



Congleton Town Council

Historic Market Town

Chief Officer: David McGifford CiLCA

Date 14th December 2023

Dear Councillor

Planning Committee Meeting – Thursday 21st December 2023

You are summoned to attend a meeting of the Planning Committee on **Thursday 21st December 2023** commencing at **7.00 pm**.

The meeting will be held in the Town Hall, High Street, Congleton, Cheshire, CW12 1BN

- **The Public and Press are welcome to attend the meeting, please note** - There will be 15 minutes at each meeting to receive any questions from Members of the Public, either verbally or at the meeting, including those which have been received in writing 7 days prior to the meeting.
- There may be confidential items towards the end of the meeting which the law requires the Council to make a resolution to exclude the public and press in accordance with Section 100 (B) (2) of the Local Government Act 1972.

Yours sincerely

David McGifford
Chief Officer



Congleton
beartown
where friends are made

Congleton Town Council, Town Hall, High Street, Congleton, Cheshire CW12 1BN

Tel: 01260 270350

Email: info@congleton-tc.gov.uk www.congleton-tc.gov.uk



AGENDA

1. Apologies for Absence

Members are reminded of the necessity to give apologies in advance of the meeting and to give reasons for absence.

2. Minutes of Previous Meetings

To approve the [minutes of the meeting on 16th November 2023](#)

3. Declarations of Disclosable Pecuniary Interest

Members are requested to declare both “non-pecuniary” and “pecuniary” interests as early in the meeting as they become aware of it.

4. Outstanding Actions

To review any outstanding actions from previous meetings and to provide an update on any work in progress.

5. Questions from Members of the Public Maximum 15 Minutes

A maximum of 5 mins is allowed for each application / subject.

6. Urgent Items

Members may raise urgent items related to this committee, but no discussion or decisions may be taken at the meeting.

8. Planning Enforcement

To receive any updates on enforcement matters

Astbury Bridge - Minute from the council meeting 7.12

CTC/69/2324 Resolved to request that the Chief Officer arranges a meeting with CEC's Head of Planning for councillors to

1. Understand the detail, status and value of the Section 106 agreement
2. Clear understanding of any engineering issues as to why the bridge cannot be built
3. Agree deliverable Highway options to improve access to the park should the bridge not be deemed to be viable
4. Material to be prepared for a public consultation on the bridge, if viable, or other options if not, geographic area for consultation to be agreed

Chief Officer e-mailed a request for a meeting 13.12.23

9. Planning Applications Section 1

To note or comment as appropriate on planning applications lodged with Cheshire East Council. Section 1 is for members of the public who are wishing to comment about specific applications at the meeting.

10. Neighbourhood Plan (to follow)

To receive an update on the progress of the Neighbourhood Plan

11. Planning Appeals

To note or comment as appropriate on planning appeals lodged with Cheshire East Council.

12. Licensing Applications

To note or comment as appropriate on Licensing Applications lodged with Cheshire East Council.

13. Cheshire East Council Consultation responses (Enclosed)

To approve the proposed responses to the Cheshire East Councils

13.1 Final Draft Developer Contributions Supplementary Planning Document (DC SPD)

13.2 Final Draft Environmental Protection Supplementary Planning Document (EP SPD)

14. Planning Applications Section 2 (Enclosed)

To note or comment as appropriate on planning applications lodged with Cheshire East Council.

To: Planning Committee Members

Cllrs: **Amanda Martin (Chair), Robert Brittain (Vice Chair)**

Suzie Akers Smith, Dawn Allen, David Brown, Charles Booth
Robert Douglas, Suzy Firkin.

Ex Officio: Rob Moreton (Town Mayor) and Kay Wesley (Deputy Mayor)

Ccs: Other members of the Council for Information, Police, Honorary Burgess (5), Press (3), Congleton Library, Congleton Information Centre.

CONGLETON TOWN COUNCIL

Minutes of the Planning Committee Meeting held on 16th November 2023

Please note – These are draft minutes and will not be ratified until the next meeting of the Council.

In attendance:

Committee Members: Councillors Amanda Martin (Chair)
Robert Brittain (Vice Chair)
Suzie Akers Smith
Charles Booth
Robert Douglas
Suzy Firkin

Ex Officio Rob Moreton (Mayor)
Kay Wesley (Deputy Mayor)

Non Committee member:

Congleton Town Council

0 Members of the press

4 Members of public

1. Apologies for Absence

Apologies for absence were received from Committee Members: David Brown Rob Moreton (Mayor)
Kay Wesley (Deputy Mayor)

2. Minutes of Previous Meetings

PLN/20/2324 Resolved to approve and sign the [minutes of the Planning Committee meeting held on the 19th October 2023](#)

3. Declarations of Disclosable Pecuniary Interest

There were no declarations of Interest

4. Outstanding Actions

Noted that the Chief Officer was in receipt of the West Ward section 106 agreements list but was still awaiting the East Ward

5. Questions from Members of the Public Maximum 15 Minutes

There were no questions from members of the public

6. Urgent Items

Cllr Douglas provided an update on the Sibelco planning application .

7. Committee guidance notes for applications that include trees

PLN/21/2324 Resolved To approve the amended guidance notes for applications that include trees

8. Planning Enforcement

To receive any updates on enforcement matters

7.9.23 Astbury Place /Congleton park bridge Section 106 – Briefing note from David Malcolm CEC Planning
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No further updates since 7.9.23

There was representation from members of the public expressing their views and those of others about the need for a bridge at Astbury Place (Morris Homes) as attached to the minutes .

PLN/22/2324 Resolved to request that Council approval is sought for a formal consultation to be undertaken of an agreed area to establish

1. If Cheshire East Council decide not to enforce construction of the bridge there needs to be an agreement on how the Section 106 funding could be spent to provide safe access to the park via Buxton Road

9. Planning Applications Section 1

There were no applications brought forward

10. Neighbourhood Plan

PLN/23/2324 Resolved to receive the report on the progress of the Neighbourhood Plan as presented at the meeting

11. Planning Appeals

There are currently no undecided planning appeals in our parish

12. Licensing Applications

Application from **Young Pretender 30-34 Lawton Street**

PLN/24/2324 Resolved to propose that the same operating conditions as the previous tenant should be placed upon the new tenant

13. Planning Applications Section 2 –

PLN/25/2324 Resolved to remove the star from item 7 and note no objection against the remaining starred items

Congleton Town Council comments on planning applications 16th November 2023

1	<u>23/3763C</u>	Demolition of the existing concrete frame structure currently forming Factory 2 and small single storey toilet block to the right-hand side of the existing office block.	Copeland And Craddock Limited, GREENFIELD ROAD, CONGLETON, CW12 4PX	No objection subject to compliance with the requirements relating to Surface drainage and Cadant gas
2	<u>23/3842C</u>	Alterations to Listed Building to form new salon	52, HIGH STREET, CONGLETON, N, CHESHIRE, CW12 1BA	Fully support
3*	<u>23/3910C</u>	Lawful Development Certificate for proposed rear outbuilding	19, BEATTY DRIVE, CONGLETON, CW12 2ER	No Objection
4*	<u>23/3963C</u>	Single Storey rear extension.	34, BACK LANE, CONGLETON, CW12 4PY	No Objection
5	<u>23/3977T</u>	26 Ash (Fraxinus excelsior) within woodland setting. Marked with orange and white dots (N side). Fell to ground level	Astbury Mere Country Park, SANDY LANE, CONGLETON	No objection
6	<u>23/3996T</u>	Tree work to Silver Birch tree to remove dead branch	4, BUCKTHORN GROVE, CONGLETON, CW12 4XQ	No objection
7	<u>23/3999C</u>	Prior approval of a proposed change of use of conversion of empty dog grooming unit to C3 (2b 3p 64.65 M2)	56, LAWTON STREET, CONGLETON, CW12 1RS	Objection on the grounds that there are no windows in the single bedroom or the bathroom. The conversion could be made acceptable if it was a one-bedroom flat
8*	<u>23/4055C</u>	Non-material amendment to 10/4480C - Demolition of Commercial Storage Building and Erection of 4 No. Dwellings	FORMER VALLEY MANUFACTURING SITE, NORTH STREET, CONGLETON, CW12 1HF	No Objection
9	<u>23/4077C</u>	New entrance porch and extension at first floor level and erection of part two storey and part single storey rear extension.	10, CONISTON AVENUE, CW12 4LY	Objection on the grounds of overdevelopment, the bulk of the development is not in keeping with the street scene
10*	<u>23/4131C</u>	Replacement of existing conservatory for proposed sun room.	Boundary Villa Farm, 4, BOUNDARY LANE, CHESHIRE, CW12 3HZ	No Objection

11*	23/4159C	Proposed dormer extension with new single storey rear extension.	10, LEEK ROAD, CW12 3HS	No Objection
12	23/4170T	Works to T1, T2 & T3.	35, Kestrel Close, CONGLETON, Congleton, CW12 3FA	No Objection
13*	23/2610C	Certificate of lawful proposed use of the track from Foll Hollow to the Moreton Meadows Farm	Moreton Meadows Farm, STONY LANE, CONGLETON, CW12 4DA	No Objection
14*	23/4219C	Extension to the rear of the property to create a kitchen diner c/w bifold doors	9, LEIGH ROAD, CONGLETON, CW12 2EG	No Objection
15	23/4213C	Installation of air source heat pump.	53, DELAMERE ROAD, CONGLETON, CW12 4PA	No Objection
16	23/4193C	Detached double garage and store	1, THE COTTAGE, CASTLE INN ROAD, CONGLETON, CW12 3LP	No Objection
17	23/4197C	Demolition of offices and storage building and the construction of four apartments with parking and access.	7, MOODY STREET, CONGLETON, CW12 4AN	No Objection – Subject to a secure bike storage facility being included

CONGLETON TOWN COUNCIL

COMMITTEE REPORTS AND UPDATES

COMMITTEE:	Planning		
MEETING DATE AND TIME	21 st December 2023 7.00 pm	LOCATION	Town Hall
REPORT FROM	Chief Officer David McGifford		
Agenda item	Agenda item 13 Cheshire East Council Consultations		
Background	<p>Cheshire East Council have requested consultation feedback against two Supplementary Planning Documents.</p> <ol style="list-style-type: none">1. Environmental Protection Supplementary Planning Document 20232. Developer Contributions Supplementary Planning Document 2023 <p>These are both quite complex and specialised consultations, therefore Andrew Thomson who is a Planning Consultant and advisor on our Neighbourhood Plan, has undertaken a review of both of these documents and provided a recommendation.</p>		
<p style="text-align: center;">1. Draft Environmental Protection Supplementary Planning Document 2023</p> <p>This document pulls together the Council's (CEC) approach to Environmental protection issues when considering planning applications and is limited to those matters which fall within the remit of the Council's Environmental Protection Team.</p> <p>The specific areas covered by the draft SPD are:</p> <ul style="list-style-type: none">Air quality and dust pollutionContaminated landNoiseLight pollutionOdour pollution <p>These are all important matters and can have a potential impact upon immediate neighbours to any proposed development as well as the wider community. The aim of the SPD is to offer guidance and technical advice to applicants to ensure that their proposed developments meets policy requirements and are designed to minimise impacts on public health, wellbeing and amenity.</p> <p>Planning Policy Framework</p> <p>The SPD points out that planning applications must be determined in accordance with the development plan unless material considerations indicate otherwise. It is noted in the SPD that such material considerations can include national planning policy and adopted SPDs where relevant.</p> <p>The SPD then lists the relevant development plans as follows;</p>			

The National Planning Policy Framework
National Policy for Waste
Noise Policy statement for England
National Planning Practice Guidance

Cheshire East local Plan Strategy 2017
SADPD 2022
Saved policies from the Cheshire Replacements Minerals Plan 1999
Saved policies from the Cheshire Replacement Waste Local Plan 2007

Completed Neighbourhood Plans

Existing policies

Within the **Cheshire East Local Plan Strategy** there are 4 strategic priorities relating to 'protecting and enhancing environmental quality' and these are;

SD1 Sustainable development in Cheshire East
SD2 Sustainable development principles
SC3 Health and well-being
SE12 Pollution, land contamination and land instability

There are also a number of policies that are of relevance to Environmental Protection including;

Env 9 Wind energy
Env 12 Air quality
Env 13 Aircraft noise
Env 14 Light pollution
Env 15 New development and existing uses
Rur 1 New buildings for agriculture and forestry
Rur 2 farm diversification
Rur 7 Equestrian development
Rur 8 Visitor accommodation
Rur 9 Camping and caravanning
Rur 10 Employment in the open countryside

In addition

Rur 6 allows for artificial lighting only strictly where necessary
Hou12 does not allow development that would cause unacceptable harm to residential amenity
Ret 5 requires restaurants and other similar uses to have no adverse effect on residential amenity
Ret9 seeks to promote the creative use of lighting to add drama to the night-time townscape
Rec 4 requires day nurseries not to cause unacceptable harm to residential amenity

The **Cheshire East Minerals Local Plan 1999** requires applications to evaluate the direct and indirect effects of any mineral proposals including noise, dust, illumination, air-over pressure and peak particle velocity levels.

The **Cheshire Waste Local Plan 2007** includes policies relating to sustainable waste management; impact of development proposals, noise, air pollution, litter and air pollution odour.

There are 37 completed neighbourhood plans in Cheshire East and some of these plans do contain locally specific requirements in relation to Environmental Protection.

The **Draft Environmental Protection SPD** brings a lot of these policies together, updates them and includes making an application together with pre-application advice.

It goes into some detail on the following matters;

Air quality (Section 4 – page 14); including Local air quality management, air quality objectives, air quality assessments, planning conditions and mitigation, air quality during construction and heating appliances such as biomass mass boilers and combined heat and power systems.

Contaminated Land (Section 5- page 22); What is contaminated land, contaminated land and planning and site investigation and assessment

Noise (Section 6 page 32); acceptable noise levels, noise sensitive developments, noise generative developments, noise impact assessments, mitigation measures and noise during construction

Light (Section 7 page 39); what is light pollution, light and planning. Sources of light pollution, lighting assessments, mitigation measures, planning conditions and lighting during construction.

Odour (Section 8 page 42). Requirements for hot food premises and odour impact assessments.

The plan also includes a useful Glossary.

PROPOSAL :

This Draft SPD brings together a lot of the latest national and local policy which will be very useful when discussing both pre-application proposals and planning applications. It is recommended therefore that Cheshire East Council should be encouraged to adopt the SPD as soon as possible.

Final Draft Developer Contributions Supplementary Planning Document 2023

This document sets out exactly what can be considered as Developer Contributions, the purpose of the document and its status. It sets out in part 2 how views can be submitted and what happens after the consultation. Part 3 sets out the planning policy framework and part 4 explains the differences between planning obligations, Community Infrastructure Levy (CIL), Section 278 Agreements, planning conditions and how Section 106 agreements can be varied. Part 5 sets out pre- process involved including pre-application discussions, heads of terms, stages of a S106 agreement, viability, cross-boundary applications, security and timing of payments and index linking. Part 6 sets out fees and charges and parts 7 to 18 lists contributions requirements. Part 19 is a Glossary of the terminology referred to in the various sections and Part 20 includes 4 appendices.

Cheshire East Council's Local Plan Strategy (LPS) is underpinned by an Infrastructure Delivery Plan which sets out the physical, social, and green infrastructure needs associated with the Plan strategy. Developer contributions are an important source of funding to ensure that the infrastructure needs of the borough are met, and via requirements set out in the local plan, development in Cheshire East provides an important source of funding for infrastructure investment.

Whilst there are a variety of sources of funding for infrastructure (Community Infrastructure Levy, government grants, the Councils capital budget etc), since the adoption of the Local Plan Strategy in 2017, over £15 million has been spent on infrastructure projects, secured through S106 financial contributions related to mitigating impacts of development.

S106 legal agreements are not limited to securing financial contributions and are often used to ensure that development takes place in a specified way, for example ensuring delivery of a design feature that incorporates footpaths in certain parts of a site. However, where funding is secured, it is used to mitigate the impacts of development and improve infrastructure provision in multiple different ways, for example: Managing homelessness (Congleton, £166, 215):

S106 funding used to purchase a temporary accommodation property in Congleton to provide a safe and suitable place for homeless individuals and families to live on a temporary basis whilst more long-term secure housing is found.

Education provision (Crewe, £802,000):

Expansion of the Mablins Lane Primary School in Crewe to accommodate a rise in the local area population.

Recreation and play space (Wilmslow, £70,000 S106 plus £47,000 CIL):

Play area improvements delivered at Little Lindow for new/relocated play area, new equipment, path, seating, planting and maintenance.

Highways improvements (Sandbach, £285,000): Upgrade of an existing Zebra crossing on London Road, and new pedestrian crossing on Middlewich Road, alongside pedestrian crossing on Middlewich Road, and footway

improvements to Elworth Primary School and provision of secure cycle storage at Sandbach Station.

Congleton Link Road (Congleton, £22million): S106 funding secured from multiple local plan sites in Congleton to deliver improved connections to the M6, manage town centre congestion and enable development to the north of Congleton.

What are Developer Contributions?

Developer contributions or planning obligations can be required to mitigate the impacts of development and make a proposal acceptable in planning terms. Contributions levied through legal agreements (S106) set out specifically what funding should be secured and for what purpose the funding should be spent. Contributions are made through legal agreements and financial contributions are paid to the Council at agreed trigger points and usually related to the build out of the development.

For financial contributions the Council will hold such funds until the requirements of the legal agreement can be met, and the specified project started.

There are 3 main types of developer contribution;

Community Infrastructure Levy (CIL)

Highway Contributions (Section 278 agreements)

Section 106 agreements

These developer contributions must be levied in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010 which establishes that contributions must be:

Necessary to make the development acceptable in planning terms

Directly related to the development, and Fairly and reasonably related in scale and kind to the development.

Purpose of this SPD

Is to provide information about the provision of and/or contributions towards infrastructure, facilities and services for the Cheshire East Local Plan and to set out the circumstances where infrastructure provision, including financial contributions, will be sought through planning obligations.

This final draft relates to policies in the Cheshire East local plan and the SADPD.

Relevant Planning Policies

Section 106 of the Town and Country Planning Act 1990 (as amended)

Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010

Paragraphs 54 to 57 of the NPPF (February 2019)

Cheshire East Local Plan Policies;

IN1 Infrastructure

IN2 Developer Contributions

SE6 Green Infrastructure

SE7 Historic Environment

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and Well-being

SC5 Affordable Housing

SC6 Rural Exception Housing for local needs

SE3 Biodiversity and Geodiversity
SE5 Trees, hedgerows and woodland
SE6 Green Infrastructure
SE12 Pollution, contamination and land stability
SE13 Flood Risk
CO2 Enabling Business Growth through transport infrastructure
 SADPD
 Gen 4 Recovery of forward funded infrastructure costs
 Gen 7 Recovery of planning obligations reduced on viability grounds
 Env1 Ecological networks
 Env2 Ecological implementation
 Env 6 Trees, hedgerows and woodlands implementation
 Env 11 Proposals for battery storage systems
 Rur 4 Essential rural workers occupancy conditions
 Rur 8 Visitor accommodation outside settlement boundaries
 Ret 10 Crewe town centre
 Ret11 Macclesfield town centre
 Rec 2 Indoor sports and recreation implementation
 Rec 3 Green space implementation
 Supplementary planning guidance
 Macclesfield BC SPG on 106 agreements May 2004
 Congleton Borough council Local development framework Interim Policy note – open space provision for new residential developments 2008
 (Both these documents will be revoked on adoption of the developer Contributions SPD)
 The SPD, in section 5, then sets out in some detail the difference between planning obligations, CIL, Section 278 and planning conditions as well as how and in what circumstances Section 106 Agreements can be varied.
 There is also a detailed section (6) on procedure including pre-application discussions; Heads of Terms; stages in the 106 process; cross boundary applications; security and timing of payments; index linking and fees and charges.
 Section 7 of the SPD summarises the scope and detail of likely contributions and requirements as they relate to the policies in the various Development Plans and these can be summarised as follows;
 Affordable Housing
 Cheshire Constabulary
 Climate Change
 Design and Public Realm
 Ecology
 Education
 Highways and Transport
 Sports facilities and open space and green infrastructure
 Public health and health infrastructure
 Recovery of forward funded infrastructure
 Other matters including heritage, public rights of way, flood risk and SUDS and, trees and hedgerows.
 There is a very helpful Glossary at the end of the document together with 4 appendices that relate to;
 HRA/SEA Screening assessment
 Local Plan and SADPD viability assessment and update
 Cheshire East Parking Standards
 Health Impact Screening Assessment

Proposal

It is recommended that Cheshire East Council should be encouraged to adopt the SPD as soon as possible.

Planning applications from WC 13, 20,27 Nov & 4 Dec

1*	23/4078C	New stretch tent to external area to the rear of the premises.	30- 34, LAWTON STREET, CW12 1RS
2*	23/4231D	Discharge of conditions 5 and 16 on application 17/2235C: Conversion of a redundant barn into a dwelling along with the erection of 2No. new dwellings	Lambrigg, 80, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 2DY
3	23/4240T	Tree 1 is a ash tree- the work to carry out on the tree is a pollard down the main stem tree 2 is a oak and the customer wants 3-4 branches that overhang there garden to be removed	1, ANNAN CLOSE, CONGLETON, CHESHIRE, CW12 3RZ
4*	23/4293C	To remove a side 1.86m high brick wall, small trees/hedge/plants and replace with 2m high timber fence with new beech/hawthorn hedge in front DECISION MADE	20, BRIDGEWATER CLOSE, CONGLETON, CHESHIRE, CW12 3TS
5*	23/4297C	Change of use to section of existing warehouse into gymnasium. (Class B8 to E)	Radnor Park, GREENFIELD ROAD, CONGLETON, CW12 4TW
6*	23/4299C	Proposed access gate to existing field.	The Robin Hood, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 3PE
7*	23/4314D	Discharge of Conditions 3, 6, 7, 9, 12, 13 and 16 on approval 22/1340C: Construction of 3 no. dwellings and associated works	Craig House, READES LANE, CONGLETON, CW12 3LL
8*	23/4323C	Proposed single storey side extension, proposed single storey glazed lean-to to rear and elevational alterations. DECISION MADE	14, PIRIE ROAD, CONGLETON, CW12 2EE
9	23/4370T	T1 Cherry, T2 Conifer, T3 Conifer, T4 Cherry, T5 Holly, T6 Goat Willow and T7 Multi-Stem Holly (Fell). T8 Crown raise to approx 3m AGL. G1, Laurel and Holly mix, reduce in height to approx 1.5m AGL	Bradshaw House, 21, LAWTON STREET, CONGLETON, CW12 1RU
10*	23/4386C	Variation of condition 2 of existing permission 22/2469C; Replacement dwelling (From four bedroom detached to four-bedroom detached).Re-submission of previously approved applications 16/2148C and 19/4152	Threeways, PEDLEY LANE, CONGLETON, CW12 3QD
11	23/4429C	Erection of L-shaped stable building	Land west of Stone Cottage, MIDDLE LANE, CONGLETON, CW12 3PU
12*	23/4438C	Proposed front porch and remove existing front gate and opening built up in stone	43, DALE CRESCENT, CONGLETON, CW12 3ER
13	23/4455C	Demolition of a detached garage and the construction of two 1-bedroom flats.	Land to the West of, ELIZABETH

			STREET, CONGLETON, CW12 4DJ
14	23/4465C	Variation of condition 2 on application 17/2235C - Conversion of a redundant barn into a dwelling along with the erection of 2No. new dwellings	Land to the rear of 80, BUXTON ROAD, CHESHIRE, CW12 2DY
15*	23/4483C	We propose removing the garage door and replacing with a window, approximately 1550 x 1000mm in size. The bricks around the window will match the existing brick for consistency. There will be no structural changes required as the natural stone lintel above the window will remain in place. A concrete footing will be added underneath the bricks below the window to provide extra support.	21, FORGE LANE, CONGLETON, CW12 4HF
16*	23/4501C	Proposed first floor rear extension over existing flat roof to plot 03	The Robin Hood, BUXTON ROAD, CONGLETON, CHESHIRE, CW12 3PE
17	23/4519C	Two storey rear extension, front and rear dormers, and demolition of existing conservatory.	16, THREE FIELDS CLOSE, CONGLETON, CHESHIRE, CW12 4PU
18	23/4598C	Proposed double side extension which continues over the existing kitchen to the rear in addition to a single infill extension to the rear elevation and various internal alterations	57, LEEK ROAD, CONGLETON, CW12 3HX