

Application No: 14/4981M

Location: MOBBERLEY C OF E PRIMARY SCHOOL, CHURCH LANE,  
MOBBERLEY, CHESHIRE, WA16 7RA

Proposal: Variation of Removal of Condition 11 on application 14/0729M

Applicant: Nick Cook, CEC

Expiry Date: 18-Dec-2014

**Date report prepared: 22 January 2015**

## **REASON FOR REPORT**

The application involves the Council as applicant and whilst this is a minor development which accords with planning policy, objections have been received. Under the Council's Constitution, the application is therefore required to be determined by the Northern Planning Committee.

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

- Impact upon residential amenity
- Impact on Heritage Assets
- Design

## **PROPOSAL**

The proposal is for the removal of condition 11 on application 14/0729M which relates to the use of Mode Cottage. The condition reads as follows:

*“Once development has commenced, Mode Cottage and the associated outbuilding shall only be occupied by a person or persons employed or last employed as part of the running/ occupation of Mobberley C of E Primary School and any associated relatives/ persons living together with that person as a household until such time as the site ceases to be used in connection with the Primary School.*

*Reason:- In the interests of the amenities of future occupants of Mode Cottage in accordance with policy DC3 within the MBLP 2004.”*

Application 14/0729M granted permission for the construction of a new classroom building within the curtilage of Mode Cottage for use in connection with Mobberley C of E Primary School and the construction of a single storey kitchen extension to the school involving the removal of existing wall.

Also included was the widening of the existing access onto Church Lane to form 8 staff car parking areas with tarmac finish and the provision of external tarmac play areas with metal fencing, relocation of existing entrance canopy and relocation of existing play equipment.

## **SITE DESCRIPTION**

The application site comprises Mobberley C of E Primary School its grounds and the adjacent property known as Mode Cottage which is in residential use and comprises the house and its curtilage.

The site is located within the designated North Cheshire Green Belt, with the site of the existing school and cottage also being located within Mobberley Conservation Area.

## **RELEVANT HISTORY**

14/0729M Proposed 2 Classroom single storey modular building with wc's and storage areas. Kitchen extension built onto existing kitchen involving removal of existing wall. Widening of existing access onto Church Lane to form 8 staff car parking areas with tarmac finish. External tarmac play areas with metal fencing. Relocation of existing entrance canopy and relocation of existing play equipment.  
Approved subject to conditions 17 April 2014

## **POLICIES**

Macclesfield Borough Local Plan – saved policies

NE11 Nature Conservation  
BE1 Design Guidance  
BE2 Preservation of Historic Fabric  
BE3 Conservation Areas  
BE4 Design Criteria in Conservation Areas  
GC1 New Buildings  
DC1 New Build  
DC2 Extensions and Alterations  
DC3 Amenity  
DC6 Circulation and Access  
DC9 Tree Protection

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

Other Material Considerations

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

## **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

## **Cheshire East Local Plan Strategy – Submission Version (CELP)**

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

MP1 – Presumption in Favour of Sustainable Development  
PG2 – Settlement Hierarchy  
SD1 – Sustainable Development in Cheshire East  
SD2 – Sustainable Development Principles  
SE1 – Design  
SE2 – Efficient Use of Land  
SE3 – Biodiversity and Geodiversity  
SE4 – The Landscape  
SE5 – Trees, Hedgerow and Woodland  
SE7 – The Historic Environment  
CO1 – Sustainable Travel and Transport

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

**Environmental Health:** no objections subject to conditions

**Conservation:** no objections subject to landscaping plan. Concerns over the long term use of the building and would prefer whichever use is likely to result in less harm to the building.

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

**Mobberley parish Council:** recommend refusal for following reasons:

Application 14/0729M was granted with strict conditions, condition 11 being paramount for the interests of the amenities of future occupants of Mode Cottage in accordance with Policy DC3, as stated quite clearly by Cheshire East Council. This condition ensured that Mode Cottage remained tied to Mobberley C of E Primary School. For Cheshire East Council to now state that it is not viable to develop Mode Cottage and that it should once again have residential status in its own right quite frankly makes a mockery of the investigation that was carried out to ascertain if it would be possible for Mode Cottage to be refurbished, extended, or adapted to meet the needs of the school at the design stage of the previous application. Based on this report Mode Cottage was consequently purchased.

In order to circumvent the amenity issue surrounding Mode Cottage, Cheshire East Council now proposes to erect a solid 2.5m high fence to separate Mode Cottage from the school.

Mobberley Parish Council wholly **object** to this outrageous proposal. This is a Conservation Area and this proposed development is totally inappropriate. In the view of Mobberley Parish Council it would adversely affect the view from Church Lane and cause irreparable damage to

our Conservation Area. Therefore based on your own observations and the original safe guarding in place with respect to Mode Cottage, Condition 11 must remain

## **OTHER REPRESENTATIONS**

None

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted several factors that are suggested to overcome the concerns originally raised by the Council when dealing with application 14/0729M. These are listed below:

- An evaluation took place to ascertain whether the cottage would be capable of conversion to educational use in connection with the school.
- The investigation concluded that the amount of alterations required in order to comply with building regs would require significant alterations and would significantly alter the appearance of the building which would be out of keeping with the original design.
- It was always the intention of the school to retain the separate residential use of the cottage.
- There is proven need for housing in the borough.
- There is already a very strong precedent throughout Cheshire East, and indeed the country, of schools having such a close proximity to domestic properties, many of which have gardens and aspects directly facing two storey school buildings.
- Any alternative use or occupation by the School has been discounted. Use as a 'tied cottage' would impose restrictive employment and financial obligations on the school.
- Mode Cottage is to be boarded up and will remain vacant indefinitely as the school have no maintenance budget set aside for remedial repairs to an asset that they are unable to use.
- Mode Cottage is already in a dilapidated state. Left unoccupied the building is at risk of further dilapidation, the school does not have sufficient funds appropriate to the building for the high level of maintenance required with such a historic building. By imposing this condition creates a risk to the very amenity and heritage asset is seeks to preserve, and which ultimately may be lost in the long term as a result of this condition.
- A revised boundary treatment using Acoustic Timber fencing to Mode Cottage is proposed to mitigate privacy issues.

## **OFFICER APPRAISAL**

### **Design and Impact on Conservation Area**

The main issue is the impact of the proposal on the significance of heritage assets – in this regard, the issues relate to the impact upon Mode Cottage which appears on the tithe maps in 1875 and given its age and position within the Conservation Area is an undesignated heritage asset.

Para 135 suggests that harm/loss to an undesignated heritage asset should be taken into consideration and that a balanced judgement will be required. Policy SE7 within the emerging Local Plan suggests that harm to undesignated heritage assets would need to be outweighed by the benefits of the development.

Concerns are raised over the long term future of the cottage, which makes a positive contribution to the character and appearance of the Conservation Area. The proposed acoustic fence would be erected between the cottage and the newly erected classroom where there is currently a green vinyl coated chain-link fence separating the two buildings.

The acoustic fencing would be solid unlike the existing permeable fencing and so has the potential to create a greater visual impact than the existing fence. A possible solution in order to soften the impact of the fencing could be an appropriate landscaping scheme

If the condition is not removed from the original approval the cottage has the potential to fall into disrepair and this has to be given significant weight in the assessment of the proposal. The information included with the application provides justification that the building is not viable for use in association with the school and the cost associated with a tie to the school for residential purposes would have been prohibitive. For this reason the school would not be able to maintain the building.

If an appropriate landscaping scheme is approved it is considered that the impact of the proposals would not result in substantial harm to the heritage asset. The proposals would accord with policy BE3 within the MBLP 2004, policy SE7 within the emerging Local Plan and chapter 12 of the NPPF.

### **Amenity**

Given the proximity of Mode Cottage to the playground and classrooms, it was considered necessary to remove residential use of this building or restrict it to a person employed by the school.

Currently the proposals show an 8m overlooking distance from Mode Cottage, to a blank facade of a single storey building. The front elevation of the cottage currently looks onto a mesh fence and the side facade of the new classroom building. With the erection of the acoustic fence it would prevent overlooking from the school and reduce the associated noise from the school.

The outlook from the cottage would not be ideal, however with an appropriate landscaping scheme and the fact that the fence would be in place before somebody bought the property there would be an element of 'buyer beware' and the impact is considered to be acceptable.

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

The comments from the Parish Council are noted. However with the potential loss of the cottage through lack of maintenance if the condition was to remain and the acoustic fencing that would improve the amenity of the cottage, along with an appropriate landscaping scheme in order to soften the impact of the fence it is considered that on balance the proposal would have an acceptable impact on the character and appearance of the Conservation Area and

the amenity of the future occupiers of Mode Cottage. A recommendation of approval is therefore made.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials- mode cottage site
4. A02TR - Tree protection
5. A03EX - Materials to match existing - school extension
6. A04LS - Landscaping (implementation)
7. A04NC - Details of drainage
8. A22GR - Protection from noise during construction (hours of construction)
9. A23MC - Details of ground levels to be submitted
- 10.A01LS - Landscaping - submission of details
- 11.Details of play equipment
- 12.submission of noise assessment
- 13.details of visibility splays
- 14.car parking to be provided
- 15.details of floor floating
- 16.details of pile driving operations
- 17.Acoustic Fencing

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