the development would be subject to the amended Building Regulations, it is not necessary to impose such a planning Condition.

It is therefore considered that subject to conditions the proposed development would comply with Policy SE12 of CELP and the NPPF in this regard.

## **Agricultural Land Quality**

Policy SD1 of the CELPS states that development should, wherever possible (and amongst other matters), protect the best and most versatile agricultural land. Policy SD2 of the CELPS states that all development will be expected to avoid the permanent loss of areas of agricultural land quality 1, 2 or 3a, unless the strategic need overrides these issues.

Paragraph 174 of the NPPF states that planning decisions should contribute and enhance the natural and local environment by recognising the benefits of (amongst other matters) best and most versatile agricultural land. Agricultural land falling within classes 1-3a are classed as 'Best and Most Versatile' BMV.

According to the 2010 Natural England Land Classification Map for the North West Region, the site falls within land which is either Grade 4 'poor' quality or Grade 5 'Very poor' quality.

According to a more up to date (2017) map produced by Natural England, which considers the likelihood of parcels of land being Best and Most Versatile, the map shows that the site as being of moderate likelihood of BMV.

In consideration of both maps, the site is not understood to comprise BMV Land.

## **Ecology and Biodiversity**

Section 15 of the NPPF considers the conservation and enhancement of the natural environment. Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This is echoed within SADPD policy ENV 2.

### Statutory Designated Sites

The application site falls within Natural England's SSSI impact risk zones and the application is supported by a 'shadow' Assessment of Likely Significant Effects Habitat Regulations Assessment. The assessment concludes that the proposed development is not likely to result in a significant effect upon a European Designated Site. It is noted that Natural England raise no objections.

Ecological appraisals and assessment accompany the application.

### Ecological Network

The application site falls within both a Core Area and Restoration Area of the CEC ecological Network. SADPD policy ENV1 therefore applies to the determination of this application. This policy requires developments within core areas to increase the size, quality and quantity of priority habitat. In this instance this could be achieved through the proposed woodland planting and the retention and enhancement of the hedgerow network on site.

### Bats

Evidence of bat activity in the form of a number of minor roosts have been recorded within the buildings and a tree on site. The usage of the building by bats is likely to be limited to single or small numbers of animals of each species using the buildings for relatively short periods of time and there is no evidence to suggest a significant maternity roost is present. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species concerned as a whole.

The submitted report recommends the installation of bat boxes on the nearby trees and also features for bats to be incorporated into the retained barn building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. The applicant has confirmed that tree ref: T2 (as identified in the bat survey reports) would be retained as part of the proposed development. The submitted bat report includes proposals to minimise the disturbance of T2 during the felling of adjacent trees. The submitted bat roost assessment considers that the proposed development will include maintaining existing habitat connectivity for bats and proposed habitat enhancement to create new connectivity and foraging habitats across the site.

As bats (a European Protected Species) have been recorded on site and are likely to be adversely affected by the proposed development the planning authority must have regard to whether Natural England would be likely to subsequently grant the applicant a European Protected species license under the Habitat Regulations. A license under the Habitats Regulations can only be granted when:

- The proposed development is of overriding public interest,
- There is no satisfactory alternative,
- the favourable conservation status of the species will be maintained.

In terms of the Habitat Regulations tests:

- The proposed development is not of overriding public interest, unless other material considerations can be identified to outweigh the harm to the character and appearance of the countryside and surrounding landscape,
- There are no known alternative forms of development that would not have a similar impact upon protected species as the current proposal.
- The proposed mitigation/compensation is acceptable and the Councils Ecologist considered that it is likely to maintain the favourable

conservation status of the species of bat concerned. Planning conditions would be required to secure the implementation of the submitted bat mitigation and compensation measures detailed within the submitted ecological appraisal.

The application proposals are deemed to fail the requirements of the Habitat Regulations which in turn, means that it's unlikely that Natural England would grant a protected species licence if and after Planning Permission has been granted.

As the development would have an adverse impact on a protected species, albeit a low level impact, and is not of overriding public interest the development fails the tests of the Habitats Regulations and is therefore considered to be contrary to policy SE3 of the CELPS and SE2 of the SADPD.

#### Potential Local Wildlife Site

The submitted ecological assessment refers to a Potential Local Wildlife Site (pLWS) being present on site, but no details of this are provided. The Council's ecologist along with Cheshire Wildlife trust advise that only a small part of the application site falls within the boundary of the pLWS and no significant habitats are present where there is an overlap between the two Local Wildlife Site and the application site.

In the event that planning consent is granted a condition requiring the submission and implementation of a Construction and Environmental Management Plan informed by the applicant's Framework Biodiversity Net Gain Plan, is required to safeguard the pLWS during the construction phase.

#### Nesting birds

A number of bird species were recorded as nesting on site. Planning conditions can safeguard nesting birds and to ensure the incorporation of measures to provide replacement nesting opportunities could be included on any approval.

#### Hedgehog and Brown Hare

These two priority species may occur in the broad locality of the application site. The Council's Ecologist concludes that the proposed development is not likely to result in a significant impact upon them.

#### Amphibians/Reptiles

There are no ponds within the vicinity of the application site, so consequently amphibians are not reasonable likely to be affected by the proposed development.

In terms of Reptiles, no evidence of their presence was recorded during the desk-based assessment. The submitted ecological assessment however identifies the



potential loss of habitat for these species. These species (if present) would also be at risk of being harmed during the construction stage. Provided suitable compensatory habitat is provided for any habitat unavoidably lost (as assessed by the Biodiversity Metric discussed below), the risk of reptiles being killed or injured during works could be addressed through the implementation of Reasonable Avoidance Measures secured by planning condition in the event of an approval.

#### Hedgerows

Native Hedgerows are a priority habitat and hence a material consideration. The current layout plans would result in the loss of a section of hedgerow with a corresponding loss of biodiversity. The biodiversity metric as submitted does however show an overall gain in hedgerow biodiversity as a result of 110m of native hedgerow planting being delivered on site.

#### Biodiversity Net gain/Ecological Network

Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity and ENV2 requires developments to achieve a Biodiversity Net Gain.

A Framework Biodiversity Net Gain Plan and Biodiversity Metric Calculation accompanies the application and shows a net gain, this is achieved through on site habitat creation works and additional habitats delivered on land outside the redline of the application but within the wider farm holding.

A BNG Net Gain Plan has been provided and concludes that the combined on and offsite planting will deliver be a 15% and 20% net gain for habitats and hedgerows respectively.

However it is noted that it does not appear to factor in the loss of mature high-quality trees or show any of the trees to be retained.

#### Ecology conclusion

The development when considered against the Habitat Regulations is deemed to fail the tests in relation to Bats. As the development would have a significant adverse impact on habitats or species, the proposals are deemed to be contrary to Policy SE3 of the CELPS and Policy ENV 2 of the SADPD in this regard.

#### **Manchester Airport**

The Safeguarding Authority for Manchester Airport has assessed this proposal and its potential to conflict aerodrome Safeguarding criteria and have raised no objections.

### **Other Matters Raised by Representations**

Bosley Parish Council have requested a condition which would prevent the use of the dwelling for subsequent commercial uses such as self-contained, self-catering accommodation, party houses, air B&B, small motel etc. Planning consent would not be currently required for the use of the proposed dwelling as an air B&B or self-catered holiday let.

Any other commercial use, such as a hotel/motel would require planning consent and would be considered on its merits.

### **Other Material Considerations**

The site occupies a rural location and is isolated in relation to neighbouring properties and nearby settlements with their associated shops and services. The proposals would result in a significant intensification in use given the significant increase in residential accommodation on site from the existing modest farmhouse to this colossal 9 bed dwelling. All the future occupants of the proposed dwelling would be heavily reliant on private vehicles due to its location which would be unsustainable. There is no evidence to demonstrate that a dwelling at the site would promote sustainable development by enhancing or maintaining the vitality of rural communities. It is also disappointing that the proposals would result in the loss of the fully functional beef and dairy farm, which would contribute to the local rural economy, and see its replacement with a private dwelling.

### **Conclusion / Planning Balance**

The application proposals would result in a replacement dwelling and solar panels that are materially larger than the buildings which they seek to replace and would result in the intensification of residential use within an isolated and unsustainable location. In addition, the proposals are considered to result in undue harm to the rural character of the countryside by virtue of the scale, siting, size and design and the extent of land to be reprofiled to accommodate the dwelling which would have a disruptive and adverse effect of the visual qualities of the existing landscape character.

The proposals would result in environmental harm that would be created due to the risks posed in relation to Bats present on site. There are no overriding reasons to approve the application proposals and therefore the development is deemed contrary to the Habitat Regulations and development plan ecology policy. These matters collectively carry substantial weight against the proposal.

No concerns are noted with regards to highway safety matters, trees, flood risk or drainage, contamination, loss of best or most versatile agricultural land and airport safeguarding or subject to conditions where appropriate.

In consideration of the benefits of the proposals limited weight is afforded to the economic benefits of the scheme with regards to the job creation through the construction period, as this is a single dwelling only limited weight applies.

Moderate to significant weight is afforded to the environmental benefits of the scheme which include the sustainability credentials of the dwellings Passivhaus premium construction, the renewable energy generating solar panels and the positive contributions to biodiversity through planting and rewilding and the resulting net gain.

However, whilst the environmental benefits are compelling, the benefits overall are not deemed to outweigh the substantial combined harm to the visual qualities of the surrounding open countryside, the unsustainable location of the site, the adverse impact upon Bats and the in-principle harm of the buildings being materially larger than the buildings they replace.

The application is therefore recommended for refusal.

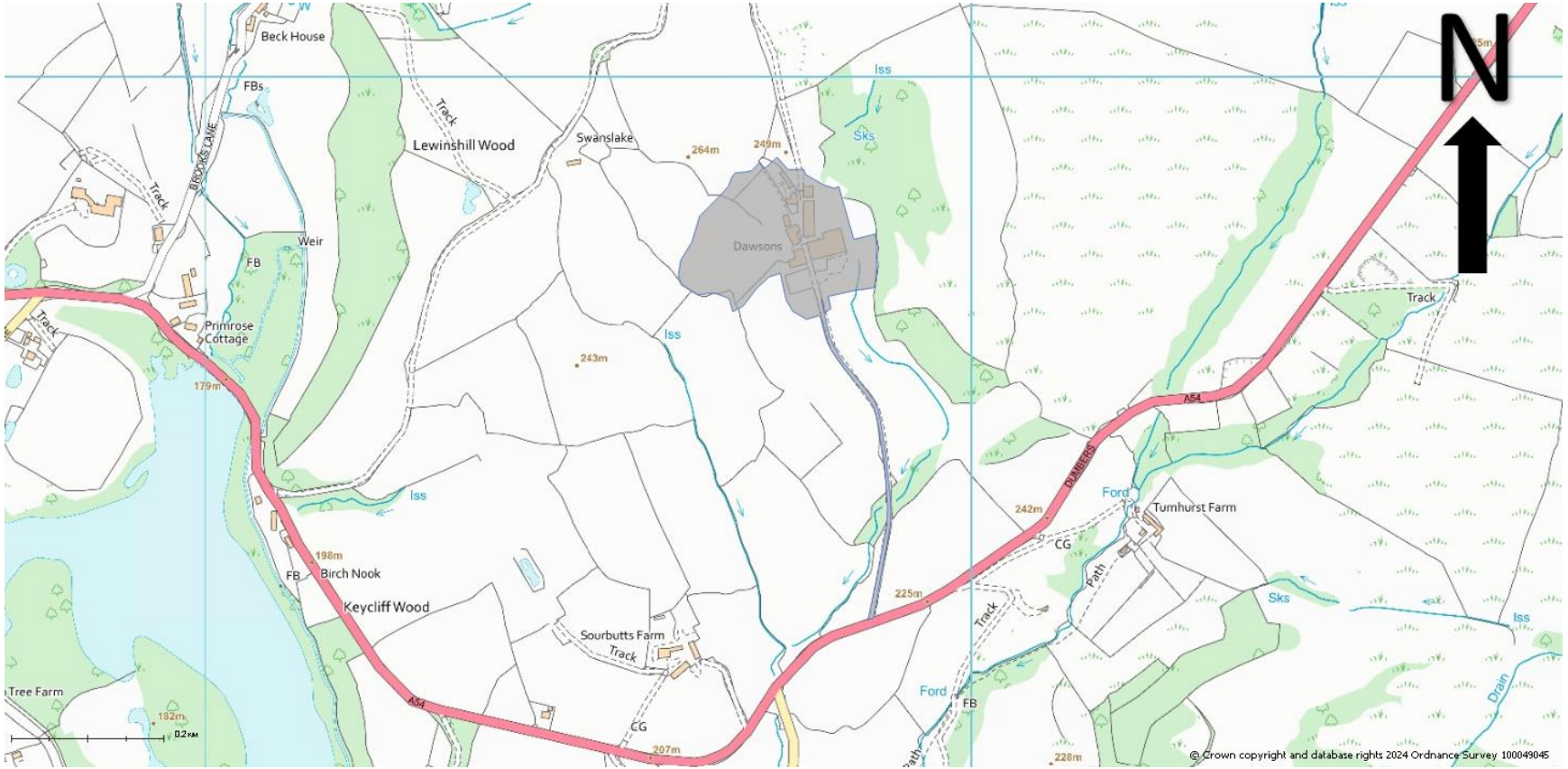
## **RECOMMENDATION**

### **REFUSE for the following reasons:**

- 1. The proposed development would by reason of its size, scale, siting and design result in a building which is materially larger than the buildings which it replaces. The proposals would therefore be contrary to policy PG6 of the Cheshire East Local Plan Strategy, and policy RUR 13 of the Site Allocations Development Plan Document.**
- 2. The proposed development, by reason of its size, scale, siting and design would form a visually obtrusive feature which would contrast with the existing landscape context and would have an adverse effect on the character of the surrounding landscape and the visual qualities of the Countryside within which it is located. The site would also result in the intensification of residential development in this isolated and unsustainable location. The proposed development would therefore not be sustainable development and is contrary to policies SE1 and SD2 of the Cheshire East Local Plan Strategy, Policies GEN1 and RUR 12 of the Site Allocations Development Plan Document and Paragraphs 84 and 135 of the National Planning Policy Framework.**
- 3. The proposed development would have a significant adverse impact Bats, a protected species, and the development is not of**

**overriding public interest. The proposed development therefore fails the tests of The Conservation of Habitats and Species Regulations. The proposals are therefore contrary to Policy SE3 of the Cheshire East Local Plan Strategy and Policy ENV 2 of the Site Allocations and Development Policies Document.**

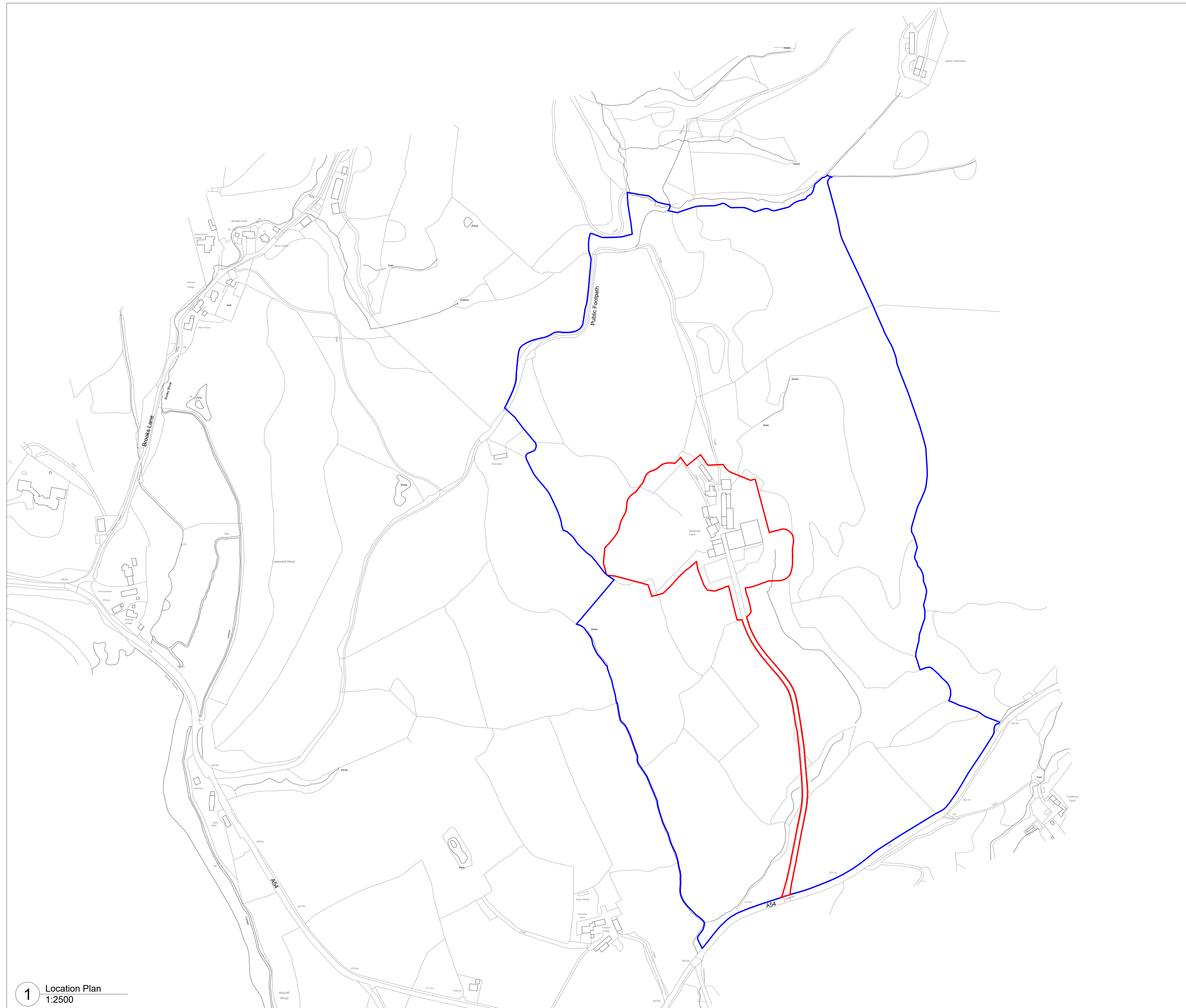
*In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their absence the Vice Chair) of Strategic Planning Board to correct any technical slip or omission in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





23/1174M

DAWSON FARM, BUXTON  
ROAD, BOSLEY, SK11 0PX



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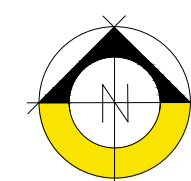
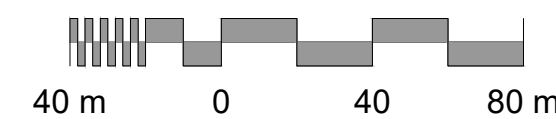
NOTES

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Read in conjunction with all relevant structural, mechanical and electrical engineers and landscaping

Scale 1:2500



KEY

-  Site Ownership Boundary  
 Planning Application Boundary  
 Existing Trees / Dense Vegetation

A	28/10/22	Updates to boundary lines	SRH AB
0	05/08/22	First Issue	AC AB

REVISION	DATE	DESCRIPTION	BY	CHECKED
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**eco**design  
consultants  
Architects & Environmental Consultants

South Pavilion, MK Art Centre, Parklands,  
Great Linford, Milton Keynes, MK14 5DZ  
T: 01908 886854  
E: [studio@ecodesignconsultants.co.uk](mailto:studio@ecodesignconsultants.co.uk)  
W: [www.ecodesignconsultants.co.uk](http://www.ecodesignconsultants.co.uk)

## STATUS

## PLANNING

CLIENT

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## PROJECT

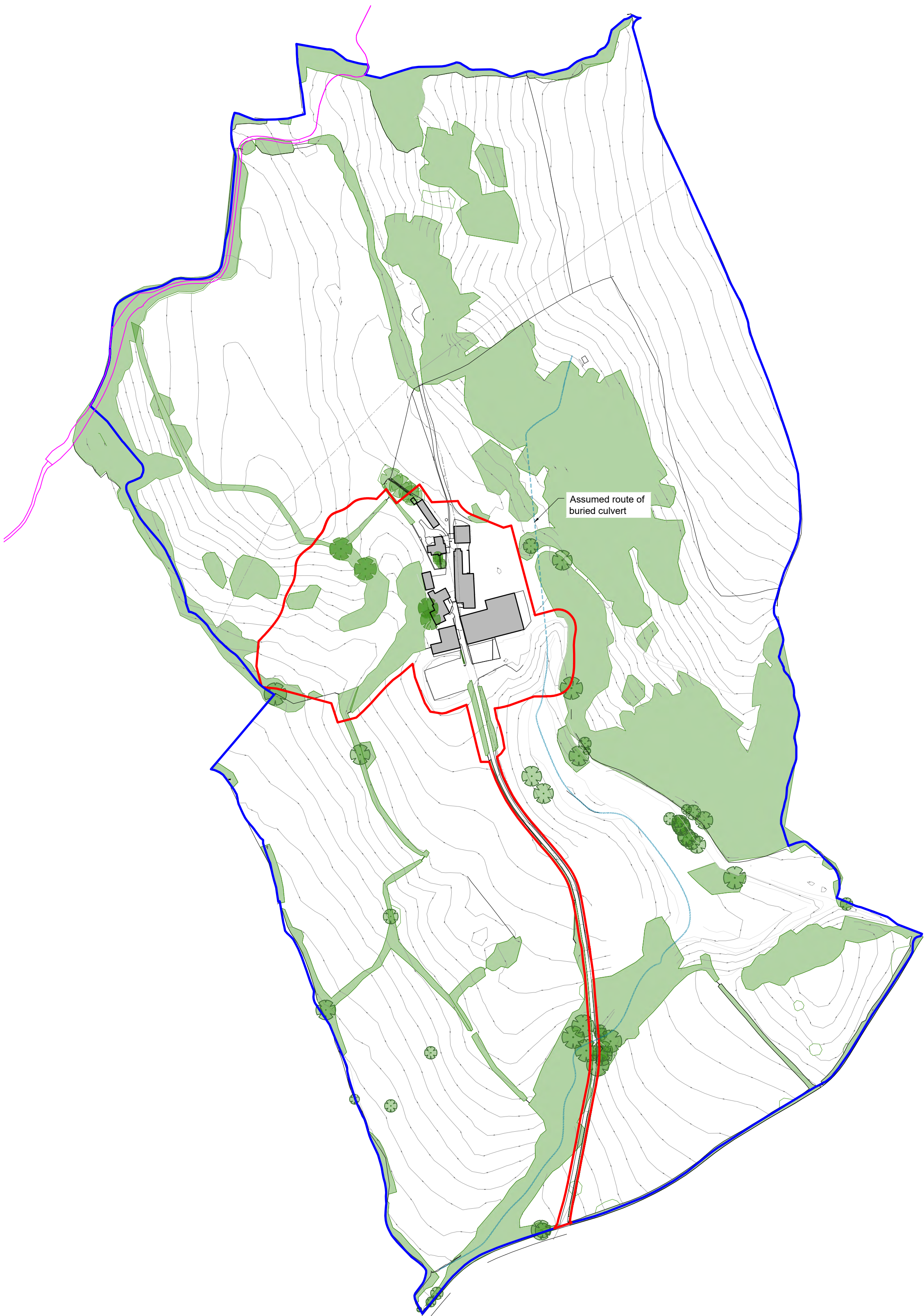
Dawsons Farm, Macclesfield

## DRAWING NAME

## Location Plan

	SCALE. 1:2500	SIZE. A1
JOB NO. E3355	DRAWING NO. 001	REVISION A

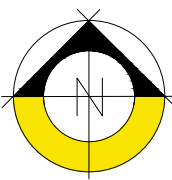
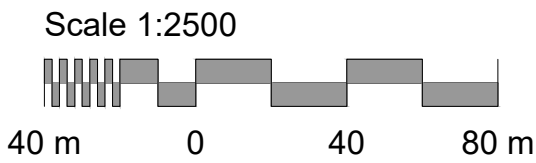




1 Overall Site Plan  
1:2500

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- KEY
- Site Ownership Boundary
  - Planning Application Boundary
  - Public Footpath
  - Existing Trees / Dense Vegetation
  - Existing watercourse

A	10.01.24	Countour heights added	KS	AB
0	31/10/22	Existing watercourse added	KS	AB
		First Issue	KS	AB

REVISION	DATE	DESCRIPTION	BY	CHECKED
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**eco**design  
consultants  
Architects & Environmental Consultants  
South Pavilion, MK Art Centre, Parklands,  
Great Linford, Milton Keynes, MK14 5DZ  
T: 01908 886854  
E: studio@ecodesignconsultants.co.uk  
W: www.ecodesignconsultants.co.uk

STATUS  
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**DS**

PROJECT  
**Dawsons Farm, Macclesfield**

DRAWING NAME  
**Overall site plan**

JOB NO.	DRAWING NO.	REVISION
E3355	004	A

SCALE:  
**1:2500**

SIZE:  
**A1**



- KEY
- Site Ownership Boundary
  - Planning Application Boundary
  - Proposed Contour lines
  - Existing Trees / Dense Vegetation
  - Existing watercourse
  - Proposed areas of Levels Re-grading
  - Building / Trees / Vegetation to be Removed
  - PV Panel
  - Proposed wildlife corridor

Existing brick barn building 6 to be retained. Refer to drawings E3355 040 - 042

Refer to Ecology report for details of mitigation

Refer also to Landscape Architects plan

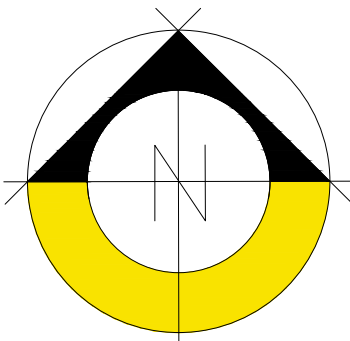
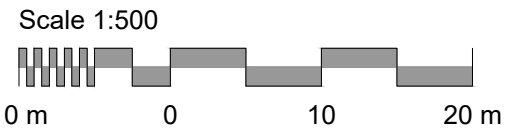


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G	10.01.24	Countour heights added	KS	AB
F	27.01.23	Existing watercourse added	KS	AB
E	20.01.23	Updates to North access	KS	AB
D	15.12.22	To Landscape Architect	AC	AB
D	15.12.22	Design development	KS	AB
C	01.11.22	Design development	KS	AB
B	13.09.22	Pre-planning	KS	AB
A	19.08.22	Pre-planning	KS	AB
0	18.08.22	Pre-planning, client review	KS	AB

REVISION	DATE	DESCRIPTION	BY	CHECKED
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STATUS  
**PLANNING**

CLIENT  
**DS**

PROJECT  
**Dawsons Farm, Macclesfield**

DRAWING NAME  
**Site Plan**

JOB NO.	DRAWING NO.	REVISION
E3355	060	G

SCALE	SIZE
1:500	A1

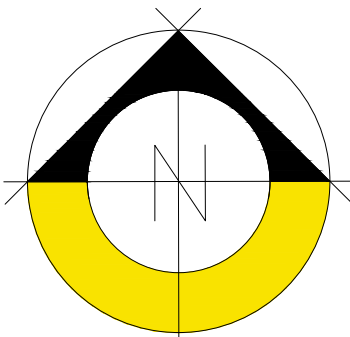
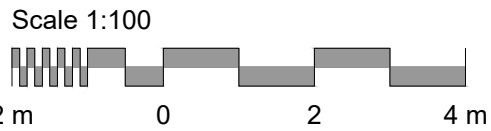


- Airtightness zone
- Insulation zone
- Waterproofing line
- Concrete structure
- New walls
- New insulation
- Low head room

NOTES

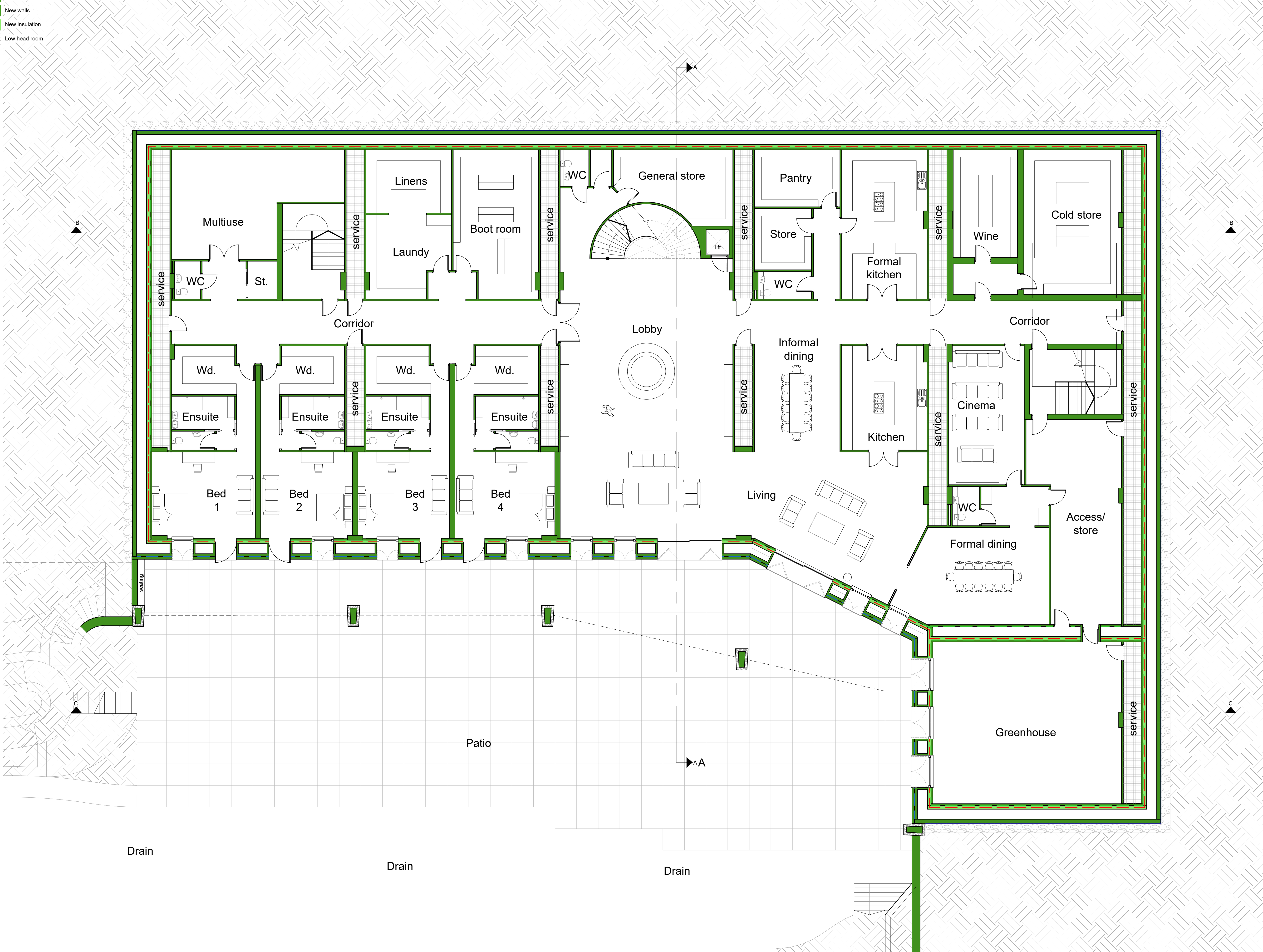
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GIA Ground Floor 1,378 m²

GIA Overall 4,134 m²



A	31.01.23	General updates	KS	AB
0	06.12.22	First Issue	KS	AB
REVISION	DATE	DESCRIPTION	BY	CHECKED

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STATUS

**PLANNING**

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PROJECT

Dawsons Farm, Macclesfield

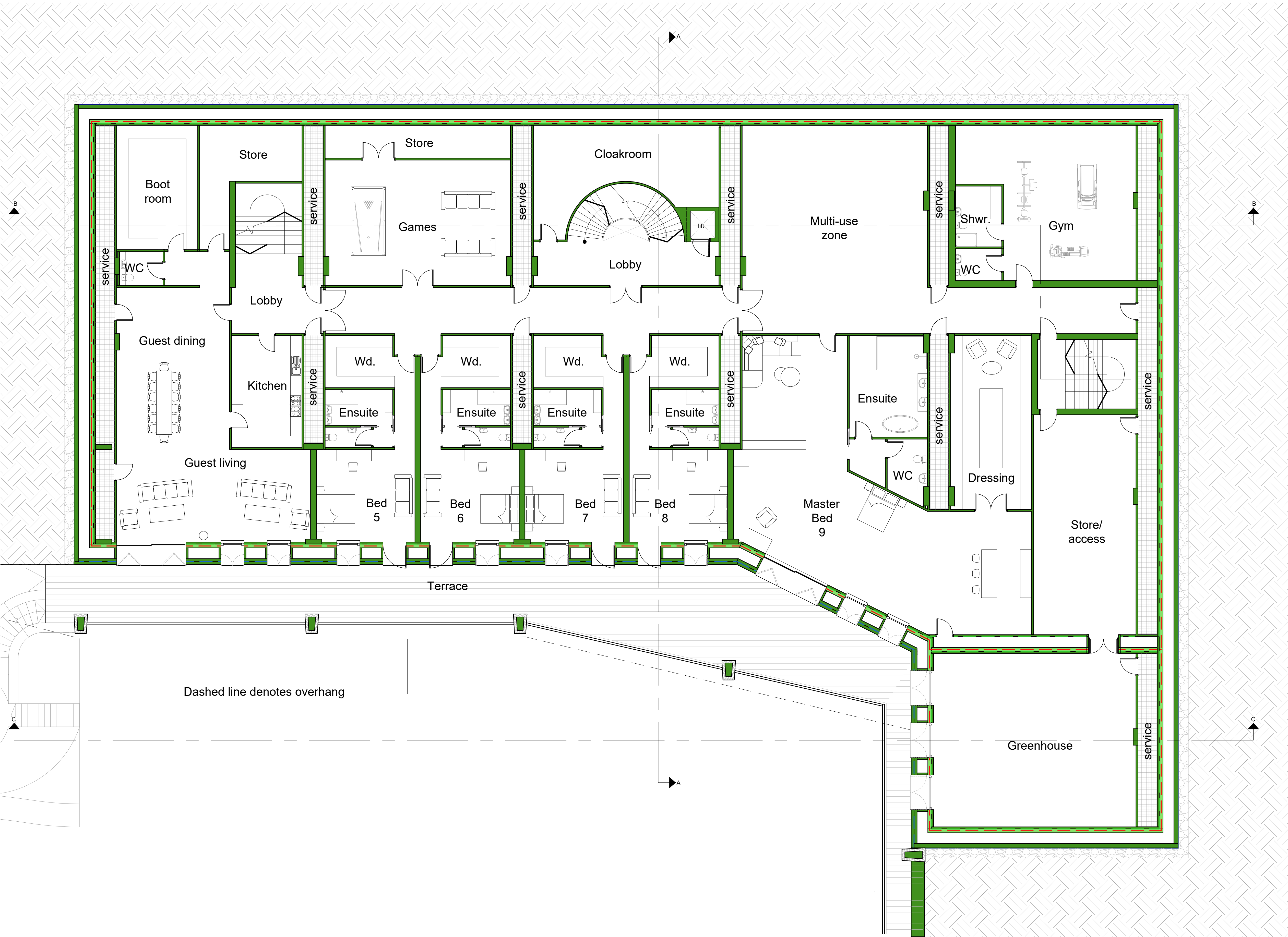
DRAWING NAME

Ground Floor Plan

	SCALE: 1:100	SIZE: A1
JOB NO. E3355	DRAWING NO. 075	REVISION: A



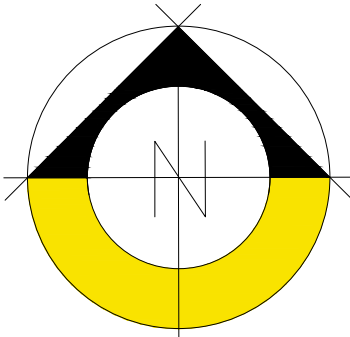
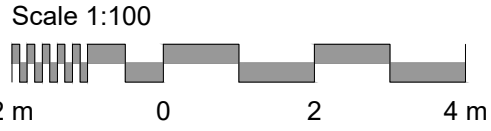
- Airtightness zone
- Insulation zone
- Waterproofing line
- Concrete structure
- New walls
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- Low head room



NOTES

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GIA First Floor 1,378 m²

GIA Overall 4,134 m²

A	31.01.23	General updates	KS	AB
0	06.12.22	First Issue	KS	AB
REVISION	DATE	DESCRIPTION	BY	CHECKED

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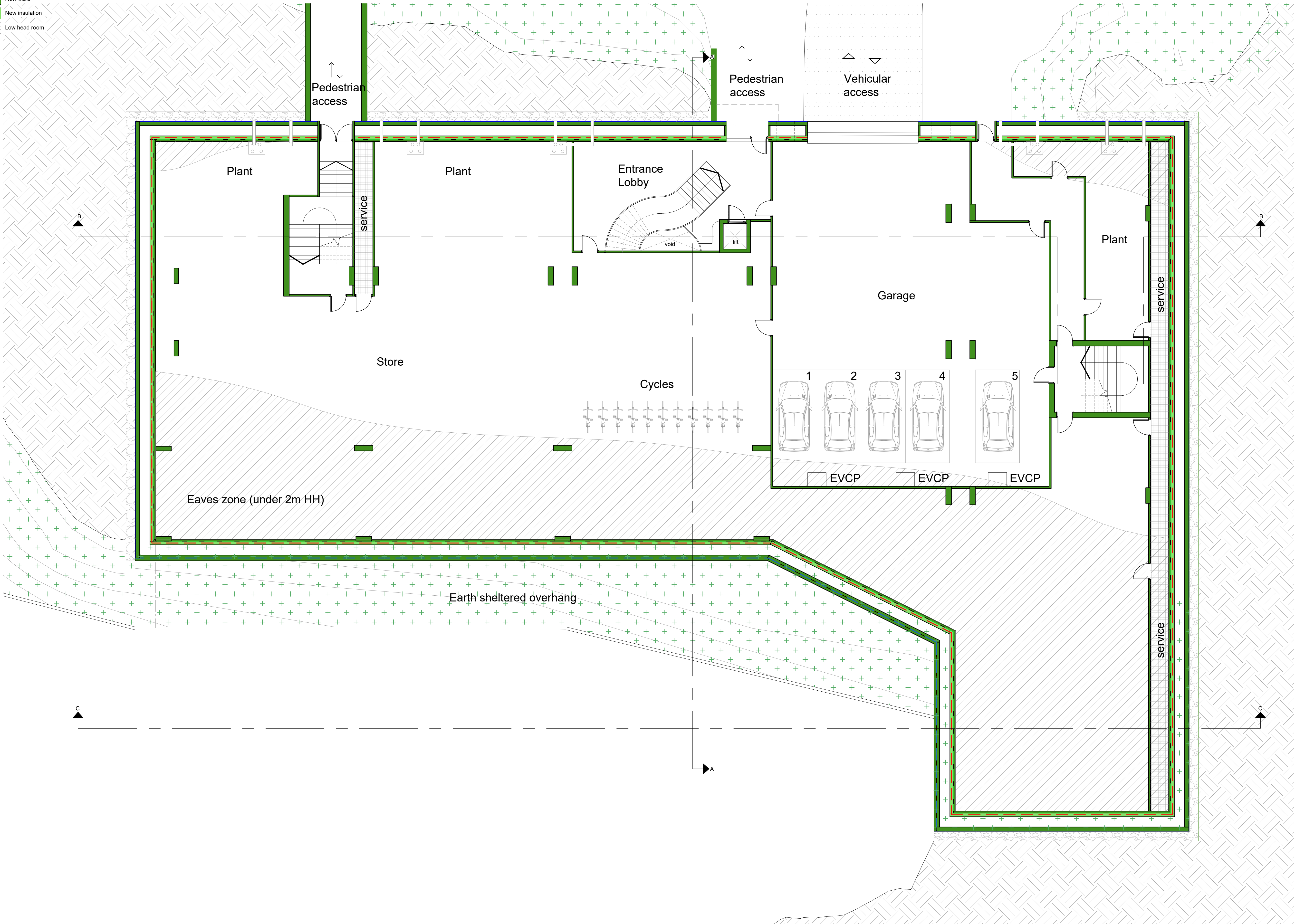
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STATUS				
PLANNING				
CLIENT				
DS				
PROJECT				
Dawsons Farm, Macclesfield				
DRAWING NAME				
First Floor Plan				
		SCALE.	1:100	SIZE. A1
JOB NO.	E3355	DRAWING NO.	076	REVISION A

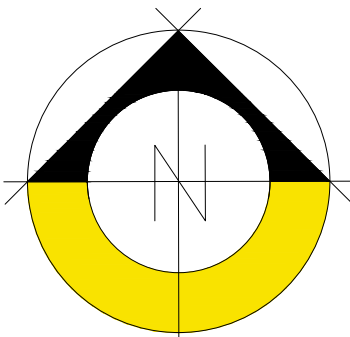
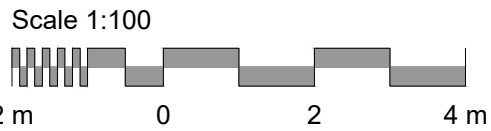


- Airtightness zone
- Insulation zone
- Waterproofing line
- Concrete structure
- New walls
- New insulation
- Low head room



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GIA Second Floor 1,378 m²  
GIA Overall 4,134 m²

A	31.01.23	General updates	KS	AB
0	06.12.22	First Issue	KS	AB
REVISION	DATE	DESCRIPTION	BY	CHECKED

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STATUS  
PLANNING

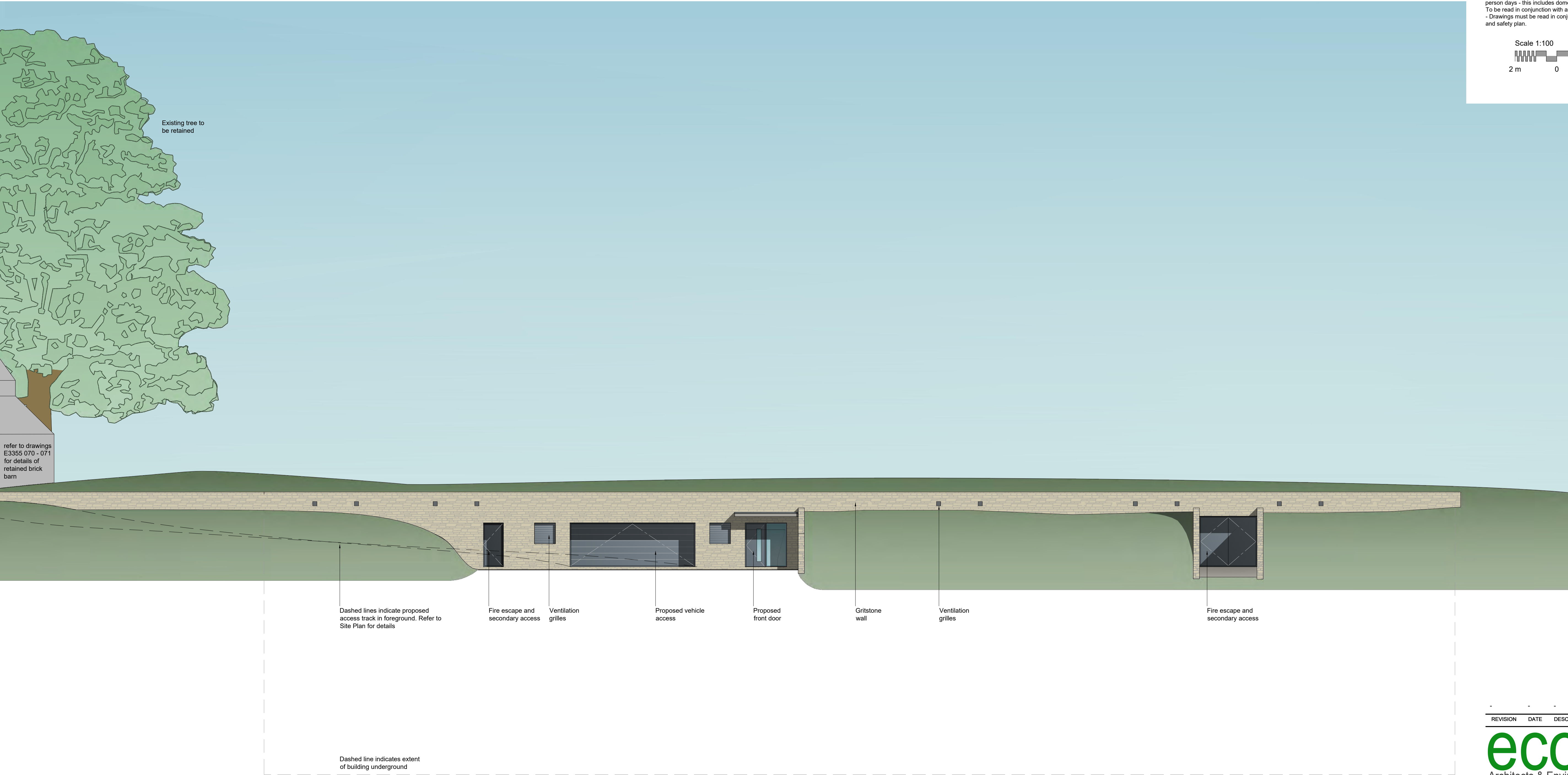
CLIENT  
DS

PROJECT  
Dawsons Farm, Macclesfield

DRAWING NAME  
Second Floor Plan

	SCALE: 1:100	SIZE: A1
JOB NO. E3355	DRAWING NO. 077	REVISION A





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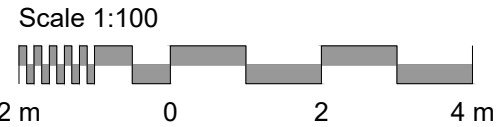
Read in conjunction with all relevant structural, mechanical and electrical engineers and landscaping

**CDM regulations 2015**

- For *notifiable projects* the building contractor must produce a Construction Phase Plan, which will include :- a statement of methods of construction, hazards, risks and how the works are to be controlled.
- A *notifiable project* is defined as works that are 30 working days long, with 20 workers at any point in the project or exceeds 500 working person days - this includes domestic projects.

To be read in conjunction with all CDM and HSE regulations.

- Drawings must be read in conjunction with Construction stage health and safety plan.



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STATUS

**PLANNING**

CLIENT

**DS**

PROJECT

**Dawsons Farm, Macclesfield**

DRAWING NAME		
North Elevation		
	SCALE: 1:100	SIZE: A1
JOB NO. E3355	DRAWING NO. 082	REVISION 0





NOTES

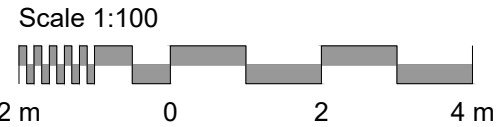
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**CDM regulations 2015**

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To be read in conjunction with all CDM and HSE regulations.  
- Drawings must be read in conjunction with Construction stage health and safety plan.



Refer to Landscape drawings  
for details of external works,  
planting and terracing

REVISION	DATE	DESCRIPTION	BY	CHECKED
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E: studio@ecodesignconsultants.co.uk  
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STATUS  
**PLANNING**

CLIENT  
**DS**

PROJECT  
**Dawsons Farm, Macclesfield**

DRAWING NAME  
**South Elevation**

	SCALE	SIZE
	<b>1:100</b>	<b>A1</b>
JOB NO.	DRAWING NO.	REVISION
<b>E3355</b>	<b>080</b>	<b>0</b>





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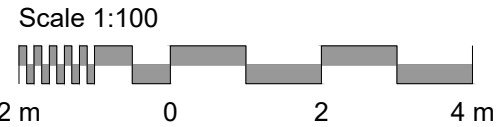
**CDM regulations 2015**

- For *notifiable* projects the building contractor must produce a Construction Phase Plan, which will include :- a statement of methods of construction, hazards, risks and how the works are to be controlled.

- A *notifiable* project is defined as works that are 30 working days long, with 20 workers at any point in the project or exceeds 500 working person days - this includes domestic projects.

To be read in conjunction with all CDM and HSE regulations.

- Drawings must be read in conjunction with Construction stage health and safety plan.



REVISION	DATE	DESCRIPTION	BY	CHECKED
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STATUS  
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**DS**

PROJECT  
**Dawsons Farm, Macclesfield**

DRAWING NAME  
**West Elevation**

JOB NO.	DRAWING NO.	SCALE.	SIZE.
E3355	081	1:100	A1
REVISION	0		

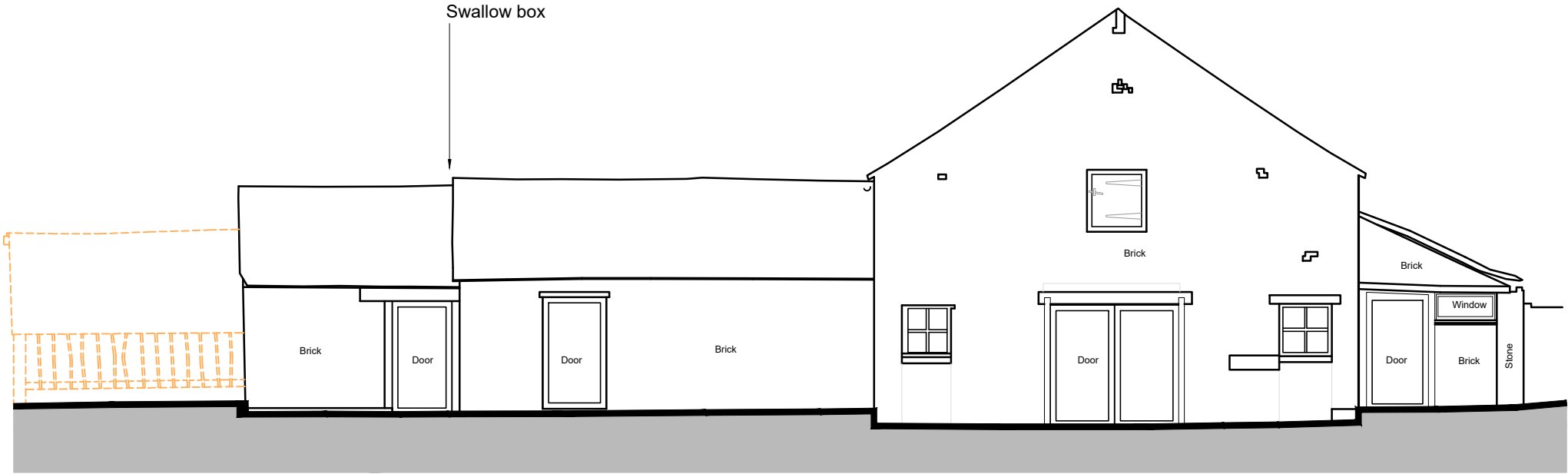


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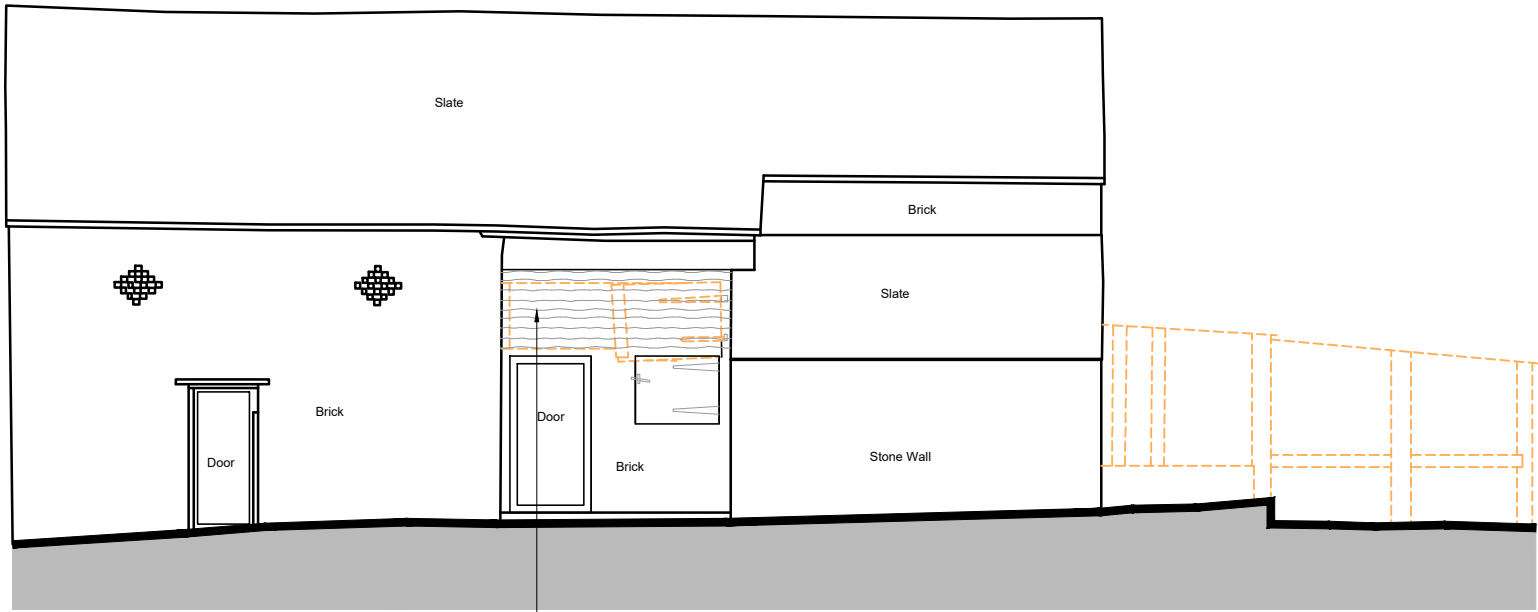
Existing building

Items to be Removed

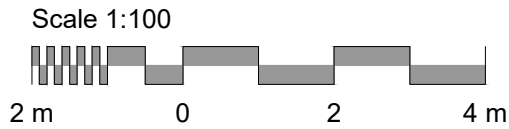
Refer to bat mitigation report for further details/plan of measures proposed to accommodate roosting bats and other onsite fauna within this structure



1 North East Elevation  
1:100



2 North West Elevation  
1:100



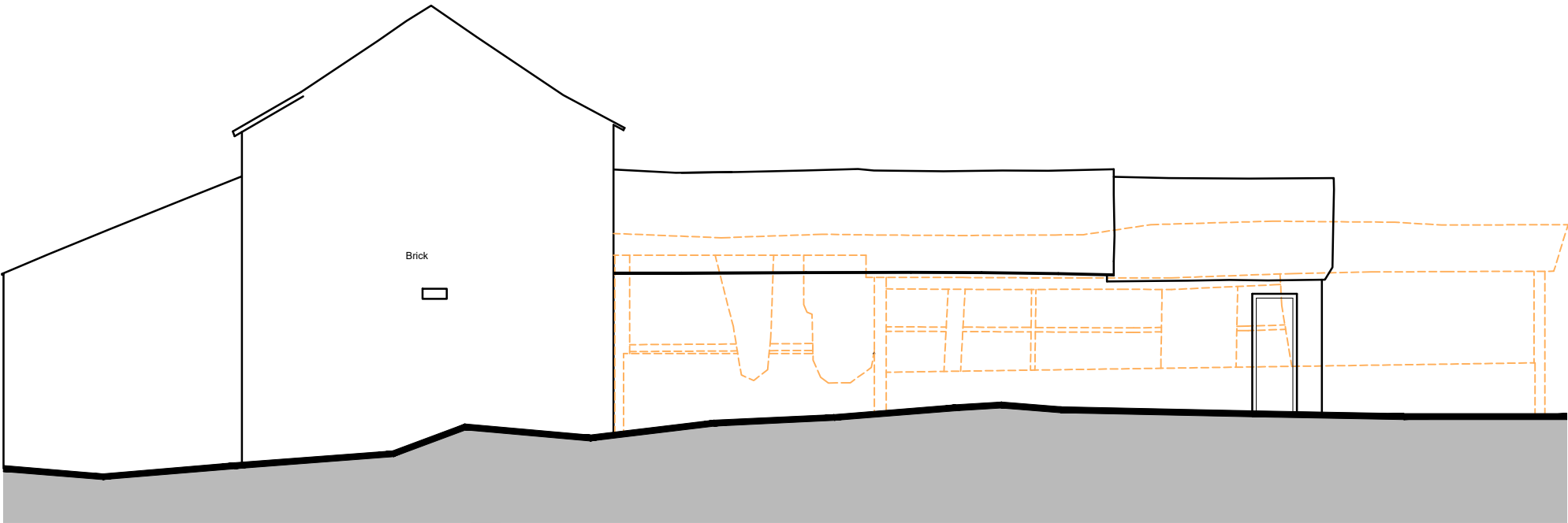
REV.	DATE	NOTES	BY	CHECKED	PROJECT	DRAWING TITLE			<div>eco design consultants</div> <div>Architects &amp; Environmental Consultants</div> <div>South Pavilion, MK Art Centre, Parklands, Great Linford, Milton Keynes, MK14 5DZ T: 01908 886854 E: studio@ecodesignconsultants.co.uk W: www.ecodesignconsultants.co.uk</div>
0	21.11.22	First Issue	KS	AB	Dawsons Farm, Macclesfield	JOB NO.	DWG. NO.	STATUS	
A	09.03.23	added doors into existing openings.	KY	AB		E3355	071	Planning	
DWG INFORMATION					CLIENT	SCALE	DWG. SIZE	REV.	
X:\Jobs\E3355 Dawson Farm, Macclesfield\3.0 Drawings\3.2 Drawing Sheets\E3355 071 Proposed building 6.dwg					DS	As shown	A3	A	
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KEY

Existing building

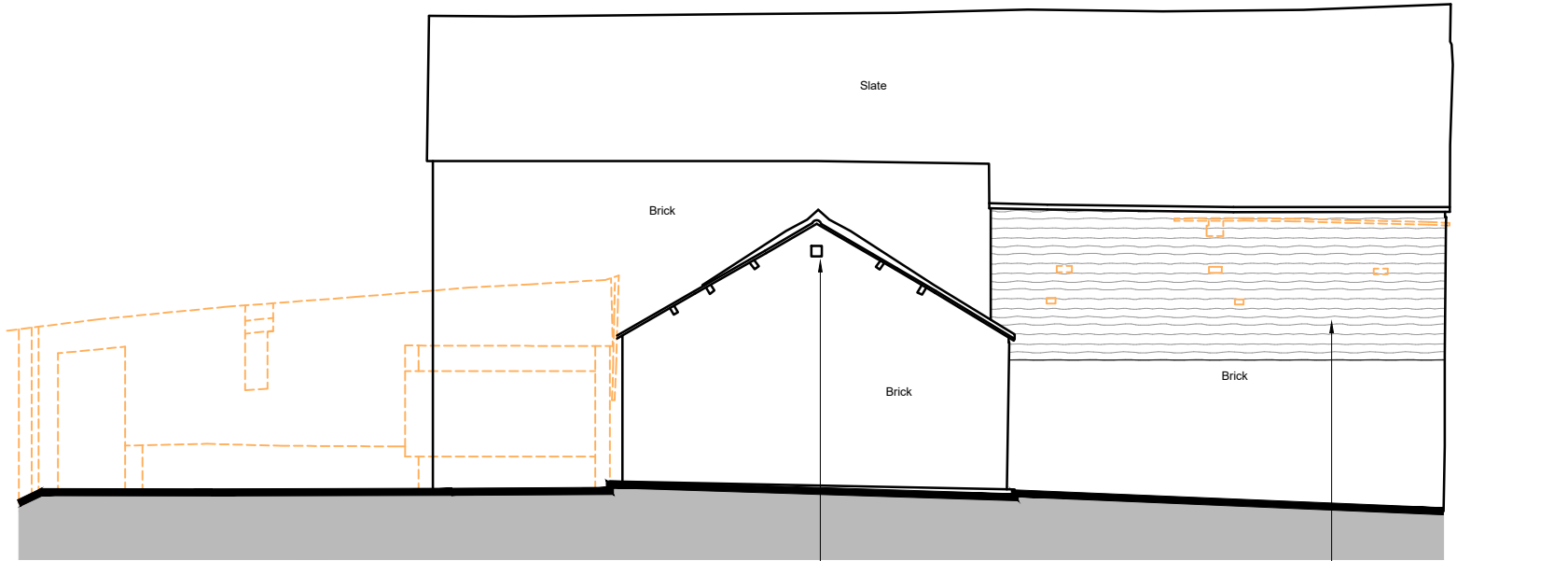
Items to be Removed

Refer to bat mitigation report for further details/plan of measures proposed to accommodate roosting bats and other onsite fauna within this structure



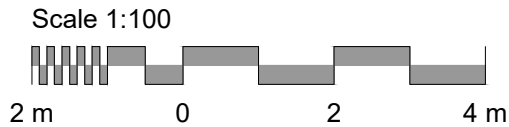
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South West Elevation  
1:100



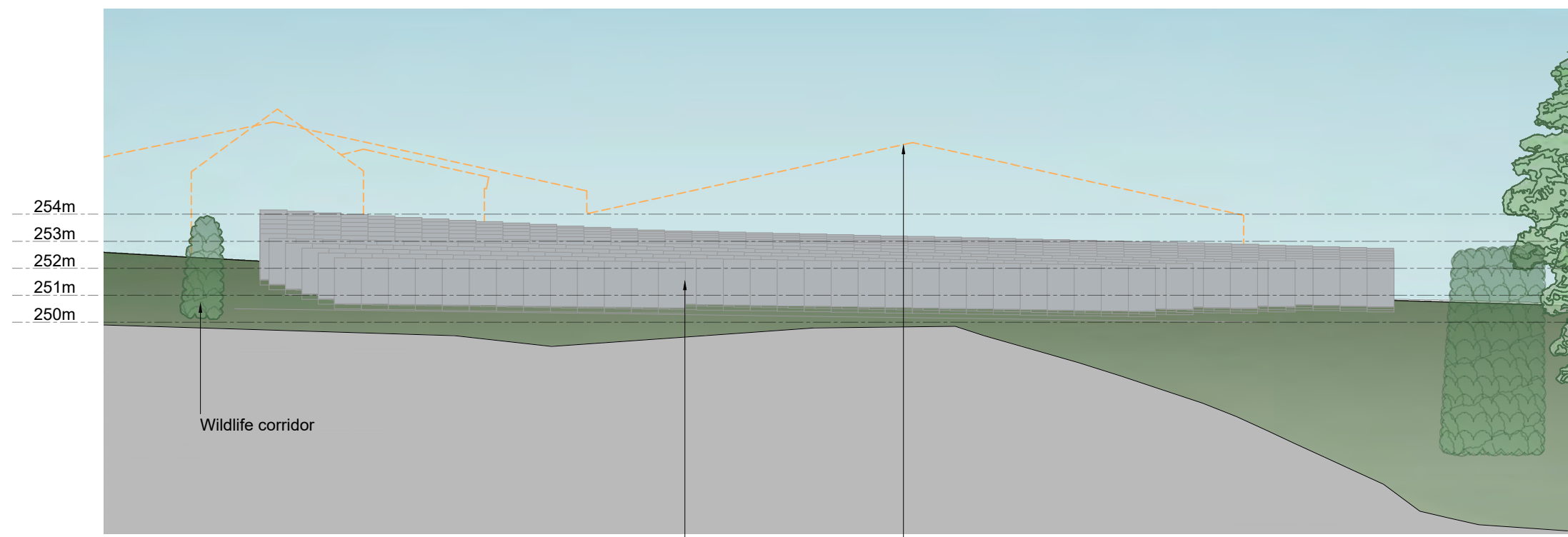
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South East Elevation  
1:100

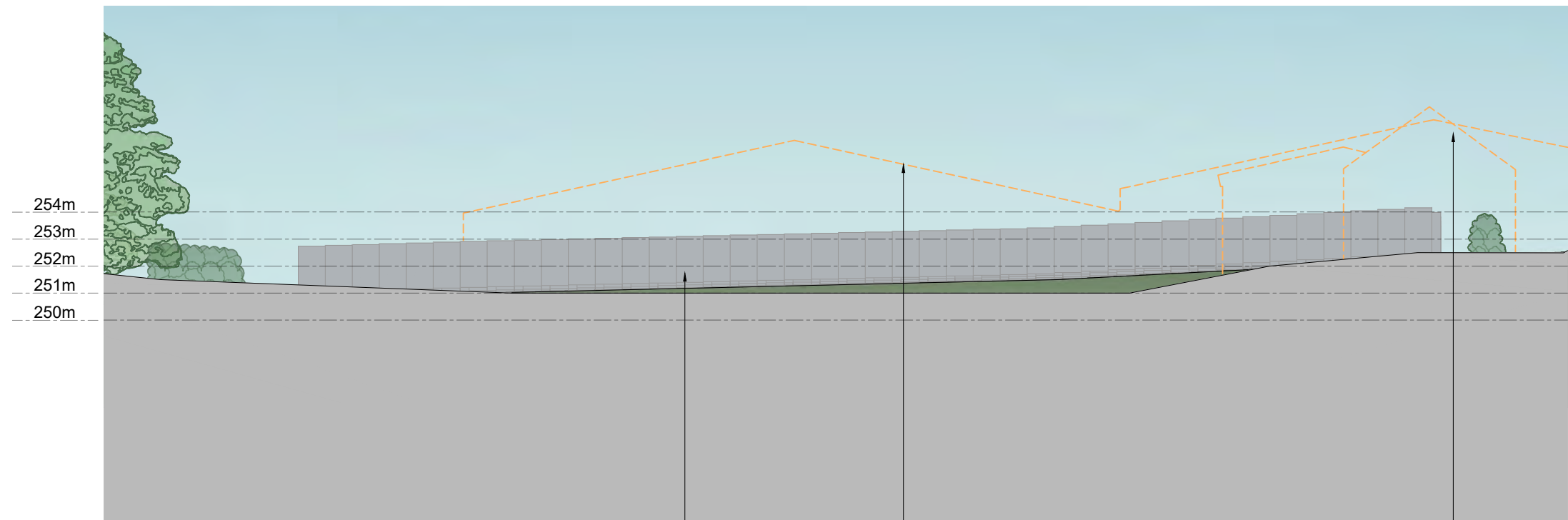


REV.	DATE	NOTES	BY	CHECKED	PROJECT	DRAWING TITLE			<div>eco design consultants</div> <div>Architects &amp; Environmental Consultants</div> <div>South Pavilion, MK Art Centre, Parklands, Great Linford, Milton Keynes, MK14 5DZ T: 01908 886854 E: studio@ecodesignconsultants.co.uk W: www.ecodesignconsultants.co.uk</div>
0	21.11.22	First Issue	KS	AB	Dawsons Farm, Macclesfield	JOB NO.	DWG. NO.	STATUS	
A	09.03.23	added doors into existing openings.	KY	AB		E3355	072	Planning	
DWG INFORMATION					CLIENT	SCALE	DWG. SIZE	REV.	
X:\Jobs\E3355 Dawson Farm, Macclesfield\3.0 Drawings\3.2 Drawing Sheets\E3355 070 Proposed building 6.dwg					DS	As shown	A3	A	
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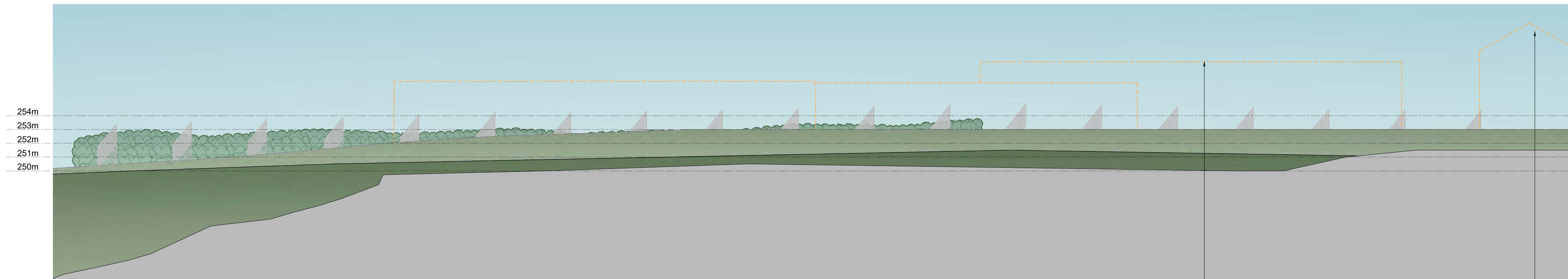




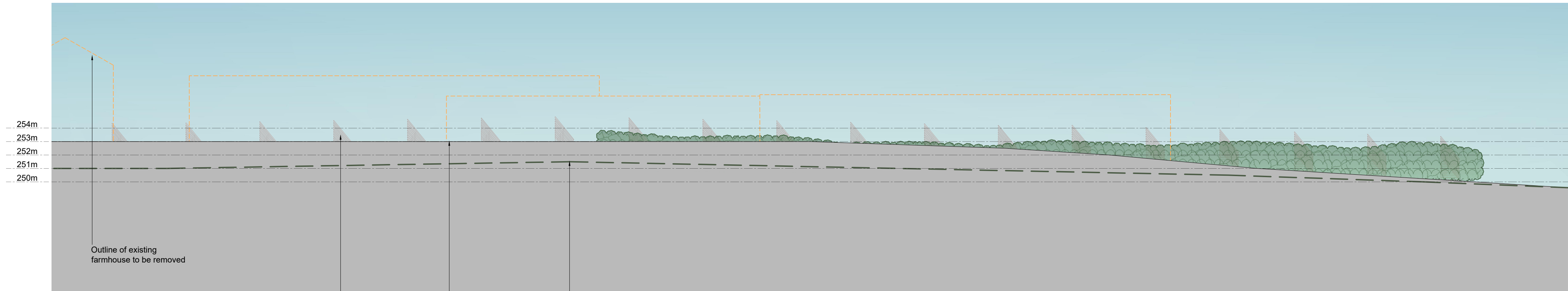
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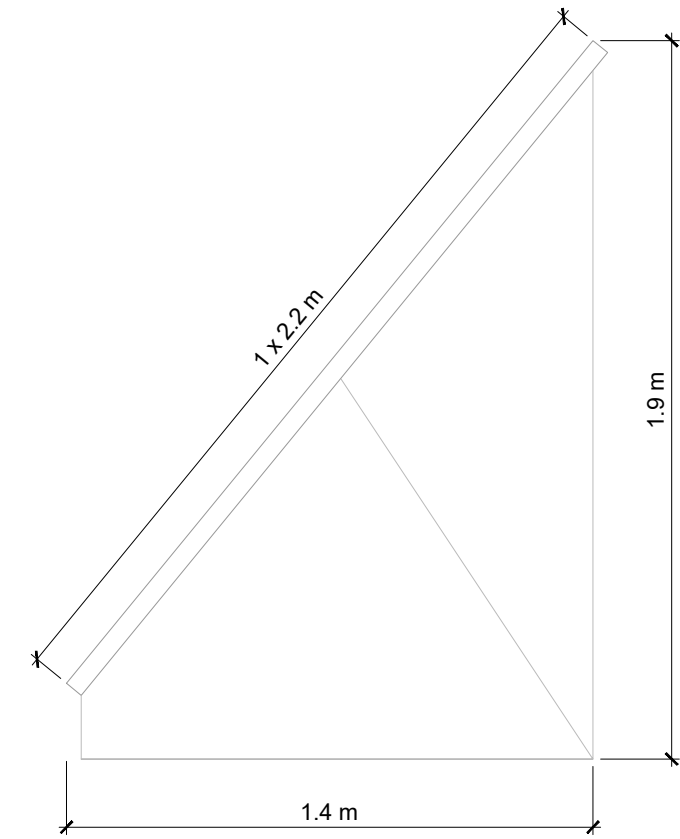
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B Section BB  
1:200



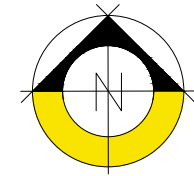
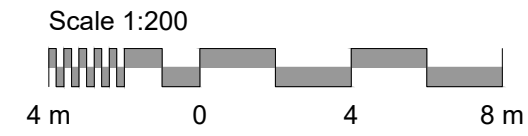
D Section DD  
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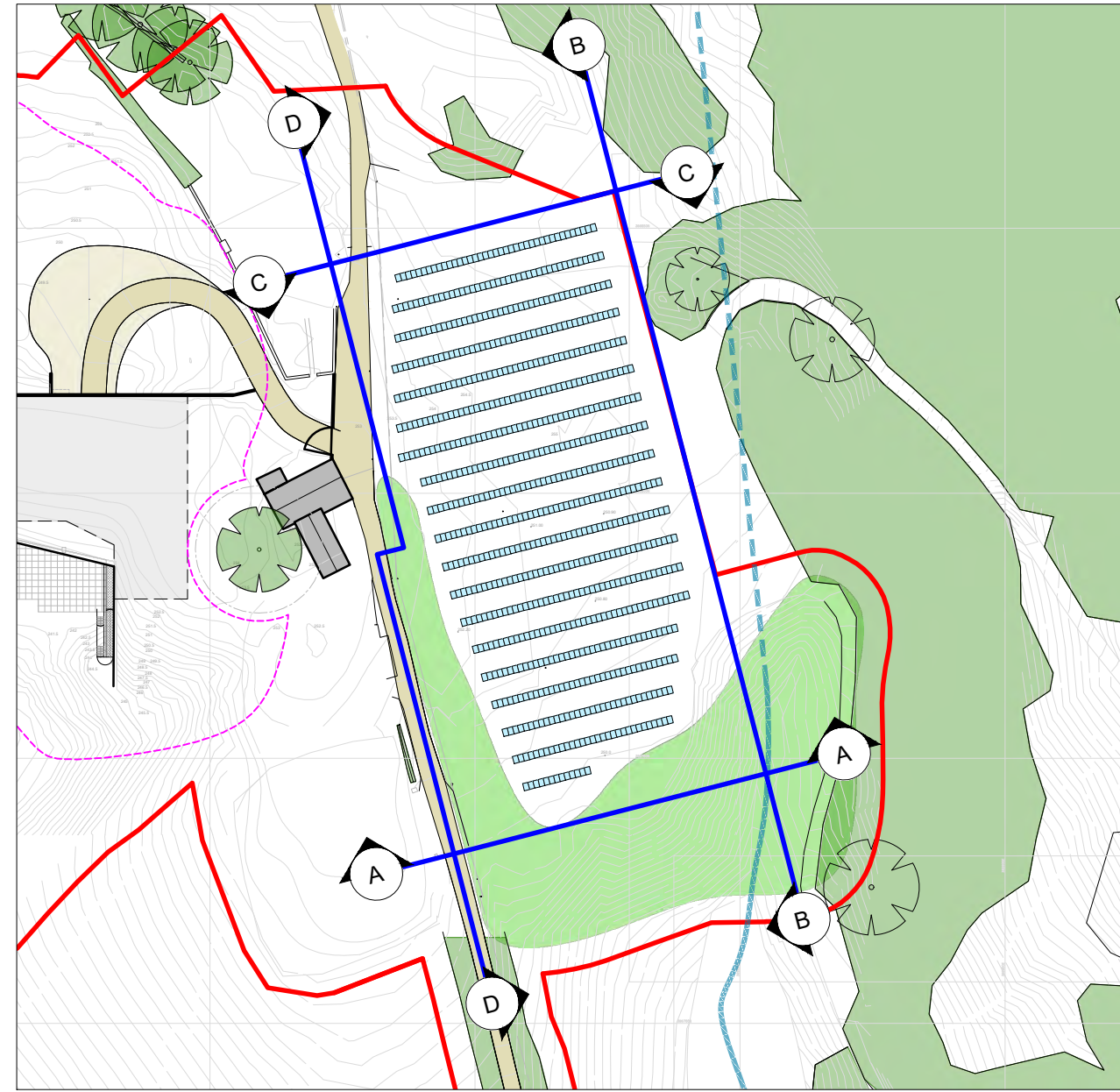
Approximate section of PV panel



Examples of proposed PV array



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Key Plan  
1:1250

Refer to drg. '060 Proposed Site Plan' for details

A	10.01.24	Levels indicated	KS	AB
0	01.06.23	First Issue	KS	AB
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STATUS			
PLANNING			
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DS			
PROJECT			
Dawsons Farm, Macclesfield			
DRAWING NAME			
PV Array Elevations			
		SCALE	SIZE
		1:200	A1
JOB NO.	DRAWING NO.		REVISION
E3355	066		0



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