

Application No: 11/0107M

Location: FORD HOUSE, THE VILLAGE, PRESTBURY, MACCLESFIELD, CHESHIRE, SK10 4DG

Proposal: Demolition of Ford House and construction of replacement building for parish offices, associated apartments and construction of six (6) townhouses and two (2) apartments within the grounds of Ford House.

Applicant: ST PETERS PAROCHIAL CHURCH COUNCIL

Expiry Date: 26-Apr-2011

**Date Report Prepared:** 1 April 2011

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- Whether the proposal meets the sustainability objectives of PPS3 Housing
- The demolition of a locally listed building
- The impact upon the Conservation Area
- The impact upon trees of amenity value
- The impact upon highway safety
- The impact upon the amenity of neighbouring property

#### **REASON FOR REPORT**

The application has been brought to the Committee by the Head of Planning & Housing due to the significant local interest in the proposal.

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

The application site comprises a detached two-storey locally listed building from the 19<sup>th</sup> century most recently used as meeting rooms and other supporting activities to St Peter's church. Over the years there have been a number of external extensions and internal alterations, but recently the condition of the building has deteriorated to the extent that it was closed for health & safety reasons in 2007. The site occupies a prominent position at the north eastern end of The Village, within the Prestbury Conservation Area as identified in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish Ford House and erect a replacement building for parish offices and 3 apartments associated with the church, and the construction of 6 town houses and 2 apartments within the grounds of Ford House and alterations to the existing access.

An accompanying application for Conservation Area Consent (11/0108M) appears elsewhere on the agenda. The separate planning application for the extension to St Peters church (11/0144M) is also linked to this proposal to the extent that the proceeds from the proposed Ford House development will fund the extension to the church, as a form of enabling development.

## **POLICIES**

### **Regional Spatial Strategy**

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure

DP5 - Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

L4 – Regional Housing Provision

RT2 – Managing Travel Demand

### **Local Plan Policy**

NE11 – Nature Conservation

BE1 – Design Guidance

BE2 – Preservation of Historic

BE3 – Conservation Areas

BE4 – Design Criteria in Conservation Areas

BE20 – Locally Important Buildings

BE24 – Development of sites of Archaeological Importance

H1 – Phasing policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing Sites

DC1 – Design: New Build

DC3 – Amenity

DC6 – Circulation and access

DC8 - Landscaping

DC9 – Tree protection

DC38 – Space, light and privacy

DC63 – Contaminated Land

### **Other Material Considerations**

Prestbury Conservation Area Appraisal (2006)

Prestbury Village Design Statement (2007)

Local List of Historic Buildings SPD (2010)

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

Cheshire Archaeology Planning Advisory Service – Insufficient information has been submitted in order to assess the impact of the works and advise on the archaeological mitigation (to be secured by condition) that may be necessary.

Environment Agency – Comments not received at time of report preparation

Environmental Health (Contaminated Land) – No objections subject to conditions

Strategic Highways Manager – No objections subject to conditions

Natural England – No objections subject to conditions

United Utilities – No objections subject to conditions

English Heritage – No objection to the principle of the new development behind the existing building, but do recommend the refusal of the application based on an unsatisfactory justification for the demolition of Ford House.

Prestbury Parish Council – Object on the grounds that it is a gross overdevelopment of the site. They would also wish a Community Infrastructure Levy to be ordered to compensate the Youth Club.

### **OTHER REPRESENTATIONS**

To date 90 letters of representation have been received. 69 of these letters either raise no objection or support the proposal for the following reasons:

- Ford House needs demolishing due to its condition
- The replacement building will provide essential accommodation for the church
- Ford House is currently an eyesore
- The development will provide funds for the much needed church extension
- It will bring new life into the village

21 letters either raise concern or object to the proposal on the following grounds:

- Loss of car park to rear of Ford House
- Loss of protected trees
- Youth Club building to the rear of Ford House does not belong to the church
- There are Great Crested Newts in the immediate vicinity
- Ford House is locally listed
- Dwellings should be affordable
- Youth Centre extension paid for by village fundraising
- Plans do not acknowledge former role of Ford House as a community resource

- Proposals do not address relocation of the youth club
- The site should be retained for the parishioners of Prestbury
- Financial contribution should be made to compensate for lost community facilities
- The site is subject to flooding
- Highway safety risk at access
- Proposed buildings are out of character
- No recognition of the relationship of the church with the wider community
- The density of the development is a concern

## **APPLICANT'S SUPPORTING INFORMATION**

The following documents have been submitted on behalf of the applicant:

### **Planning, Design & Access Statement**

This statement outlines that the future of the building is intrinsically linked to a development project that will secure the future of St Peter's Church and its role at the centre of the village community. In view of the needs of the church for ancillary accommodation; the scale of the proposed extension appropriate to the church; the cost of development options; the structural condition of Ford House and, factors connected with highway safety it is concluded that the only viable option is to take down and rebuild Ford House for use as a parish office with residential accommodation for church staff. Plus erection of enabling residential development to the rear of the site in accord with policy H11 of PPS5

The site is within the Prestbury Conservation Area, and Ford House is included in the Cheshire East Council's List of Locally Important Buildings SPD. Although the existing building is attractive it has been significantly harmed by modern extensions and has deteriorated in recent years because the church had been struggling to provide sufficient funds to keep it in good order, whilst at the same time meeting its obligation to maintain to a high standard the grade 1 listed church building. The proposed rebuild would restore the original character of the building and would positively enhance the character of both the village centre and wider conservation area in accord with the aims of policies of PPS5 and the local plan.

The proposed development is fully justified based on the benefits it would bring to the church and the needs of the wider community. In accordance with Policy HE9.4 of PPS5, it is demonstrated that any harmful impact the proposal will have on the significance of the conservation area is less than substantial harm, and that therefore the local planning authority should weigh the public benefit of the proposal against the level of harm. There is also a case for considering the proposal as enabling development in accordance with PPS5 Policy HE11, and thus assessing the benefits of development against any harm caused.

In providing funds for the development proposals at St Peter's Church, the development at the Ford House site will secure the future viability and sustainability of a heritage and social asset of exceptional significance.

**Sustainability Statement**

This statement addresses the key objectives from PPS1, the advice from the RSS on climate change and the Council's housing sustainability checklist.

**Protected Species Survey**

The submitted bat survey identified the presence of common Pipistrelle Bats within the building. A programme of mitigation is proposed within the statement.

**Arboriculture Assessment**

This report identifies that the extension will require the removal of several trees within the site. These losses should be considered in terms of the wider community benefits the schemes seek to provide.

**Structural Report – Ford House**

The Structural Report recommends a range of remedial works throughout the entire building.

**Flood Risk Assessment**

This outlines that given the proposed finished floor level, the properties should not in general be affected by flood events over an above the 1:1000 year event.

**Transport Assessment**

The report concludes that the only viable access option involves reuse of the existing site access onto The Village which in turn requires the demolition of Ford House in order to meet the latest design guidance provided by the highway authority.

**Confidential Report on Enabling Development – Meller Braggins**

This report looks at the market value of the site, and the relative costs of demolition and refurbishment.

**PPS5 Statement – Ford House**

The primary significance of the building is its role in terminating the view along the main street and its location at the bend which makes it visible from both The Village and New Street. It gains value from its relationship to the mature trees that surround it, and is also important for its past role in the life of the worshipping community.

The building is in a very poor state of repair, and the scale of remedial works required to return it to beneficial use is extensive. The cost of these works exceeds that of taking it down and rebuilding.

The justification for development of the Ford House site is based on the benefits it would bring to the church and the needs of the wider community.

The requirement for replacement of Ford House is based on its physical condition; its lack of authenticity as a result of unsympathetic alterations; the cost of restoration; the need to provide safe access for vehicle users and pedestrians; and the unsuitability of the current layout of the building for church use.

The proposal for replacement will replicate the form and style of the existing building, but with a different internal layout, moving the footprint slightly to allow for a wider access way to the site for highway safety reasons.

In accordance with Policy HE9.4 of PPS5, it is demonstrated that any harmful impact the proposal will have on the significance of the conservation area is less than substantial harm, and that therefore the local planning authority should weigh the public benefit of the proposal against the level of harm.

There is also a case for considering the proposal as enabling development in accordance with PPS5 Policy HE11, and thus assessing the benefits of development against any harm caused.

In balancing the benefits that the scheme will bring against the proposals for demolition of Ford House and rebuilding, it can be seen that the public benefits will be very substantial. For in providing funds for the development proposals at St Peter's Church, the development at the Ford House site will secure the future viability and sustainability of a heritage asset of exceptional significance.

## **OFFICER APPRAISAL**

### **Housing**

The applicant has submitted a PPS3 Housing Self Assessment Checklist with the application, which outlines that the site is within walking distance of public transport and local services, as well as recreational open space.

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within a Predominantly Residential Area, which is within walking distance of public transport links and to services. The scheme achieves high quality housing.

### **Leisure / Public Open Space**

The proposed housing development triggers a requirement for public open space (POS), recreation and outdoor sport facilities as identified in the SPG on S106 (Planning) Agreements (May 2004). The SPG also states that developments above the trigger of 6 dwellings and where there is an identified shortfall (or in this case loss of previous facilities) the council will / may seek contributions for the provision of community centre space or services to address local youth needs.

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £34,500, which would be used to make additions, improvements and enhancements to open space and amenity facilities in Prestbury. In addition, and again in the absence of on site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities of £8,500, which would be used to make additions, improvements and enhancements to recreation and open space facilities in Prestbury.

It is also understood that Ford House provided facilities for young people in the form of a youth club amongst a range of other community focused activities. The replacement proposals include little in the way of community space; one small meeting room does not seem appropriate for general community use. The applicants would like the community benefit offered within the additional facilities to be provided in the church to be taken into

account to offset this loss. However, the identified benefits of the church extension have been already been considered, and will be afforded appropriate weight, during the assessment of the application to extend the church (11/0144M).

## **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implements the EC Directive in The Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In PPS9 (2005) the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to .... protected species... ... Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A bat survey was carried out by a qualified ecologist on behalf of the applicant who has identified limited bat activity on the site.

The proposed scheme to demolish Ford House should have no significant impact upon the favourable conservation status of the identified protected species, if some form of mitigation is incorporated on site.

The proposal to demolish Ford House and construct a replacement building, 6 town houses and 2 apartments will add to the existing housing stock in the area, and provide a valuable resource for the church and community, whilst securing the long term future of the Grade I listed church and other listed structures on the site.

The alternative to the demolition would be to refurbish the existing building. However, the extent of works required in the renewal of the building is likely to have an equal impact upon bats as its complete demolition.

The mitigation proposes the supervised demolition of the property and the provision of replacement roosts in the form of bat boxes situated on retained trees. The proposed mitigation is acceptable and provided the proposed mitigation is implemented in full the residual impacts of the proposed developments on bats is likely to be very minor. The benefits of the mitigation will provide a new appropriate roost for the bats which will provide a new habitat and will allow the future protection of the bats in perpetuity.

Having regard to the above it is considered that the proposed replacement roosting facilities is an appropriate form of mitigation which in the long term will provide a more satisfactory habitat for the bats than the existing dwelling. It is considered that the mitigation put forward is a material consideration which if implemented will further conserve and enhance the existing protected species in line with Local Plan policy NE11 and is therefore on balance, considered to be acceptable.

The Council's Ecologist has been consulted on this application and raises no objection to the proposed mitigation subject to a condition to ensure work is carried out in accordance within the submitted scheme.

### **Amenity**

The nearest neighbouring dwellings are located to the west of the site. The nearest of the proposed residential properties will be located 15 metres from the boundary shared with Glebe House. There will be some overlooking of existing private gardens, and the simple presence of the dwellings may also have some impact upon the amenity of this nearest neighbour. However, there are some mature trees on the boundary, which will help to filter views from the new dwellings, and additional landscaping may reduce the impact even further. Therefore, having regard to the distance and relationship with the adjacent property, any impact upon residential amenity is not considered to be sufficient to justify a refusal of planning permission.

### **Highways**

The submitted transport statement examines 3 options for access into the site. These options were the reuse of the existing access, a new access to the north of Ford House, and a new access from Bollin Grove using a bridge over the river.

Due to changes in levels from the road into the site, restricted visibility in the non leading direction from the bridge, and the required loss of mature trees, the access to the north of Ford House was discounted.

An access across the River Bollin from Bollin Grove was also discounted due to the loss of mature trees, the bridge would also probably have to be higher than Bollin Grove due to



recent flooding levels, and the report states that the entrance to the bridge would need to be approximately 19 metres in width. Such an access would be impractical and unviable.

It is therefore proposed to use an upgraded existing access. The new access will be widened to 5.5 metres, which will also allow for refuse and service vehicles to enter and turn within the site. The Strategic Highways Manager has considered that the new access design is acceptable.

A total of 20 off street parking spaces are being provided for the 11 dwellings. No off street parking is proposed for the office unit, however, having regard to the location of the site in the centre of the village, proximity to public transport, and the maximum parking standards, a refusal on the grounds of lack of car parking is not considered to be justified. The Strategic Highways Manager also notes that there will be the potential to park on the access road without interfering with the access to the residential properties. No highway safety issues are therefore raised.

### **Archaeology**

The site of the proposed development lies within the historic core of Prestbury, close to the parish church. It is likely that the location has attracted settlement over many centuries in view of this proximity to the church, whose origins may go back to the eighth century, and its position overlooking the river crossing. In addition, the land does not appear to have been seriously disturbed in the recent past, which will have ensured the survival of any archaeological evidence that is present. Work in the immediate vicinity of parish churches elsewhere in Cheshire East has revealed evidence for medieval buildings, rubbish pits, boundaries, pottery kilns, and corn-drying ovens. It is entirely possible that evidence of this kind may be present on this site and could be damaged by the proposed development, particularly where the new buildings are proposed.

It is therefore recommended by the Council's Archaeologist that the site should be subject to a programme of pre-determination evaluation in order to establish the nature and extent of any archaeological deposits present. This work is currently being undertaken on site. This information will assist in determining the need, if any, for further archaeological measures, which might take the form of mitigation designed to ensure the preservation *in situ* of significant archaeological deposits or, if this is not possible, their preservation by record. Any such mitigation would be secured by condition.

### **Trees / landscaping**

The application site lies within the Prestbury Conservation Area and trees (above 75mm diameter) are therefore subject to control under special provisions within Section 211 of the Town and Country Planning Act 1990.

The application identifies six individual trees for removal and one group of trees. These trees have been assessed in accordance with the recommendations contained in BS5837:2005 Trees in Relation to Construction with 'A' category trees being most desirable, desirable (B category); low value (C category) and those unsuitable for retention (R category).

Of these trees, one a mature Copper Beech (T25 of the survey) is identified as an 'A' category tree; four trees (three Yew and a Horse Chestnut) within 'B' category and one tree (a Holly T9) and one group of trees (G7) within C category have been identified.

The Arboricultural Officer notes that the supporting arboricultural statement also does not sufficiently consider the impact of the remaining trees, in particular those shown for retention between the Mews development and the River Bollin along the eastern section of the site and their relationship/social proximity to the proposed mews properties. The submitted information suggests that the trees can be maintained as shared amenity space to facilitate suitable management of tree cover. However, this may not provide the Council with a sufficient defence from future applications to fell or regularly prune the trees.

The Arboricultural Statement also refers to the importance and impact of the proposed tree removals suggesting that consideration should be given to the viability of the Church and proposed mitigation provided by new landscaping / tree management across the churchyard and within the grounds of Ford House providing the necessary benefits for the community and long term sustainability of tree cover. This statement is however not supported by any detailed landscaping scheme or tree management proposals which would allow the Council to consider and evaluate the extent of such mitigation in detail. Based on the information that is currently before the Council for consideration, the Arboricultural Officer considers that the proposal does not satisfy the requirements of policy DC9 of the Macclesfield Borough Local Plan.

The applicants are in the process of producing a landscaping plan and mitigation proposals to offset the identified tree losses for consideration by the Council. Any information received, and its acceptability, will be reported to Members in a written update.

### **Locally Listed Building / Conservation Area**

Ford House is identified in the adopted Local List of Historical Buildings SPD (2010) as:

*Nineteenth century reconstruction of an earlier building, rebuilt circa 1850-1875. Owned by Parochial Church Council and employed for a variety of church and community uses until closure in 2007.*

*Very prominent position in the village streetscene and a valuable contribution to the Conservation Area.*

Policy BE20 of the Macclesfield Borough Local Plan relates to locally listed buildings and states that “*development which would adversely affect their architectural or historic character will only be allowed if the borough council is satisfied that the building or structure is beyond reasonable repair.*”

In this case, the submitted information indicates that it is significantly more costly (in excess of £100,000) to partially demolish and refurbish the existing building than demolish the entire building and construct a replacement. However, the detailed costings of these estimates have not been submitted to show where the money would be spent in each case. Therefore at present the information is not considered to be sufficiently detailed to satisfy the Council that the building is beyond reasonable repair.

However, the applicant's primary justification for demolition of Ford House is based on the benefits it would bring to the church site. The funds realized through the development of the town houses would finance the extension to the church, thereby securing the future of this significant heritage asset, as well as facilitate required works to the Grade II listed Norman Chapel and Hearse House. Further information on the works required to the Norman Chapel and Hearse House have been requested from the applicant to allow the council to better understand the benefits of the proposal and the viability issues that underlie it.

The supporting information does suggest that the church extension and facilities within Ford House provide benefits to both the church and the wider community. The case for demolition is further based upon its physical condition; its lack of authenticity as a result of unsympathetic alterations; the cost of restoration; the need to provide safe access for vehicle users and pedestrians; and the unsuitability of the current layout of the building for church use.

English Heritage has raised an objection to the demolition of Ford House due to the positive contribution it makes to the Conservation Area. This is strengthened by its inclusion on the list of locally important buildings. They note that policy HE9.1 of PPS5 states that "there is a presumption in favour of the conservation of all designated heritage assets". This means that there should be a presumption in favour of managing change to a conservation area in a way that sustains and where appropriate enhances its significance. To replace one good building with a different but arguably equally as good building is not sustaining its significance. This would be contrary to HE9.1 of PPS5. The applicant needs to demonstrate that the loss is necessary in order to deliver substantial public benefits.

These comments are consistent with the views of the Council's Conservation Officer, who notes that a replacement building would not display the evidence of successive alterations and sense of continuity over time which is apparent in the existing external fabric. The proposal would cause unacceptable harm to this locally listed building and hence to the character of the surrounding area to which it makes an important contribution. The local listing is considered to refer to not only to the street scene contribution, but also the contribution Ford House makes to the historical integrity of the Conservation Area. As such it would conflict with policies BE2, BE4 and BE20 of the Local Plan and Cheshire East Local List SPD which amongst other things seek to protect loss and damage to buildings of historic interest, historic fabric and to protect local distinctiveness.

The design of the dwellings and the replacement Ford House Building are considered to be acceptable and in keeping with the variety of properties in the surrounding area with materials and features drawn from the local area. However, the Conservation Officer notes that the Ford House site does have an open feel particularly when viewed from or near the bridge; therefore the introduction of 6 town houses would represent overdevelopment of this site and diminish the value this site brings to the conservation area. However, views into the site are limited, and the retention of the existing tree belt close to the bridge and running alongside Bollin Grove does serve to screen the site to a level that would minimise the impact of the town houses upon the Conservation Area.

The concept of enabling development is quoted widely in the supporting documentation. English Heritage define enabling development as *development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved.*

In their comments on the current application, English Heritage note that “In this instance, because the application for Ford House should be determined as a separate planning matter to the current application for the extension to St Peter’s Church, consideration of the other public benefits should therefore be limited to the proposals for the Ford House site itself.” They also state that, “a criterion for enabling development is that it is contrary to established planning policy”, which the residential development is not. “An enabling development would only be acceptable in principle if the economic benefits would go into the repair of historic fabric in order to preserve a heritage asset, which in this case is proposed for demolition, and is not applicable to new buildings or extensions.”

However, whilst these comments are acknowledged to the extent that the proposal may not amount to enabling development, the matters raised by the applicant to justify the demolition are still material planning considerations, which need to be afforded appropriate weight in the assessment of the application. The applicant maintains that the church extension is reliant upon the development of the Ford House site; therefore whilst they have been submitted as separate planning applications, they are fundamentally linked. As noted above, additional information has been requested that seeks to address the concerns that have been raised above.

#### **Other considerations**

Comments from the Environment Agency are awaited regarding the flood risk matters on the site, and will be reported to Members in an update. The Contaminated Land Officer has noted that since the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition is recommended requiring a phase 1 contaminated land report to be submitted.

#### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

Unlike the application for the church extension, where there is a clear prospect of the required information overcoming the objections raised, in this case, the issues are more complex, and substantial weight needs to be afforded to the viability of the proposals and the community benefits that will derive from the proposal. Until all this information is received and assessed, it is not considered that the loss of a locally listed building, loss of trees of amenity value, and the associated Conservation Area impact can be accepted. A recommendation of refusal is therefore made by virtue of the proposal being contrary to policies BE2, BE4, BE20 and DC9 of the Macclesfield Borough Local Plan.

## Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Demolition of building in Conservation Area
2. Loss of trees contributing to amenity

Location Plan: Cheshire East Council Licence No. 100049045

