

Application No: 14/1337M

Location: BUTLEY HALL, SCOTT ROAD, PRESTBURY, CHESHIRE, SK10 4DN

Proposal: Variation of Conditions 2 and 8 on Approved Application No. 10/3175M to correspond with Listed Building Consent approvals ref 13/1024M, 13/1007M and 13/3269M, namely; a) alteration of single garage to apartment 2 to form a study and utility room and the addition of glazed areas to the garage doors; b) demolish and rebuild the south gable wall and c) demolish and rebuild the north gable and part of the west wall.

Applicant: Mrs Adele Lock, Edengate Bespoke Homes

Expiry Date: 28-May-2014

Date Report Prepared: 07 May 2014

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

- Relevant considerations;
- Implications on the approved scheme and identified determination issues; and
- Listed Building Implications.

REASON FOR REPORT

The application seeks consent to vary a condition attached to a small-scale major planning permission, therefore under the Council's Constitution is required to be determined by the Northern Planning Committee.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

Butley Hall is a Grade II Listed Building and is situated within a predominantly residential area within the Village of Prestbury. Prestbury Conservation Area abuts the south western corner of the site.

Part of the site is flat where the Hall is positioned. Beyond the Hall the site slopes relatively steeply in a north east to south west direction towards Springfields which forms part of the western boundary.

The Hall was originally used as a single dwelling until it was converted into seven flats in the 1960s. The building itself has a total floor area of approximately 865 square metres over three floors and is currently vacant and in a relatively poor state of repair.

The existing driveway is accessed via a boulevard off Scott Road to the east of the site which is shared between the 5 other neighbouring properties.

The existing detached double garage to the south of the Hall and adjacent to the southern boundary has now been demolished and construction work on the redevelopment of the site is underway.

DETAILS OF PROPOSAL

This application seeks Planning Permission for the variation of Conditions 2 and 8 on Approved Application No. 10/3175M.

This is to facilitate the:-

- a) Alteration of single garage to apartment 2 to form a study and utility room and the addition of glazed areas to the garage doors;
- b) Demolish and rebuild the south gable wall; and
- c) Demolish and rebuild the north gable and part of the west wall.

This application would also correspond with Listed Building Consent approvals referenced 13/1007M, 13/1024M and 13/3269M.

Subject to the recommended conditions, the proposal is considered to be acceptable for the reasons set out in the appraisal section of this report.

RELEVANT HISTORY

Original Permission(s):

Planning permission was granted on 23 June 2011 for the refurbishment, conversion and extension of Butley Hall to provide seven apartments, under referenced **10/3175M**. This permission included partial demolition of later parts of the Listed Building, construction of 3 new three storey townhouses to the rear of the Hall, external works to create new ramped access drive to new car parking area between the Hall and the new townhouses together with construction of ten garage spaces and a bin storage room built below the existing garden level at the rear of the existing building. It also included the creation of a footpath link from the site to Springfields and soft landscaping to the remaining areas of the site.

A Listed Building Consent was approved in conjunction with the above full application referenced **10/3214M**.

As construction is underway on site, various applications have been submitted to make minor design alterations to the scheme, the two most relevant are: -

Listed Building Consent linked to this application:

A separate Listed Building Consent for the alteration of single garage to apartment 2 to form a study and utility room and the addition of glazed areas to the garage doors was approved on 29 April 2013, under reference 13/1024M and 13/1013M - **Part (a) on this application.**

Listed building Consent to demolish and rebuild southern gable wall was approved on 29 April 2013, under reference 13/1007M - **Part (b) on this application.**

Listed building Consent to demolish and rebuild the northern gable and the central section of the western wall was approved on 14 January 2014, under reference 13/3269M - **Part (c) on this application.**

Other Recent Approvals:

- 13/1058M Non Material Amendment to 10/3175M (Arched openings over garage doors);
- 13/1060M Non Material Amendment to 10/3175M (Alignment of middle townhouse front wall);
- 13/1689M Non Material Amendment to 10/3175M (Change window opening into a doorway);
- 13/1910M Listed Building Consent to vary condition 2 on approval 10/3214M (Change window opening to door opening)
- 13/1635M Non Material Amendment to 10/3175M (Amendment to Parapet Detail);

Recent Refusals:

- 13/0973M Full Planning Application for the substitution of 'townhouse' property house types (with the addition of a single storey orangery to the rear)

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

Macclesfield Borough Council Local Plan Policies:

- BE1 – Design
- BE2 – Historic Fabric
- BE3 – Conservation Areas
- BE15 - Listed Buildings
- BE16 – Setting of Listed Buildings

- BE17- Preservation of Listed Buildings
- BE18 - Design Criteria of Listed Buildings
- DC1 – New Build
- DC2 – Extensions & Alterations
- DC3 – Amenity
- DC6 – Circulation & Access
- DC8 – Landscaping
- DC9 – Tree Protection
- DC38- Space, Light and Privacy
- DC41- Infill Housing Development or Redevelopment
- DC42 – Subdivision of Property for Residential Purposes
- H13 – Protecting Residential Areas

Cheshire East Local Plan Strategy – Submission Version (CELP)

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28 February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

Other Material Considerations

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

CONSULTATIONS (External to Planning)

Cheshire Archaeology Planning Advisory Service: No archaeological implications

Environmental Health: No comments received.

Highways: No comments received.

Heritage & Design – Conservation & LB: No objections, subject to conditions.

English Heritage: No objections.

National Amenity Societies: As this application involving the partial or total demolition of a listed building, The National Amenity Societies were consulted, in accordance with Circular 01/01. These Amenity Societies included: -

- The Ancient Monuments Society;
- The Council for British Archaeology;
- The Society for the Protection of Ancient Buildings;
- The Georgian Group;
- The Victorian Society; and
- The Twentieth Century Society.

No comments were received.

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council has decided to make 'no comment' on the application.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and neighbouring properties have been written to directly, notice was also published in the local press.

No letters of representation have been received regarding this application.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a *Heritage Statement*, details of which can be read on file.

OFFICER APPRAISAL

Relevant considerations:

When considering variation or removal of condition applications (known as Section 73 applications), it must be recognised that, by definition, the development will have already been found to be acceptable in principle. Therefore the focus of this report is on national,

development plan policies and other material considerations that may have changed significantly since the original grant of permission, as well as the changes sought.

Where an application under section 73 is granted, the effect is to create a new grant of planning permission. Consequently, a decision should set out all the conditions the Council wishes to impose.

Implications on the approved scheme and identified determination issues:

When the original application was approved at Northern Planning Committee in June 2011, the main issues were identified as: -

- Impact on a Grade II Listed Building;
- Impact on the character of the area and adjoining Conservation Area;
- Scale and design of the extensions to the Hall;
- Whether there has been any change in circumstances since the approval of planning application 08/2672P (Contemporary design);
- Impact on residential amenity;
- Traffic generation;
- Landscape and Forestry considerations; and
- Ecology.

This application is to facilitate; a) alteration of single garage to apartment 2 to form a study and utility room and the addition of glazed areas to the garage doors; b) demolish and rebuild the south gable wall and c) demolish and rebuild the north gable and part of the west wall. It is not considered that these alterations will have any impact on the approved scheme in relation to the identified above, apart from the Listed Building Implications. This issue is examined below.

Listed Building Implications:

a) Alteration of single garage to apartment 2 to form a study and utility room and the addition of glazed areas to the garage doors;

The approved scheme incorporated a twin garage space that replaced the detached garage block owned by a neighbour and was to be used by them. However the neighbour has since constructed a new double garage extension to his house and will no longer use the double garage in the southern extension to the main house.

The purchaser of Apartment 2 wishes to incorporate the garages into their demise but wishes to convert one of the spaces to a study. In order to provide daylight and natural ventilation into the study it would make sense to replace one of the garage doors with a window however this would destroy the symmetry of the elevation to an unacceptable degree, so instead we propose to introduce glazing into the top part of both of the garage doors: as shown on the attached elevation. The “dummy” garage door would effectively be a cladding applied to a cavity wall but it would be set back in the reveal of the stone surrounds so as to line through with the adjoining operational garage door.

It is considered that this proposal has no material effect on the proposed development as previously approved as the internal alterations do not affect/touch the historic fabric of the

building and the addition of glazing to the garage door and the adjoining 'dummy' garage door are not considered to have a material effect on the appearance of the extensions and thus do not adversely affect the setting of the listed core of the Main Hall.

b) Demolish and rebuild the south gable wall and

A method statement was previously approved that covered the work to the listed building. The original approval was to retain the existing south gable (although the wall was leaning outwards and had been buttressed in the past to stabilise it) and the intention was to construct the south extension which would provide a more uniform propping to the existing gable wall then stabilise the masonry by re-bedding, localised re-building and re-pointing. The existing buttresses could then be removed and the new openings (approved under the planning and LBC consents) would be formed through the stabilised wall. The assumption that the existing masonry wall was repairable was based on the condition of the few areas of wall where plaster and/or linings had been removed in the past; these ranged from sound fully pointed areas of coursed random stone walling to areas where the stone work was loose and unpointed.

Work commenced on the basis of the above and following removal of the internal wall linings and plaster it has become clear that the wall is in a far worse condition than had originally been considered. It was not simply that the repairs are more extensive than could have been reasonably envisaged it is the fact that the wall is a patchwork of poor quality repairs, infills and alterations that makes the approved methodology unviable.

The existing wall that has been revealed by the removal of the finishes is in very poor condition and it is a patchwork of stone and brick from various periods. It has revealed a number of window openings that were probably infilled either as a precursor to raising the southern ground floor single story wing full height (as at the northern end of the building) or to afford privacy to the neighbouring land when it was parcelled up for sale as individual building plots. Apart from a few limited areas of stonework, and a couple of the brickwork window infills, the alterations and repairs are all of poor quality having been carried out without tying into adjacent areas.

It is likely that the southern gable was constructed in 1777 when Peter Downes refaced the main front in masonry; however there is no documentary evidence to that effect. The approved scheme effectively made the southern gable an internal wall and hides it from view with the exception of the small area above the flat roof of the extension that would be glimpsed from afar. Internally the southern gable has always been covered over by a plaster finish and the approved scheme does the same. In its rebuilt condition a new masonry wall will also be concealed and hidden from view apart from the section above the flat roof of the extension. External elements of the hall that are of high significance.

It is considered that the southern wall is beyond repair and is structurally unstable and therefore the original intention to repair is no longer a viable option.

To conclude, the proposal has minimal visual affect on the building and is an imperceptible change. The southern gable has been a neglected aspect of the building and probably the least visible and least often seen. There is loss of original fabric; but in its current condition the wall poses a threat to the long term stability of the building. The replacement wall will

provide a guaranteed solution to the long term stability of the building with very limited impact on the overall significance of the building.

c) Demolish and rebuild the north gable and part of the west wall.

Again, the original intention was to retain the existing north gable and west wall in its entirety other than for a few minor approved alterations. There was no evident signs that, like the southern gable, the either of the walls had previously been buttressed or restrained in any manner. The assumption that the existing masonry wall would be repairable was also based on the condition of the few small areas of wall where plaster and/or linings had been removed in the past which revealed relatively sound areas of brickwork and stonework that needed little more than patch re-pointing to make good. This again was agreed in the method statement previously approved.

Work had commenced on the basis of the above but following stripping out of internal finishes and parts of the approved demolition (later 20th century additions) it became clearly apparent that the walls were dangerous and unstable (a section of the west wall inner face collapses when plaster was being removed) and that their retention was not a simple matter of localised repairs. Following numerous site inspections and consideration of the structural report for this wall it is accepted that the retention of the walls was not a viable option indeed if it were not for the cement render finish this wall would probably partially collapsed some time ago.

The proposal is therefore to dismantle and rebuild the northern gable and the central section of the existing building using modern materials rather than stabilising and repairing the wall as originally proposed.

The north gable wall is to be replaced with a new cavity brick wall. The chimney stack will be rebuilt to the original profile and the salvaged chimney post will be replaced. The northern face of the wall where it is external will be stone faced (as per the original approval) and render will be removed from the existing stone quoins to the front elevation in order to reinstate the stone dressings as far as is practical. The east wall and quoins will be retained and consolidated and the new stonework will be tooth bonded into the existing quoins as appropriate to tie the new and existing walls together. The fire place at ground floor level will be formed in its previous position and the timber fire surround will be refurbished and replaced as per the original intentions.

CONCLUSIONS AND REASON(S) FOR THE DECISION

To allow the alteration of single garage to form a study and utility room and the addition of glazed areas to the garage doors and to allow the south gable, north gable and part of the west wall to be rebuilt in the manner described by this application would produce an overall benefit to Butley Hall.

This work is being under taken only after detailed consideration of all available options and details and ongoing discussions with the Council's planning and Conservation Officers.

Members should be assured that there is no ulterior motive behind these changes to the approved scheme. Indeed there is no advantage in terms of floor space or layout derived from dismantling and rebuilding these walls and in fact there is a significant cost and time penalty

involved with having to reconstruct the walls in question. A benefit that can be attributed to the change is the guaranteed stability of the building.

The proposal has minimal visual affect on the building and will visually be an imperceptible change.

Both the north gable and the west had been neglected aspects of the building and have undergone various changes and alterations of a functional nature that have not added to the significance of the building.

Whilst there is a loss of the original fabric, the north gable is a poor quality brick alteration that has no historic significance in its own right. The loss of stone from the west elevation is of some significance but having been altered several times has distracted from the original three bay gabled elevation to the degree that its significance had long since been eroded.

The walls in their pre - existing condition posed a threat to the long term stability of the building. The risks involved in trying to stabilise the existing walls are substantial and partial collapse (no matter how well the wall is supported) remained a possibility.

The replacement walls will provide a guaranteed solution to the long term stability of the building with little impact on the overall significance or external appearance of the building.

It is considered that clear and convincing justification has been provided to allow such works to be agreed when weight against the public benefit of the proposal, in accordance with paragraphs 132 and 134 of the NPPF.

The application accords with relevant Development Plan policies and for the reasons outlined above it is recommended Listed Building Consent be granted, subject to conditions.

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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 Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A04AP_1 - Development in accord with revised plans (numbered)
2. A05EX - Details of materials to be submitted
3. A10EX - Rainwater goods

4. A22EX - Roofing material
5. A16EX - Specification of window design / style
6. A20EX - Submission of details of windows
7. A19EX - Garage doors
8. A03LB - Protection of features - Jacobean staircase
9. A05LB_1 - Protection of features - No additional fixtures
10. A22GR - Protection from noise during construction (hours of construction)
11. A01MC - Submission of soundproofing measures to protect residential amenity of future occupiers
12. A25GR - Obscure glazing requirement
13. A06GR - No windows to be inserted
14. A01GR - Removal of permitted development rights - dwellings
15. A23MC - Details of ground levels to be submitted
16. A17MC - Decontamination of land
17. A02LS - Submission of landscaping scheme
18. A04LS - Landscaping (implementation)
19. A12LS - Landscaping to include details of boundary treatment
20. A17LS - Submission of landscape management plan
21. A01TR - Tree retention
22. A02TR - Tree protection
23. A14TR - Protection of existing hedges
24. A19MC - Refuse storage facilities to be approved
25. A04HP - Provision of cycle parking
26. A01HP_1 - Provision of car parking - 10 garages and 9 bays
27. A06HP_1 - Use of garage - for parking of cars
28. A08MC - Lighting details to be approved
29. A03TR - Construction specification/method statement
30. A32HA - Submission of construction method statement
31. Submission of archaeological methodology
32. No pile driving permitted
33. Details of privacy screens to be submitted

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