

# Northern Planning Committee

## Agenda

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**Date:** Wednesday, 8th June, 2011  
**Time:** 2.00 pm  
**Venue:** Council Chamber - Town Hall, Macclesfield, SK10 1DX

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The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

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

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

**1. Apologies for Absence**

To receive any apologies for absence.

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

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda

**3. Minutes of the Meeting (Pages 1 - 4)**

To approve the Minutes of the meeting held on 4 May 2011 as a correct record.

**4. Public Speaking**

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For any apologies or requests for further information, or to arrange to speak at the meeting

**Contact:** Sarah Baxter  
**Tel:** 01270 686462  
**E-Mail:** [sarah.baxter@cheshireeast.gov.uk](mailto:sarah.baxter@cheshireeast.gov.uk)

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

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

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/0533M-Extension to Time Limit to 08/0783P For Erection of 10No. Apartments with Basement Parking, 2- 4, Holly Road North, Wilmslow for Mr Seddon (Pages 5 - 12)**

To consider the above application.

6. **10/3175M-Refurbishment, Conversion and Extension of Butley Hall to Provide Seven Apartments: This work includes partial demolition of later parts of the listed building. Construction of Three new Three Storey Townhouses to the rear of Butley Hall. External works to create new ramped access drive to new car parking area between Butley 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 Creation of a footpath link from the site to Springfields. Soft landscaping to the remaining areas of the site, Butley Hall, Scott Road, Prestbury for Mr and Mrs Lock and PH Property Holdings (Pages 13 - 30)**

To consider the above application.

7. **10/3214M-Refurbishment, Conversion and Extension of Butley Hall to Provide Seven Apartments: This work includes partial demolition of later parts of the listed building. Construction of Three new Three Storey Townhouses to the rear of Butley Hall. External works to create new ramped access drive to new car parking area between Butley 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 Creation of a footpath link from the site to Springfields. Soft landscaping to the remaining areas of the site, Butley Hall, Scott Road, Prestbury for Mr and Mrs Lock and PH Property Holdings (Pages 31 - 40)**

To consider the above application.

8. **11/0131M-Demolition of Redundant Squash Club Building and Construction of Two Storey Five Bedroom House, Land to the rear of Cherry Wood, Sparrow Lane, Knutsford for Mr Charlie Williams (Pages 41 - 50)**

To consider the above application.

9. **11/0366M-Change of Use of Land from Agricultural to a Natural Burial Ground at Adlington Hall, Land South of the Junction of Mill Lane and London Road, Adlington for Adlington Hall Estate** (Pages 51 - 60)

To consider the above application.

10. **11/1115M-Proposed Erection of a Dwelling and Two Outbuildings in Association with the Management of Windmill Wood Including the Demolition of a Brick Built Warehouse, One Shed and Two Open Stores, Windmill Wood, Chelford Road, Ollerton, Knutsford for Mr & Mrs Panayi** (Pages 61 - 68)

To consider the above application.

11. **11/0648M-As Part of a Wider Highway Improvement Scheme it is Proposed to Relocate the Jubilee Fountain Monument in Fountain Place, Poynton from it's Current Position on a Traffice Island to an Area of Footway to the Southeast Corner of the Junction, Jubilee Fountain, Outside 11-13, Fountain Place, Chester Road, Poynton for Mr P Sherratt, Cheshire East Council** (Pages 69 - 72)

To consider the above application.

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**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 4th May, 2011 at Meeting Room, Macclesfield Library,  
Jordangate, Macclesfield

**PRESENT**

Councillor B Moran (Chairman)  
Councillor R West (Vice-Chairman)

Councillors J Crockatt, H Gaddum, O Hunter, T Jackson, J Narraway,  
D Neilson, L Smetham, D Stockton and C Tomlinson

**OFFICERS IN ATTENDANCE**

Mrs N Folan (Planning Solicitor) and Mr P Hooley (Northern Area Manager)

**139 APOLOGIES FOR ABSENCE**

Apologies were received from Councillors C Andrew, M Hardy and  
D Thompson.

**140 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In respect of application 11/0333M – Land at Spinks Lane, Pickmere,  
Councillor R West declared that on arrival at the meeting he had been  
greeted by a member of the public who he had previously worked with at  
AstraZeneca. However the declaration was not considered to be either a  
personal or prejudicial interest.

**141 MINUTES OF THE MEETING****RESOLVED:**

That the Minutes of the meeting held on 13 April 2011 be approved as a  
correct record and signed by the Chairman.

**142 PUBLIC SPEAKING****RESOLVED:**

That the public speaking procedure be noted.

**143 11/0333M - LAND AT SPINKS LANE, PICKMERE: PROPOSED  
STABLES INCLUDING RETENTION OF HARDSTANDING FOR  
MESSRS FELIX, THOMAS & MIKE DORAN**

Note: Councillor G Walton (Ward Councillor) and Mr C Tarrant (objector)  
attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

**RESOLVED:**

That the application be REFUSED for the following reasons:

- 1 The proposal would be contrary to the interests of highway safety since it would result in an intensification of the use of the junction of Spinks Lane and Pickmere Lane which has inadequate visibility, having regard to local and national design standard. The proposal is therefore contrary to policies DC6 and DC32 of the Macclesfield Borough Local Plan.
- 2 The proposal is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policies GC1 and DC32 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to the Council's Supplementary Planning Guidance on Equestrian Facilities and national policy guidance relating to development within the Green Belt.
- 3 The proposed development, by reason of its size, siting, design and extent of hard standing would form a visually obtrusive feature which would detract from the rural character and appearance of the area within which it is located. The approval of the development would therefore be contrary to national planning policy guidance, and Macclesfield Borough Local Plan policies BE1, DC1 and DC32, thereby causing harm to the objectives of those policies.
- 4 Insufficient information has been submitted with the application relating to nature conservation interests and mitigation in order to assess adequately the impact of the proposed development having regard to the biodiversity harm on this site that has already occurred. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies and other material considerations.

**144 11/0731M - 21 HOLMESWOOD CLOSE, WILMSLOW, SK9 2GT: TWO STOREY SIDE EXTENSION FOR DANIAL LATHAM**

Note: Councillor P Whiteley (Ward Councillor) and Ms N Manuel (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application.

**RESOLVED:**

That the application be APPROVED subject to the following conditions:

- 1 Standard Time Limit
- 2 Materials to match existing
- 3 Approved Plans
- 4 No new windows in side elevation

**145 11/0770M - PEACOCK FARM, 194 WILMSLOW ROAD, HANDFORTH, SK9 3JX: RESIDENTIAL DEVELOPMENT CONSISTING OF 13 DWELLINGS AND ANCILLARY CAR PARKING FOR PENSYCOR LTD**

The Committee considered a report regarding the above planning application and a written update.

**RESOLVED:**

That the application be APPROVED subject to the prior completion of a s106 Agreement for the following:

“Commuted sum of £39,000 for open space and £13,000 for recreation/outdoor sport. The commuted sums will be used to improve and enhance existing Cheshire East Council facilities at one or more of the following facilities: Meriton Road Park, Spath Lane/Peover Road and Henbury Road”

and the following conditions:

- 1 Commencement of development (3 years)
- 2 Submission of samples of building materials
- 3 Use of garage/carport
- 4 Removal of permitted development rights
- 5 Development in accord with approved plans
- 6 Protection of Breeding Birds
- 7 Features for Breeding Birds and Roosting Bats
- 8 Renewable Energy Provision
- 9 Landscaping (submission of details)
- 10 Landscaping (implementation)
- 11 Boundary Treatment
- 12 Highways junction improvement
- 13 Contaminated Land investigation
- 14 Development in accordance with recommendations of Red acoustic report
- 15 Construction Method Statement (including hours of construction, deliveries, wheel wash facilities, and details of any pile driving)
- 16 Design of bin store
- 17 Tree retention
- 18 Tree protection

**146 11/0533M - 2-4 HOLLY ROAD NORTH, WILMSLOW: EXTENSION TO TIME LIMIT TO 08/0783P FOR ERECTION OF 10 NO. APARTMENTS WITH BASEMENT PARKING FOR MR SEDDON**

Note: Mr B Millican (objector) attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and a written update.

**RESOLVED:**

That the application be DEFERRED to allow receipt of formal comments from the Strategic Highways Officer and to obtain more information from the Applicant on car parking proposals in the light of revised PPG13.

The meeting commenced at 10.00 am and concluded at 12.35 pm

Councillor B Moran (Chairman)



Application No: 11/0533M

Location: 2- 4, HOLLY ROAD NORTH, WILMSLOW

Proposal: Extension to Time Limit to 08/0783P For Erection of 10No. Apartments with Basement Parking

Applicant: Mr Seddon

Expiry Date: 03-Jun-2011

**SUMMARY RECOMMENDATION**

Approve subject to conditions

**MAIN ISSUES**

Whether there has been a significant change in circumstances or policy since the original grant of permission for 08/0783P.

**Date Report Prepared:** 24<sup>th</sup> May 2011

**REASON FOR REPORT**

The proposed development is for an apartment block comprising 10no. apartments with associated basement parking. Therefore in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

This application was deferred by the Northern Planning Committee on 4<sup>th</sup> May 2011 to allow receipt of formal comments from the Strategic Highways Officer and to obtain more information from the Applicant on car parking proposals in the light of revised PPG13.

**DESCRIPTION OF SITE AND CONTEXT**

This application relates to a vacant plot situated on the southern side of Holly Road North. The site previously comprised 2no. detached dwellings which have been demolished in connection with planning approval 07/0961P. The site is located in a predominantly residential area of Wilmslow as outlined in the Macclesfield Borough Local Plan and there are a number of Tree Preservation Orders on the site.

**SCOPE OF THIS APPLICATION**

Extensions to the time limit for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn.

As a matter of law the Northern Planning Committee decides applications afresh: resolutions which vary from previous decisions may be justified by change of circumstances, or of weight.

For this type of application, the Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will, by definition, have been judged acceptable in principle at an earlier date. It is the Government's advice that Local Planning Authorities should only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended that Local Planning Authorities should re-open debates about principles of any particular proposal, except where material circumstances may have significantly changed, either in local plan policy terms or in terms of national policy or other material considerations.

### **DETAILS OF PROPOSAL**

Approval is sought for an extension of time limit to planning approval 08/0783P. Approval was granted 25<sup>th</sup> June 2008 for the construction of a 4 storey apartment block comprising 10 no. apartments with basement parking for the provision of 17no. parking spaces.

### **RELEVANT HISTORY**

08/0783P	Erection of 10No. Apartments with Basement Parking Approved with conditions, 25.06.2008
07/0961P	Amendments to approved application 05/0789P. Erection of a three-storey apartment building comprising 9 apartments, living accommodation in roofspace and basement parking for 20 cars & 2 external car parking spaces. - Refused 17.07.2007 Appeal Allowed 20/06/2008
06/1914P	Erection of 10No. apartments in a 5-storey building, including attic space & basement parking. - Refused 4.10.2006.
05/0789P	Demolition of 2no detached dwellings. Erection of 3 storey apartment building comprising of 9no. apartments, living accommodation in roofspace & basement parking for 17no. cars & 2no. external car parking spaces – approved 23.05.2005

### **POLICIES**

#### **Regional Spatial Strategy**

DP1 Spatial Principles  
DP2 Promote Sustainable Communities  
DP4 Make the Best Use of Existing Resources and Infrastructure  
DP7 Promote Environmental Quality  
L2 Understand Housing Markets  
L4 Regional Housing Provision  
EM18 Decentralised Energy Supply

#### **Local Plan Policy**

BE1 Design Guidance  
DC1 New Build  
DC3 Amenity  
DC38 Space, Light and Privacy

DC6 Circulation and Access  
DC8 Car Parking  
DC9 Tree Protection  
H1 Phasing Policy  
H2 Environmental Quality in Housing Developments

### **Other Material Considerations**

PPS1: Delivering Sustainable Development  
PPS3: Housing  
PPS4: Planning for Sustainable Economic Growth  
PPS9: Biodiversity and Geological Conservation  
PPG13: Transport

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

No comments have been received from Environmental Health or the Strategic Highways Authority at the time of preparing this report.

### **OTHER REPRESENTATIONS**

Seven letters of representation have been received, three of which have been submitted by the same resident, the comments received are summarised as follows:

- The proposal would have fewer parking spaces than the previous application for 9 no. apartments;
- Visibility will be restricted by existing trees to the front of the site;
- There is no provision for bin storage;
- The proposal is contrary to policies BE1, DC1, DC3, DC36 and DC39 of the Macclesfield Borough Local Plan;
- Financial justification for the proposed development given the current economic climate;
- The proposal does not comprise any affordable units nor does it relate to a community project;
- Material changes in legislation;
- The proposal would be detrimental to highway safety;
- The proposal would set a dangerous precedent for the demolition of 2 large houses and the construction of a large apartment block; and,
- The proposal would be out of character with the area.

### **PRINCIPLE OF DEVELOPMENT**

The application site is located in a predominantly residential area as outlined in the Macclesfield Borough Local Plan 2004. The site previously comprised 2no. detached dwellings which have been demolished in connection with planning approval 07/0961P. In addition, the site is located within close proximity to a Local Shopping Centre, public transport links and schools. In this respect the principle of residential development in this location is considered acceptable.

### **OFFICER APPRAISAL**

The design, siting and scale of the proposed apartment block was considered acceptable during the assessment of planning application 08/0783P. There have been no material changes in the circumstances of the site between the date of approval and the present day. In

addition there have been no changes in Local Plan policy relating to design or amenity and as such, these aspects of the proposal remain acceptable.

### **POLICY**

There have been no changes in relation to Local Planning Policies and as such, the proposal is still considered to comply with those listed above. However, PPS3 Housing has been amended to exclude minimum density targets and residential curtilages no longer form part of the definition of brownfield land. The application site therefore comprises greenfield land.

Local Plan policy H1 relates to the provision of new housing within the Borough and whilst it clearly states that previously developed sites should be developed before greenfield sites; it does not specifically exclude greenfield sites from being developed. PPS3 advises that where Local Planning Authorities cannot demonstrate an up-to-date five year supply of deliverable sites, for example, where Local Development Documents have not been reviewed to take into account policies in this PPS or there is less than five years supply of deliverable sites, they should consider favourably planning applications for housing.

Concern has been raised with respect to affordable housing. The threshold required for an affordable homes provision is 15 units. This is therefore not applicable to this scheme.

Members raised concern that highway congestion may have been exacerbated in the last three years with additional traffic that takes access to Wilmslow High School. In addition a number of concerns have also been raised by neighbouring residents with respect to highway safety.

The Strategic Highways Officer carried a site assessment of the current traffic situation looking primarily at the available parking at Wilmslow High School, parking restrictions along Wilmslow Park North and the proposed parking ratios of the application site.

The assessment concluded that the whilst the car park at the High School was well used, at the time of the visit there were some 11 spaces available and turnover parking was frequent.

The application site is situated some 300 metres from the High School and fronts Holly Road North. Along this length of Holly Road North the public highway is protected from displaced parking by a waiting restriction on both sides between 8am & 6.30pm Monday to Saturday. This is a single yellow line restriction.

With respect to the parking ratios of the site, the Design and Access Statement quotes a provision of 17 parking spaces in addition to a bike store all of which would be contained within the basement. However there is also an additional 2 surface level car parking spaces proposed and bicycle storage for 3 bikes on the frontage of the site.

At the previous meeting it was incorrectly reported that there were 17 spaces in total. There are actually 19 spaces which is only just below 200% provision. It is therefore considered that this should overcome Members concerns regarding insufficient car parking at the site.

Currently Planning Policy Statement 3 determines that authorities should negotiate practical and appropriate levels of parking for residential development, whilst the emerging Cheshire East Council Highway Authority parking standards will generally recommend 200% parking

for residential housing units. The Strategic Highways Manager is mindful that these applications are only for an extension of time to the extant permissions and that the parking ratios offered are actually above the ratios that the developer could have claimed at the time of the 2008 applications.

The Strategic Highways Manager has researched the salient issues and has concluded that there is no technical sustainable reason to express concern over the current highway position and as such raises no objection.

The North West of England Plan, Regional Spatial Strategy to 2021 was published in September 2008 and whilst was not applicable to planning approval 08/0783P it is currently part of the Development Plan.

Policy EM18 of the RSS states that residential developments comprising 10 or more units should secure at least 10% of their predicted energy requirements from decentralised and new renewable or low-carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that this is not feasible or viable. Though no details have been submitted by the applicant to address this policy, this can be dealt with by condition.

RSS policies essentially seek to ensure sustainable development and there is nothing stated within the policies listed above that would warrant the refusal of this scheme. In addition, The North West of England Plan, Regional Spatial Strategy to 2021 is soon to be revoked which forms a material consideration that should be noted.

#### **Other**

Concern has been raised with respect to refuse storage. Bin storage is indicated on the site plan to be positioned on the site frontage. Condition 20 of planning approval 08/0783P requires the details of the design and external appearance of the bin store to be submitted to and approved in writing by the Local Planning Authority. This condition would be applicable should members be minded to approve this proposal.

Concern has also been raised with regards to the potential precedent that this may set with respect to extending an existing permission. If approval is granted for an application for an extension of time limit the result would be a new planning permission with a new time limit. It is not possible to use this procedure where the permission was granted after 1<sup>st</sup> October 2009.

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

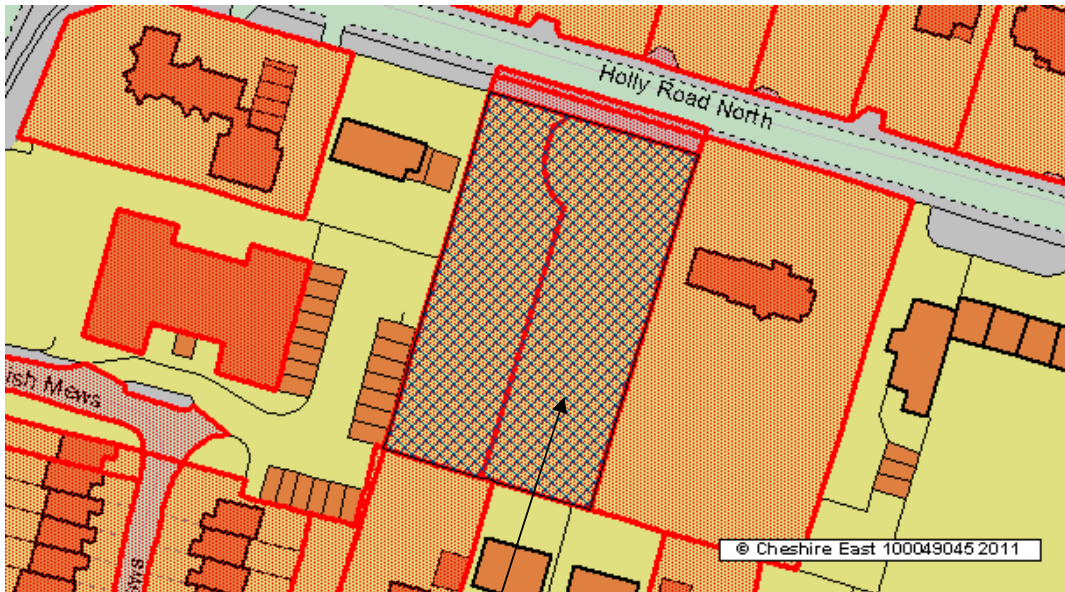
In conclusion, there have been no significant changes in the circumstances of the site or policy that would warrant the refusal of this application. As such, the proposal is considered to comply with Local, Regional and National policies and a recommendation of approval is given subject to conditions.

Application for Extension to Time Limit

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of materials to be submitted
4. Closure of access
5. Construction of junction / highways (outline)
6. Provision of car parking
7. Driveway surfacing - single access drive
8. Landscaping - submission of details
9. Landscaping (implementation)
10. Tree retention
11. Tree protection
12. Construction specification / method statement
13. Arboricultural method statement
14. No gates or obstruction shall be erected across the vehicular access
15. Access to be constructed before occupation of the building
16. Drainage of car park surfaces
17. Provision of cycle stands
18. Provision of cycle store
19. Windows in side elevation shall be obscured and non-opening
20. External Appearance
21. non standard
22. Renewable Energy Requirements

Location Plan



The Site

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Application No: 10/3175M

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

Proposal: REFURBISHMENT, CONVERSION AND EXTENSION OF BUTLEY HALL TO PROVIDE SEVEN APARTMENTMENTS: THIS WORK INCLUDES PARTIAL DEMOLITION OF LATER PARTS OF THE LISTED BUILDING. CONSTRUCTION OF THREE NEW THREE STOREY TOWNHOUSES TO THE REAR OF BUTLEY HALL. EXTERNAL WORKS TO CREATE NEW RAMPED ACCESS DRIVE TO NEW CAR PARKING AREA BETWEEN BUTLEY 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. CREATION OF A FOOTPATH LINK FROM THE SITE TO SPRINGFIELDS. SOFT LANDSCAPING TO THE REMAINING AREAS OF THE SITE.

Applicant: MR & MRS LOCK AND PH PROPERTY HOLDINGS

Expiry Date: 04-Nov-2010

**Date Report Prepared: 25 May 2011**

#### **SUMMARY RECOMMENDATION**

Approve, subject to conditions

#### **MAIN ISSUES**

- 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
- Ecology

#### **REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the constitution such applications are required to be considered by the Committee.

## **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.

There is an existing detached double garage to the south of the Hall and adjacent to the southern boundary.

The grounds of the property are overgrown with a concrete area to the north of the building previously used for car parking. This is now derelict in appearance.

Within the application site there is a Beech tree to the front of the Hall which is the subject of a Tree Preservation Order.

## **DETAILS OF PROPOSAL.**

This application proposes both part demolition and extensions to the original Hall to provide 7 No. apartments together with the erection of 3 No. three-storey mews houses which will have a total floor area of approximately 546 square metres within a courtyard to the rear of the Hall.

The applicant has confirmed the development of the mews houses are required in order to create a viable scheme, although no figures have been submitted to justify this, and they have not submitted an “Enabling Development” argument.

The demolition involves a three storey rear extension extending west beyond the original building to the north, an attached single storey garage extension to the south of the original building and the detached double garage adjacent to the southern boundary. The demolition of the garage will facilitate a replacement double garage which will be integrated into the new three storey extension proposed to the south of the Hall.

The proposal for the conversion of the Hall includes the demolition of 154 square metres over the three storeys and the proposed extensions will add 835 square metres giving a net floor space gain of 681 square metres. There are two extensions proposed to the north and south of the Hall, of a traditional design, which will give the Hall a symmetrical appearance and maintain its height.

The proposed demolitions remove only the later additions to the original Hall which the applicant has confirmed are in poor quality. The removal of these additions is considered to be the only viable option in order to allow for proper internal arrangements.

Vehicular access to both the 7 No. apartments and 3 No. mews houses will be via a driveway to the front of the Hall which passes underneath the proposed extension to the north of the Hall. This passageway will provide access to a private courtyard car park to the rear of the Hall. 10 No. garages for the accommodation within the extended Hall are proposed to be provided mainly below the resident's balcony areas. 6 No. additional car parking spaces will be provided on the western side of the courtyard with dedicated car parking for the 3 No. townhouses immediately in front of them. The applicant has designed the car parking spaces larger than the local standard in order to incorporate landscaping features.

Pedestrian access to Prestbury Village to the south east of the site will be provided via a path leading from the parking courtyard down to Springfields. The paths construction will use a combination of level gravel paths and steps with grit stone risers.

Access to the Hall is retained off the existing driveway to the front of the Hall and also via steps off the rear courtyard.

Due to the topography of the site, in order to achieve the proposed levels and car parking facilities, retaining walls will be required. Climbers are proposed to be planted at the base of these walls.

The existing detached double garage will be demolished and replaced with a new double garage integrated into the extension to the north west, for use by the occupier of Butley Hall Green. The overall size of the garage door openings are intended to be of similar size to the vehicle access way through the proposed extension.

The new extensions will be of traditional design, to blend in with the existing architectural features of the Hall. The front and west elevations (those most visible from public vantage points) will be fabricated in natural stone with matching string courses, window heads/cills and cornice detailing. The rear and east side elevations would be rendered, to tie together the various architectural styles found on these elevations.

The extensions are to be set back from the original building frontage by 2.5 metres, to give them a subservient appearance. The extensions will be proud of the existing rear walls. The fenestration detail has been designed in an attempt to respect and acknowledge the size and pattern of the existing openings.

The proposed new mews houses have been designed in a Georgian style to compliment the Hall, using a similar palette of materials including rendered walls, slate roof tiles and painted timber joinery.

The scale of the mews houses are considerably smaller than the Hall. The block measures 25 metres in width, and 10.4 metres in depth. There is a distance of 16.9 metres between the rear of the Hall and the front of the dwellings. The dwellings are three storey, however, due to the topography of the site and ground levels, the dwellings will be set at basement level to the Hall itself. In effect, this means that only the first and second floor (contained within the

mansard roof) will be visible from the adjoining properties. The properties measure 6.5 metres above existing ground level, or 8.6 metres from the proposed ground level, following excavation works to flatten the sloping site. This is demonstrated on the sectional drawings submitted with the application.

Each of dwellings has a terrace area at first floor level to the rear (opposite Springfields). Privacy screens are proposed at either side of the terrace, to prevent any overlooking of adjoining/neighbouring properties.

A full landscaping scheme has been submitted in support of the proposals, which incorporates both soft and hard landscaping features.

The existing south west boundary wall along Springfields is proposed to be replaced with a retaining wall and hedging.

The applicant has confirmed it is the intention for all the areas of communal hard and soft landscaping and boundary treatments to be maintained by a management company.

## **RELEVANT HISTORY**

08/2672P – Restoration and extension of Hall to provide 12no. apartments, creation of basement car parking, new access and landscaping. Approved - 23/3/2009. (Modern design, extant consent).

08/2762P – Listed Building Consent. Restoration and extension of Hall to provide 12no. apartments , creation of basement car parking, new access and landscaping. Approved - 23/3/2009.

08/0003T – Prune Beech Tree. Consent for works 28/1/2008.

20671P – Conversion of garage into a study and proposed new garage. Approve 19/12/1979.

## **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
- DP7 – Promote Environmental Quality
- L2 – Understanding Housing Markets
- L4 – Regional Housing Provision

### **Local Plan Policy**

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

#### **Other Material Considerations.**

- PPS1 Delivering Sustainable Development
- PPS3 Housing
- PPS5 Planning and the Historic Environment

#### **CONSULTATIONS**

**Highways:** note the proposed redevelopment of the site consists of 7 No. apartments and 3 No. mews houses with a car parking provision of 19 No. spaces in total. The car park is situated to the rear of the site and is accessed through an archway, the width of access and the number of car parking spaces being provided is acceptable.

The access is taken from an existing private drive, there are no highway issues concerning the traffic associated with the development.

No highway objections are raised to the application subject to a condition regarding provision of the car parking spaces.

**Environmental Health:** Recommend conditions and notes in respect of sound insulation, contaminated land and restrictions on hours of construction/demolition.

**Prestbury Amenity Society** comment on this application as follows:-

- 1 We consider the proposal is an over-development of the site and suggest the extensions at both ends of the Hall are reduced in length.
- 2 Chimney stacks are added to the townhouses.
- 3 All trees with TPO's are retained.

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

Prestbury Parish Council feel that this application is an improvement on the previous application. It does not comply with BE18. The application could be modified to help to alleviate the effect on neighbouring properties. There is also concern it does not apply with DC3 (1, 2, 3 & 7) and its impact on neighbouring properties.

## **OTHER REPRESENTATIONS.**

Nine letters of objection have been received in respect of the original plans. Whilst welcoming the general principle of restoration of the Hall, objections have been made on the following grounds;

### **Traffic Generation, Access and Car Parking**

- Increase in amount of traffic on the road which is currently congested due to school traffic. Extra traffic will result in an increase in noise and pollution.
- Question whether applicant has a legal right to use Scott Road as the access point or to meet standards required for the access.
- Five properties rely on Scott Road for access which may be affected.
- Potential queues to get in and out of the site particularly at peak times.
- Congestion and parking problems to the front of the Hall noted in the original report and addressed by access off Springfield Road

### **Impact on Listed Building & Character of the Area**

- Doubling the size of the Hall is unacceptable; together with the townhouses it will dominate the area and impact on the street scene.
- Incorporates elongation of the Hall through unacceptably large extensions which are disproportionate to the scale of the existing Hall.
- Detracts from the Hall's situation.
- Townhouses diminish the listed building and vista.
- The expanse of car parking in front of the townhouses will detract substantially from the setting of the Hall.
- Proposal would harm views the house

### **Residential Amenity**

- New extension will look straight into children's bedroom.
- Development will be overbearing on neighbouring properties which will be overlooked and overshadowed

### **Use of Land**

- Townhouses are 'garden grabbing' and change in Government policy prejudiced by this scheme.
- Overdevelopment of the site.

### **Proposed Layout**

- There are no communal gardens for the residents of the apartments which were viewed as desirable and a virtue of the 2009 scheme.
- Object to the demolition of the existing double garage which blends well in the area in order to make way for a full height extension within 1 to 2 metres of neighbour's boundary.

### **Loss of Trees**

- The Beech tree is significant both in terms of amenity and screening.
- The mature copper beech (T3) is a stunning and historical feature of the attractive green and every effort should be made to protect it.
- Question why eight trees are to be felled to provide townhouses and car parking.

Responses to some of these objections are contained with the revised Planning Justification Statement, which is available on the Council's website.

In addition to the above objections, the following **supporting comments** were received:

- General support of renovation and restoration of the building.
- Proposal is in keeping with the local area and the development has taken into consideration the style of the original building.
- The Beech tree should be felled due to alleged effects of its root system on the structural integrity of garden wall and house.

**A full set of revised plans were submitted on 31<sup>st</sup> March 2011. All parties were re-notified. The last date for comments was extended to Thursday 28<sup>th</sup> April 2011. In respect of the revised plans the following comments were made:**

Eleven further representations were made in respect of the revised plans. Many letters re-iterate original objections listed above; however, the following comments are also made:

### **Traffic Generation & access**

- Access should be taken from Springfields, as the private driveway is unsuitable.
- Problems of construction traffic, noise, dust, disruption from weekend working.

### **Impact on Listed Building and Character of the Area**

- Changes the character of the Hall and the road.
- Aesthetic setting of the Hall will be compromised by loss of garden space.
- Large communal garden area and woodland area not preserved, this will result in a serious and adverse impact on the setting of the Listed building.
- Majority of buildings on the site will be new development which will unbalance the special architectural and historic interests that Butley Hall possesses.

### **Residential Amenity**

- North elevation too close to the boundary of the Gate House, 1.5 metres away.
- Insufficient space left between the Gate House and the extension, 8 metres which contrary to policy.
- Loss of privacy to houses on Scott Road.
- Overbearing on adjoining properties to the North and South sides of the site.

### **Scale & Design**

- 90% increase in frontage length
- Increase in floor area of 79%
- Extensions out of scale with adjacent properties in Butley Hall Green.
- Scale, mass and design of the extensions unsympathetic to the Hall, overwhelming and overbearing to adjacent properties.

### **Loss of Trees**

- Loss of amenity due to removal of trees, in particular the Beech tree.
- The Beech tree should not be removed, it is within a prominent position within the site. An important part of the landscape character.
- Examination of the Beech tree by a tree consultant states it is in good condition and should be retained.
- Beech tree provides screening and privacy to Beverley Cottage on Scott Road, significant in amenity terms.

### **Other**

- A smaller scheme would be more sympathetic.
- No viability assessment to demonstrate that development of the site on the proposed scale is justified.
- There is a legal right of way along the driveway, it should not be obstructed.
- Has the applicant got the legal right to use Scott Road has the access met standards such as widening visibility splays on land either side of the current access?

### **Support**

- Development will be of great value to the immediate area and village of Prestbury.
- Alteration to match stone to the extensions is a further enhancement to a realistic and attractive scheme.

### **APPLICANT'S SUPPORTING INFORMATION.**

The applicant has provided the following information:

- Design and Access Statement
- Planning Justification Statement (Updated to reflect revised plans)
- Heritage Statement.
- Housing Sustainability Checklist
- Tree Survey/ Tree Protection Report



- Bat survey

## **OFFICER APPRAISAL.**

### **Principle of Development.**

The principle of extensions to the Hall has already be accepted in 2009, when Full Planning Permission and Listed Building Consent were granted for three storey side extensions either side of the Hall, with split level wings to the rear, to increase the number of apartments from 7 No. to 12 No. with underground car parking to the rear, and vehicular access taken off Springfields. It was a very ambitious scheme, which proved technically challenging, due to the large volume of excavation required, which potentially could destabilise the listed building. For these reasons, the applicant has sought to re-design the proposals.

The 2009 approval was of a contemporary design (which drew distinct differences between the old and new parts of the building), which is in contrast to the more traditional approach sought in this proposal.

The current development seeks to retain 7 No. apartments within the Hall, albeit with larger proportions, and create 3 No. mews houses to the rear of the Hall, behind a shared courtyard.

### **Design**

The proposed extensions have been designed to mimic the original symmetry of the Hall; similarly, the three mews houses to the rear have been designed in a Georgian style to reflect the architectural style of the Hall.

Whilst the 2009 approval may be difficult to implement, it remains an extant consent, and therefore serious consideration must be given to the scale and bulk of development approved. Unlike the 2009 approval, the current proposal does not seek to extend the Hall to the rear, which results in an overall reduction in floor space, however, the side extensions are substantial. They seek to increase the width of the Hall from 30 metres to 44.6 metres; (the 2009 secured an increase in width to 37.8 metres). The current proposal would increase the width of the Hall 6.8 metres more than the 2009 approval.

The distinct difference between the current proposals and those approved in 2009 is that the existing double garage located to the left of the Hall is to be demolished, and then incorporated into the ground floor of the three storey side extension to the Hall, for exclusive use by the occupiers of Butley Hall Green.

Both end extensions are to be set back 2.5 metres from the front façade, making them appear subservient to the Hall, to respect its historic integrity. As a result, this will mean that the whole building will only be visible from certain vantage points directly opposite the Hall, rather than from the only approach to it, from Scott Road.

Due to concerns raised by the Case Officer in respect of residential amenity issues, the mews houses have been redesigned and repositioned 5 metres away from the southern boundary, as a result, the pedestrian footpath has been relocated from the northern to the southern boundary.

The mews houses have been designed to sit within the sloping ground levels (sloping from the site down towards Springfields). The roof of the mews houses has been changed to a mansard roof to reduce its scale and bulk.

### **Conservation considerations**

Butley Hall is a grade II listed building (listed in 1967) and dates from the late C17, it has undergone some cosmetic change over its life with a new facade dated 1777 and with C19 addition to north and C20 alterations to flats.

Coursed squared buff sandstone rubble with ashlar dressings. Kerridge stone-slate roof, stone ridge and 5 brick chimneys. The main portion of original house has a 3-storey, 7-bay front (2:3:2). Central 3 bays step forward slightly under a triangular pediment.

The current proposal seeks to convert the main body of the Hall into 7 apartments and includes the building of 3 town houses to the rear of the main Hall together with 10 garages.

The proposal for the Hall seeks to alter the frontage by building up (in materials which will replicate the existing stonework) the existing mock single story front wing to the south. This would present a symmetrical frontage to the Hall in a 3:2:3:2:3 window configurations with a step frontage. In addition to the building up of this south wing, this application also seeks to add to both the north and south ends of the Hall, new builds in stone, both with a 3 window configuration, again with a step frontage, thus continuing the theme of symmetry and stepped bays.

These new extensions will be stepped back some 2.5m from the existing building line. This deep step will make them appear subservient to the Hall, and will minimise any appearance of an increased long frontage to the Hall, particularly when viewed from the main view of the property from the north.

The new wing to the North requires the demolition of a Victorian extension, itself having been heavily modified over the years and is of poor quality. It is considered that the loss of this element will not be detrimental to the restoration of the Hall. There is again an introduction of symmetry to this design as both these new extensions have ground floor openings for either garages, or the movement of vehicles.

Internal works to the Hall will respect existing historic features in particular the Jacobean staircase, new additions such as a lift are positioned within the existing fabric of the building.

The 3 town houses to the rear of the Hall have been sunken into the ground as have the 10 garages this together with a landscaping scheme will not interfere with the setting of the Hall nor views from the nearby conservation area.

Whilst the Hall is currently weather proof it is starting to suffer from the severe winters of recent years, the additions and alterations proposed will give this building new life and secure its future well into this century.

Policy HE1 from PPS5 promotes the reuse of existing heritage assets to mitigate the effects on climate change; this proposal is in line with that objective as such is to be encouraged.

Policy HE6 from PPS5 sets out the requirements for information required for this proposal which affects the setting and significance of this building. The information supplied in the design and access statement satisfies this requirement. This design and access statement also satisfies policy HE7.

In terms of the assessment necessary under HE9 of PPS5 there would be that there would be limited harm but that this would be justified by the benefits to the building.

### **Amenity**

A number of concerns have been raised in respect of residential amenity, these can be summarised into the following categories:

1. Traffic generation, access and parking
2. Overlooking/loss of privacy
3. Overbearing effect/loss of light
4. Pollution generated from noise, fumes, dust

#### **1. Traffic generation and parking**

The Hall was subdivided into 7 No. apartments in the 1960's, and whilst currently vacant, this remains the lawful use of the building.

Whilst the Hall was in residential use, there was no formal parking available for its occupants. Cars were parked in front of the Hall, in an ad-hoc fashion which made manoeuvring difficult.

In 2009, permission was granted under application No. 08/2672P for the conversion and extension to the Hall to provide 12 apartments, 2 more than the current proposals. At the time, Members carefully consider access and car parking arrangements, and concluded that the site was capable of accommodating 12 apartments. Whilst the access and parking arrangements differ with this application, the principle for 12 units has already been established. Members will need to give substantial weight to the fall back position when considering the current proposal for 10 units.

The current proposal seeks to retain the same number of apartments within the Hall, albeit that the apartments will be larger, therefore the key difference between the existing and proposed situation will be the introduction of the 3 new mews houses to the rear of the Hall. Therefore, in terms of assessing the impact of the new development, it is the traffic movements and parking of 3 additional dwellings that need to be considered.

As described above, vehicular access to the apartments and the mews houses will be gained from the passageway to the north of the Hall, into the courtyard to the rear of the Hall, where

19 parking spaces will be available, 10 within garages to the rear of the Hall, 6 within marked bays, and 3 spaces to the front of the mews houses. In terms of parking availability, this is a considerable improvement to the current situation.

The site is located within close proximity of Prestbury Village (easily within walking distance). There is a wide range of shops and services available within the Village, furthermore, the site is within close proximity of Prestbury Train Station (which provides a regular service between Manchester and Stoke on Trent), therefore it is considered to be in a Sustainable location.

The Strategic Highways Manager is satisfied that the access is safe, and there are sufficient parking spaces available to meet the needs of the development, and therefore the objections raised in respect of traffic, access and parking can not be sustained.

## **2. Overlooking/loss of privacy**

Particular concern has been raised by the occupants of The Gate House, in respect of a loss of privacy as a result of the introduction of 3 new windows on the north elevation of the Hall (opposite), and from the proposed first floor balcony to the rear of the Hall.

The proposed windows on the north elevation are to ground & first floor en-suite bathrooms, and a second floor utility room. These windows are to non-habitable rooms, and face the side elevation of the Gate House. There are 2 windows on the side elevation of The Gate House, one toilet window at first floor level, and one secondary kitchen/diner window at ground floor level. To ensure no loss of privacy, a condition is recommended to obscurely glaze the 3 new windows on the north elevation.

In respect of the proposed balcony at first floor level, a condition is recommended, requiring a privacy screen to the northern side, to prevent any over-looking of the garden area of The Gate House.

As there is a distance in excess of 28 metres between the rear elevation of the mews houses and the rear of The Gate House, this part of the development is not considered to raise any amenity issues.

Concern was also raised in respect of the proposed northern extension being situated 8 metres from a habitable kitchen/diner window on the ground floor of the side elevation of The Gate House. The explanatory notes for Policy DC38 clearly indicate that the space criteria apply to the sole or principle window to a habitable room. The window on the side elevation of The Gate House is a secondary window to the kitchen/diner, and therefore the space standards do not apply. Notwithstanding this, as the proposed extension is set back 2.5 metres from the front elevation, it will not have a detrimental impact on this window, as it is set 3.5 metres forward of the proposed extension. It should also be noted that the 2009 consent was in a similar position.

The occupants of Butley Hall Green have raise concern about overlooking between the proposed southern extension and their first floor bedroom window. Due to the angle of the buildings, and the positioning of the proposed extension, the proposal will not result in any direct overlooking.

### **3. Overbearing effect / loss of light**

Concerns have been raised about the height of the northern extension and the proximity to the boundary with The Gate House, neighbours are concerned the development will have an overbearing effect, and will result in a loss of sunlight, particularly in the afternoon, during summer months.

The proposed northern extension is in a similar position as the 3 storey extension approved in 2009. The 2009 northern extension measured 9.5 metres in height and projected 5 metres to the rear of the existing Hall, whilst the extension proposed in this application measures 10.4 metres in height and projects 4.5 metres to the rear of the Hall.

There is an attached single garage lying on the southern boundary between the habitable rooms of The Gate House and the proposed extension. The garage measures 3.0 metres in width and projects 2.3 metres to the rear of the house. The proposed extension is therefore 5 metres from the house itself.

Whilst the increase in height of the extension by 0.9 metres is noted, the extension does not extend as far back as the 2009 approval, furthermore, it is considered that the existing Hall already causes a degree of overshadowing.

### **4. Pollution from fumes, noise & dust**

Concern has been raised in respect of the effects of traffic on the occupants of the adjoining property, in particular, fumes from cars, noise and dust as a result of the vehicles accessing and leaving the courtyard.

The passageway opening is 6 metres from The Gate House (discounting the carport). It slopes down to the courtyard, which is 3 No. metres lower than the adjoining ground level, as a result it is considered that only cars entering or leaving the site would have any impact on the neighbouring property.

As indicated above, this proposal needs to be considered against the lawful use of the site for 7 apartments, and the approved use of the site for 12 apartments (albeit that the approved scheme was for ingress only). Members need to carefully consider whether the traffic movements of 3 additional units would have a detrimental effect on the living conditions of the occupiers of the Gate House

Environmental Health have been consulted on the application, and they raise no objection to the proposal, subject to conditions.

### **Ecology**

The Nature Conservation Officer confirms the updated bat survey submitted is acceptable. No evidence of roosting bats was recorded therefore this species does not present a constraint upon the proposed development.

### **Landscape and Forestry**

None of the trees located to the rear of Butley Hall are protected either by a Tree Preservation Order or Conservation Area status. The majority of the trees identified for removal to facilitate the terraced houses were also identified for removal within the extant planning application 08/2672P.

Apart from the Beech at the front of the Hall, the only other protected trees within the immediate area are located within the extended garden of the property known as Park Lodge (TPO) and Springfields Car Park (CA)

The Arboricultural Officer advises that with reference to the Beech tree at the front, which is subject to TPO status, the current proposal identifies the tree to be removed 'for development' (Cheshire Woodlands Tree Survey Schedule CW/6115-SS2) which in part would allow for the proposed 1<sup>st</sup> and 2<sup>nd</sup> floor extensions to the southern section of the building and east facing elevation where the canopy of the tree currently overhangs the existing building.

The downgrading of the value of the tree and the presence of the white-rot fungus *Armillaria* (Honey Fungus) close to the base of the stem and due to its parasitic nature will likely result in butt or root rot and will potentially spread to the rest of the stem. Given the evidence presented and previous confirmation by the Arboricultural Officer regarding the condition of the tree, the retention is no longer defensible in terms of its protected status.

The landscape scheme proposes a replacement Beech which is deemed acceptable.

A pedestrian access is shown to the rear of the site. This access is in a different position to the previous scheme, but the 'low intrusive' construction method as previously approved is principally the same.

The revised are on-balance considered to be subject to certain conditions requiring the development to be carried out in strict accordance with the submitted Arboricultural Statement.

The changes to the siting and scale of the town houses have improved the proposals from a landscape point of view. The town houses will have less visual impact on the Springfields area and the trees now proposed along the eastern side of the site will eventually filter and soften views from the adjacent property.

The landscape proposals are acceptable but further hard and soft details including boundary walls and fences to ensure an appropriate setting for the listed building. A maintenance condition is recommended to ensure that all communal areas are properly managed, particularly the high conifer hedge on the eastern side of the Hall.

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

The proposed development will allow for the renovation and repair of this important Grade II Listed Building, which will secure its future. The extensions will stabilise the building, whilst providing a future use for the site.

The application site comprises previously developed land, located within a sustainable location, close to Prestbury Village Centre, with good access to shops, services and public transport.

The proposed development will bring No. 7 No. three bedroom apartments, and 3 No. three bedroom mews houses to the Village, which will improve the mix of housing types available.

The proposal are not considered to have a significant adverse effect on the residential amenities of adjoining occupants.

The Conservation Officer raises no objection to the scale and design of the proposed extensions or mews houses, and advises that the proposal complies with Planning Policy Statement 5 (Planning and the Historic Environment) which promotes the reuse of existing heritage assets to mitigate the effects on climate change. It is considered that the additions and alterations proposed will give this building new life and secure its future well into this century.

## **RECOMMENDATION**

On the basis of the above information, a recommendation of approval is made, subject to conditions.

Application for Full Planning

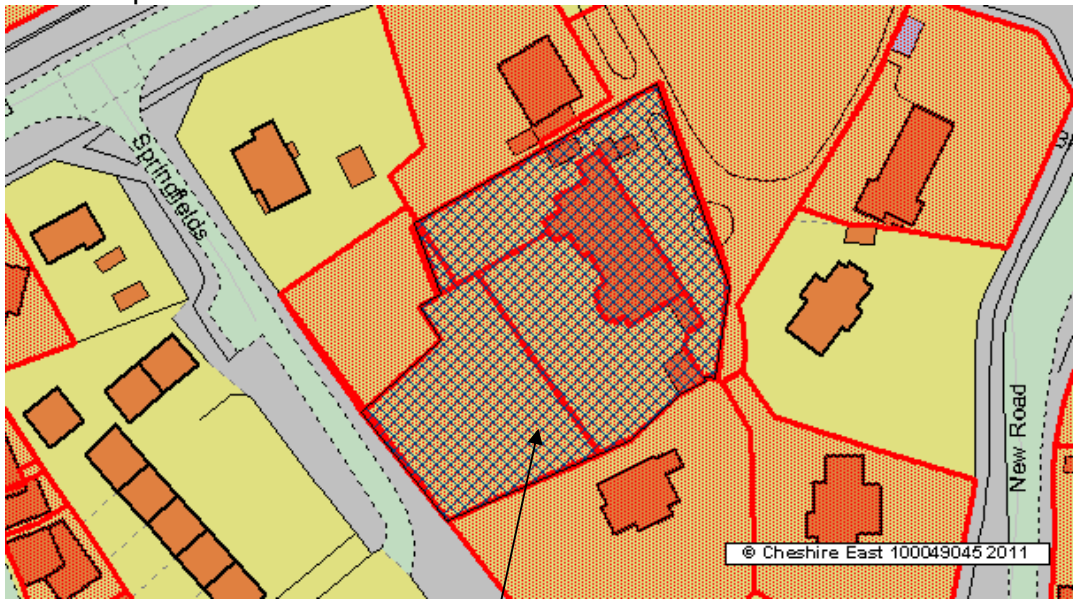
RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04AP - Development in accord with revised plans (numbered)
3. A05EX - Details of materials to be submitted
4. A10EX - Rainwater goods
5. A22EX - Roofing material
6. A16EX - Specification of window design / style
7. A20EX - Submission of details of windows
8. A19EX - Garage doors
9. A03LB - Protection of features - Jacobean staircase
- 10.
11. A05LB - Protection of features - no additional fixtures
12. A22GR - Protection from noise during construction (hours of construction)
13. A01MC - Submission of soundproofing measures to protect residential amenity of future occupiers
14. A25GR - Obscure glazing requirement
15. A06GR - No windows to be inserted

- 16.A01GR - Removal of permitted development rights - dwellings
- 17.A23MC - Details of ground levels to be submitted
- 18.A17MC - Decontamination of land
- 19.A02LS - Submission of landscaping scheme
- 20.A04LS - Landscaping (implementation)
- 21.A12LS - Landscaping to include details of boundary treatment
- 22.A17LS - Submission of landscape management plan
- 23.A01TR - Tree retention
- 24.A02TR - Tree protection
- 25.A14TR - Protection of existing hedges
- 26.A19MC - Refuse storage facilities to be approved
- 27.A04HP - Provision of cycle parking
- 28.A01HP - Provision of car parking -10 garages and 9 bays
- 29.A06HP - Use of garages for parking of cars
- 30.
- 31.
- 32.A08MC - Lighting details to be approved
- 33.A03TR - Construction specification/method statement
- 34.A32HA - Submission of construction method statement
- 35.Submission of archaeological methodology
- 36.No pile driving permitted
- 37.Details of privacy screens to be submitted



Location plan



The Site

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Application No: 10/3214M

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

Proposal: REFURBISHMENT, CONVERSION AND EXTENSION OF BUTLEY HALL TO PROVIDE SEVEN APARTMENTS: THIS WORK INCLUDES PARTIAL DEMOLITION OF LATER PARTS OF THE LISTED BUILDING. CONSTRUCTION OF THREE NEW THREE STOREY TOWNHOUSES TO THE REAR OF BUTLEY HALL. EXTERNAL WORKS TO CREATE NEW RAMPED ACCESS DRIVE TO NEW CAR PARKING AREA BETWEEN BUTLEY 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. CREATION OF A FOOTPATH LINK FROM THE SITE TO SPRINGFIELDS. SOFT LANDSCAPING TO THE REMAINING AREAS OF THE SITE.

Applicant: MR & MRS LOCK AND PH PROPERTY HOLDINGS

Expiry Date: 09-Dec-2010

**Date Report Prepared: 25 May 2011**

**SUMMARY RECOMMENDATION:**

Approve with conditions

**MAIN ISSUES:**

- Impact on the Listed Building.
- Whether there has been any change in circumstances since the approval of planning application Nos. 08/2762P.

**REASON FOR REPORT**

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the constitution such applications are required to be considered by the committee.

**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 1970s. 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.

There is an existing detached double garage to the south of the Hall and adjacent to the southern boundary.

The grounds of the property are overgrown with a concrete area to the north of the building previously used for car parking is now derelict in appearance.

## **DETAILS OF PROPOSAL**

This application proposes both part demolition and extensions to the original Hall to provide 7 No. apartments together with the erection of 3 No. three-storey mews houses which will have a total floor area of approximately 546 square metres within a courtyard to the rear of the Hall.

The applicant has confirmed the development of the mews houses are required in order to create a viable scheme, although no figures have been submitted to justify this, and they have not submitted an “Enabling Development” argument.

The demolition involves a three storey rear extension extending west beyond the original building to the north, an attached single storey garage extension to the south of the original building and the detached double garage adjacent to the southern boundary. The demolition of the garage will facilitate a replacement double garage which will be integrated into the new three storey extension proposed to the south of the Hall.

The proposal for the conversion of the Hall includes the demolition of 154 square metres over the three storeys and the proposed extensions will add 835 square metres giving a net floor space gain of 681 square metres. There are two extensions proposed to the north and south of the Hall, of a traditional design, which will give the Hall a symmetrical appearance and maintain its height.

The proposed demolitions remove only the later additions to the original Hall which the applicant has confirmed are in poor quality. The removal of these additions is considered to be the only viable option in order to allow for proper internal arrangements.

Vehicular access to both the 7 No. apartments and 3 No. mews houses will be via a driveway to the front of the Hall which passes underneath the proposed extension to the north of the Hall. This passageway will provide access to a private courtyard car park to the rear of the Hall. 10 No. garages for the accommodation within the extended Hall are proposed to be provided mainly below the resident's balcony areas. 6 No. additional car parking spaces will

be provided on the western side of the courtyard with dedicated car parking for the 3 No. townhouses immediately in front of them. The applicant has designed the car parking spaces larger than the local standard in order to incorporate landscaping features.

Pedestrian access to Prestbury Village to the south east of the site will be provided via a path leading from the parking courtyard down to Springfields. The paths construction will use a combination of level gravel paths and steps with grit stone risers.

Access to the Hall is retained off the existing driveway to the front of the Hall and also via steps off the rear courtyard.

Due to the topography of the site, in order to achieve the proposed levels and car parking facilities, retaining walls will be required. Climbers are proposed to be planted at the base of these walls.

The existing detached double garage will be demolished and replaced with a new double garage integrated into the extension to the north west, for use by the occupier of Butley Hall Green. The overall size of the garage door openings are intended to be of similar size to the vehicle access way through the proposed extension.

The new extensions will be of traditional design, to blend in with the existing architectural features of the Hall. The front and west elevations (those most visible from public vantage points) will be fabricated in natural stone with matching string courses, window heads/cills and cornice detailing. The rear and east side elevations would be rendered, to tie together the various architectural styles found on these elevations.

The extensions are to be set back from the original building frontage by 2.5 metres, to give them subservient appearance. The extensions will be proud of the existing rear walls. Fenestration detail has been designed in an attempt to respect and acknowledge the size and pattern of the existing openings.

The proposed new mews houses have been designed in a Georgian style to compliment the Hall, using a similar palette of materials including rendered walls, slate roof tiles and painted timber joinery.

The scale of the mews houses are considerably smaller than the Hall. The block measures 25 metres in width, and 10.4 metres in depth. There is a distance of 16.9 metres between the rear of the Hall and the front of the dwellings. The dwellings are three storey, however, due to the topography of the site and ground levels, the dwellings will be set at basement level to the Hall itself. In effect, this means that only the first and second floor (contained within the mansard roof) will be visible from the adjoining properties. The properties measure 6.5 metres above existing ground level, or 8.6 metres from the proposed ground level, following excavation works to flatten the sloping site. This is demonstrated on the sectional drawings submitted with the application.

### **RELEVANT HISTORY**

08/2672P – Restoration and extension of Hall to provide 12no. apartments, creation of basement car parking, new access and landscaping. Approved - 23/3/2009. (Modern design, extant consent).

08/2762P – Listed Building Consent. Restoration and extension of Hall to provide 12no. apartments, creation of basement car parking, new access and landscaping. Approved - 23/3/2009.

08/0003T – Prune Beech Tree. Consent for works 28/1/2008.

20671P – Conversion of garage into a study and proposed new garage. Approve 19/12/1979.

## **POLICIES**

### **Regional Spatial Strategy**

DP1 Spatial Principles.

DP7 Promoting Environmental Quality.

### **Local Plan Policy**

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

## **OTHER MATERIAL CONSIDERATIONS.**

PPS1 Delivering Sustainable Development.

PPS5 Planning for the Historic Environment.

## **CONSULTATIONS**

Fourteen representations have been received, 8 in respect of the original proposals and a further 6 in respect of the revised proposals. The majority of the letters also refer to application 10/3175M, for full planning permission.

The following comments are considered relevant to this application for Listed Building Consent:

- Of “special regard to the desirability of preserving building or its setting..” (Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990) current scheme should not be approved
- Adverse impact on Listed Building, due to loss of garden area and woodland

- Front façade of listed building will be elongated by addition of two proposed side extension which will add to congestion and adverse impact of the Hall.
- The extensions within the 2009 scheme were considered proportionate. The two extensions proposed have both a different mass and scale and will not be proportionate.
- The scale overwhelms the original building and it is considered the side extensions of such massive scale will detract from the features of original architecture.
- Three townhouses also inappropriate together with the extensions to the Hall which all will subsume the original building.
- Majority of the buildings on site will be new and this will unbalance the special architectural and historic interest the Hall possesses.
- BE18 states “extensions must respect the character and scale of the original building and not be allowed to dominate it.” The development proposed is in direct contravention of this policy as both the extensions and the townhouses will dominate and detract from the original building.
- Proposal doubles the size of the Hall
- There is a 90% increase in frontage length increased from 23.5 metres (actually 30.3m) original to 44.4 metres (actual 42.6m) proposed. Compared with 37.8 metres frontage on the 2008 application.
- Cannot agree there is any public benefit that would outweigh any impact on the historic fabric, character and appearance of the Hall.
- Policy HE10 of PPS5 requires a Local Planning Authority to assess the balance of public benefit against any harm to the heritage to the heritage asset.
- There has been no viability argument put forward by the applicant to demonstrate the development is justified.

### **Conservation Officer**

The Conservation Officer raises no objection to the scale and design of the proposed extensions or mews houses, and advises that the proposal complies with Planning Policy Statement 5 (Planning and the Historic Environment) which promotes the reuse of existing heritage assets to mitigate the effects on climate change. It is considered that the additions and alterations proposed will give this building new life and secure its future well into this century.

### **Cheshire County Council Archaeologist**

Cheshire County Council's Archaeologist raises no objection to the proposal, subject to a condition requiring a programme of archaeological work to be carried out in accordance with a written scheme of investigation.

### **English Heritage**

Do not wish to offer any comments on this occasion.

### **Prestbury Amenity Society**

1/ Consider the proposal is an overdevelopment of the site and suggest the extensions at both ends of the Hall are reduced in length.

2/ Chimney stacks are added to the townhouses.

3/ All trees with TPO's are retained

### **Prestbury Parish Council**

The Committee feel that this application is an improvement on the previous application. It does not comply with BE18.

### **APPLICANTS SUBMISSION**

The following documents have been submitted in support of the application, which are available to view on the planning file, and online:

- Design and Access Statement
- Planning Justification Statement (Updated to reflect revised plans)
- Heritage Statement.

### **KEY ISSUES**

This application seeks Listed Building Consent for the restoration and extension of Butley Hall to provide 7 No. apartments, which includes partial demolition of certain parts of the Hall and the construction of 3no. three storey mews houses to the rear of the Hall with associated landscaping, accessways and car parking.

Butley Hall is within a group of 5 dwellings, all accessed off Scott Road. Although the Hall is now vacant, the Hall was previously converted to 7no. two & three bedroom apartments.

It is considered the key issues to be considered are:

- The impact on the setting of the grade II Listed Hall.
- The scale and design of the extensions proposed.
- The impact the mews houses will have on the setting of the Listed Building

### **Principle of Development**

The principle of extensions to the Hall has already be accepted in 2009, when Full Planning Permission and Listed Building Consent were granted for three storey side extensions either side of the Hall, with split level wings to the rear, to increase the number of apartments from 7 No. to 12 No. with underground car parking to the rear, and vehicular access taken off Springfields. It was a very ambitious scheme, which proved technically challenging, due to the large volume of excavation required, which potentially could destabilise the listed building. For these reasons, the applicant has sought to re-design the proposals.

The 2009 approval was of a contemporary design (which drew distinct differences between the old and new parts of the building), which is in contrast to the more traditional approach sought in this proposal.



The current development seeks to retain 7 No. apartments within the Hall, albeit with larger proportions, and create 3 No. mews houses to the rear of the Hall, behind a shared courtyard.

### **Design**

The proposed extensions have been designed to mimic the original symmetry of the Hall; similarly, the three mews houses to the rear have been designed in a Georgian style to reflect the architectural style of the Hall.

Whilst the 2009 approval may be difficult to implement, it remains an extant consent, and therefore serious consideration must be given to the scale and bulk of development approved. Unlike the 2009 approval, the current proposal does not seek to extend the Hall to the rear, which results in an overall reduction in floor space, however, the side extensions are substantial. They seek to increase the width of the Hall from 30 metres to 44.6 metres; (the 2009 secured an increase in width to 37.8 metres). The current proposal would increase the width of the Hall 6.8 metres more than the 2009 approval.

The distinct difference between the current proposals and those approved in 2009 is that the existing double garage located to the left of the Hall is to be demolished, and then incorporated into the ground floor of the three storey side extension to the Hall, for exclusive use by the occupiers of Butley Hall Green.

Both end extensions are to be set back 2.5 metres from the front façade, making them appear subservient to the Hall, to respect its historic integrity. As a result, this will mean that the whole building will only be visible from certain vantage points directly opposite the Hall, rather than from the only approach to it, from Scott Road.

Due to concerns raised by the Case Officer in respect of residential amenity issues, the mews houses have been redesigned and repositioned 5 metres away from the southern boundary, as a result, the pedestrian footpath has been relocated from the northern to the southern boundary.

The mews houses have been designed to sit within the sloping ground levels (sloping from the site down towards Springfields). The roof of the mews houses has been changed to a mansard roof to reduce its scale and bulk.

### **Conservation considerations**

Butley Hall is a grade II listed building (listed in 1967) and dates from the late C17, it has undergone some cosmetic change over its life with a new facade dated 1777 and with C19 addition to north and C20 alterations to flats.

Coursed squared buff sandstone rubble with ashlar dressings. Kerridge stone-slate roof, stone ridge and 5 brick chimneys. The main portion of original house has a 3-storey, 7-bay front (2:3:2). Central 3 bays step forward slightly under a triangular pediment.

The current proposal seeks to convert the main body of the Hall into 7 apartments and includes the building of 3 town houses to the rear of the main Hall together with 10 garages.

The proposal for the Hall seeks to alter the frontage by building up (in materials which will replicate the existing stonework) the existing mock single story front wing to the south. This would present a symmetrical frontage to the Hall in a 3:2:3:2:3 window configurations with a step frontage. In addition to the building up of this south wing this application also seeks to add to both the north and south ends of the Hall new builds in stone, both with a 3 window configuration, again with a step frontage, thus continuing the theme of symmetry and stepped bays.

These new extensions will be stepped back some 2.5m from the existing building line. This deep step will make them appear subservient to the Hall, and will minimise any appearance of an increased long frontage to the Hall, particularly when viewed from the main view of the property from the north.

The new wing to the North requires the demolition of a Victorian extension, itself having been heavily modified over the years and is of poor quality. It is considered that the loss of this element will not be detrimental to the restoration of the Hall. There is again an introduction of symmetry to this design as both these new extensions have ground floor openings for either garages or the movement of vehicles.

Internal works to the Hall will respect existing historic features in particular the Jacobean staircase, new additions such as a lift are positioned within the existing fabric of the building.

Whilst the extensions to the Hall are substantial, they will return the symmetry to the building. Due to the set back, they will appear subservient to the Hall, and will not detract from the historical integrity of the building.

In respect of the 3 No. mews houses to the rear of the Hall, they have been designed to sit within the sloping ground levels to reduce their impact on the setting of the Listed Building. During the life of this application, they have also been re-designed with mansard roofs, to reduce their height and general bulk. The buildings have been repositioned for amenity reasons, which results in them being positioned directly to the rear of the Hall. There is a distance of 16.9 metres between the rear of the Hall and the front of the dwellings.

The alterations to the design of the dwellings together with the landscaping scheme will not interfere with the setting of the Hall nor views from the nearby conservation area.

Whilst the Hall is currently weather proof it is starting to suffer from the severe winters of recent years, the additions and alterations proposed will give this building new life and secure its future well into this century.

Policy HE1 from PPS5 promotes the reuse of existing heritage assets to mitigate the effects on climate change; this proposal is in line with that objective as such is to be encouraged.

Policy HE6 from PPS5 sets out the requirements for information required for this proposal which affects the setting and significance of this building. The information supplied in the design and access statement satisfies this requirement. This design and access statement also satisfies policy HE7.

In terms of the assessment necessary under HE9 of PPS5 there would be that there would be limited harm but that this would be justified by the benefits to the building.

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

The proposed development will bring significant heritage benefits. The Conservation Officer raises no objection to the scale and design of the proposed extensions or mews houses, and advises that the proposal complies with Planning Policy Statement 5 (Planning and the Historic Environment) which promotes the reuse of existing heritage assets to mitigate the effects on climate change. It is considered that the additions and alterations proposed will give this building new life and secure its future well into this century.

## **RECOMMENDATION**

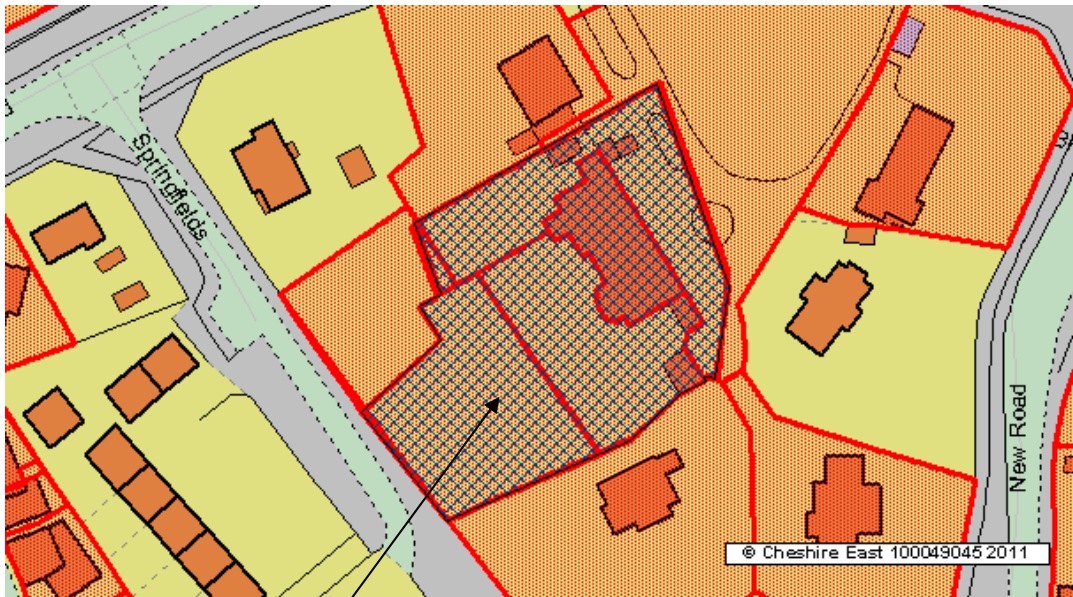
On the basis of the above information, a recommendation of approval is made, subject to conditions.

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. A02LB - Method statement
2. A07LB - Standard Time Limit
3. A04AP\_1 - Development in accord with revised plans (numbered)
4. A05EX - Details of materials to be submitted
5. A10EX - Rainwater goods
6. A22EX - Roofing material
7. A16EX - Specification of window design / style
8. A20EX - Submission of details of windows
9. A19EX - Garage doors
10. A03LB - Protection of features - Jacobean staircase
- 11.
12. A05LB - Protection of features - no additional fixtures
13. Submission of archaeological methodology

Location Plan



The Site

Application No: 11/0131M

Location: LAND TO THE REAR OF CHERRY WOOD, SPARROW LANE, KNUTSFORD

Proposal: DEMOLITION OF REDUNDANT SQUASH CLUB BUILDING AND CONSTRUCTION OF TWO-STOREY 5 BEDROOM HOUSE

Applicant: MR CHARLIE WILLIAMS

Expiry Date: 08-Apr-2011

**Date Report Prepared: 27<sup>th</sup> May 2011**

**SUMMARY RECOMMENDATION Approve subject to conditions**

**MAIN ISSUES**

- Scale, design and layout and impact upon the character and appearance of the locality
- Impact upon the residential amenity of neighbouring properties
- Highway Issues
- Protected Trees/Landscaping Issues
- Sustainability Issues
- Nature Conservation Issues
- Environmental Health

**REASON FOR REPORT**

The application has been requested to go to Northern Committee by Cllr Hunter (Knutsford Ward) for the following reasons:

- Concern that the narrow bridal pathway (Sparrow Lane) could prevent the entry and exit of emergency vehicles to and from the site, contrary to MBLP policy DC6
- Safety concerns relating to pedestrian use potentially being in conflict with vehicular access to and from the site
- Concerns of overbearing traffic generation as a result of the proposal and potential damage to the narrow pedestrian pathway due to heavy vehicular use.

**DESCRIPTION OF SITE AND CONTEXT**

The application site relates to a substantial, elongated plot on a relatively flat gradient, which accommodates a detached two storey building adjacent to the eastern and southern boundary. The building is currently vacant and was formerly used as a squash club; this remains the lawful use. A number of trees, some protected, exist within the site. There is an existing vehicular access onto Sparrow Lane directly to the South. This lane is designated as a public footpath 'Knutsford No. 15'. An allotment exists opposite the site which has its own vehicular access off Sparrow Lane. The site is located within a Predominantly Residential Area of Knutsford, as defined by the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

The proposal is for the demolition of the existing building and the erection of a two storey dwelling with associated garaging. The dwelling would be situated 13m away from the eastern boundary and 2.2m from the southern boundary at its closest point, and would utilise the existing vehicular access. A protected Norway Maple tree would need to be removed as part of the scheme due to its proximity to the dwelling and a proposed landscaping scheme has been submitted with the aim of mitigating for this loss.

Revised plans were received 14/04/11 following concerns regarding the scale of the dwelling and associated impact on the character and appearance of the locality. The amendment was to reduce the height of the dwelling from 9.6m to 8.3m, with associated elevational changes. All relevant parties were re-consulted and given a further 2 weeks to comment.

## **RELEVANT HISTORY**

03/3136P - Conversion of squash court and ancillary building to 1no. dwelling house - Refused 21/01/2004 - Appeal Dismissed 19/01/2005

00/1719P - Detached dwelling (outline) - Refused 06/09/2000

## **POLICIES**

### **Local Plan Policy**

H1- Phasing Policy  
H2- Environmental Quality in Housing Developments  
H5- Windfall Sites  
H13 – Protecting Residential Areas  
BE1- Design Guidance  
DC1- New Build  
DC3- Amenity  
DC6- Circulation and Access  
DC8- Landscape  
DC9- Tree Protection  
DC38- Space, Light and Privacy  
DC41- Infill Housing Development or Redevelopment  
NE11- Nature Conservation

### **Regional Spatial Strategy**

DP1- Spatial Principles  
DP2 – Promote Sustainable Communities  
DP7- Promote Environmental Quality  
DP5 – Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility  
RT2- Managing Travel Demand

### **Other Material Considerations**

PPS1- Delivering Sustainable Development  
PPS3- Housing  
PPS9- Biodiversity and Geological Conservation  
PPS23- Planning and Pollution Control  
PPG13- Transport

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

Public Rights of Way – No objections subject to Informative

Highways- No objection subject to conditions

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

### **VIEWS OF THE TOWN COUNCIL**

Knutsford Town Council objected to the originally submitted plans on the following grounds:

The proposal would by reason of its scale, form and design result in a cramped and intrusive form of development, out of keeping with the character of the existing properties in the immediate vicinity of the site.

They also raised concerns regarding the site access.

### **OTHER REPRESENTATIONS**

There have been objections from residents of 9 nearby properties; the planning-related points of objection relevant to this application are summarised below:

- Pedestrian/ Vehicle conflict due to narrow nature of Sparrow Lane which is a designated public right of way, frequently used by pedestrians hence highway safety concerns
- Sparrow Lane is unsuitable for heavy goods vehicles, emergency and private vehicles
- Use of public footpath for vehicles contrary to Section 34 of the Road Traffic Act 1988; this is not a private road
- Entrance to this section of Sparrow Lane is dangerous in addition to width of pathway, due to tight bend and lack of visibility

- Most allotment users do not use the existing car park but park in Aylseby Close because Sparrow Lane is only 2.25m wide hence pedestrian/vehicle conflict
- Would not comply with fire safety regulations for width of access road
- Overlooking into neighbouring Manor House and loss of privacy to rear garden and domestic outbuilding
- Adverse impact on bats; nocturnal surveys have not been undertaken in the area
- Loss of protected tree and impact on other trees/hedgerows in the site
- Provision of additional services to the property if approved could damage surface of right of way and roots of existing hedgerows/trees
- Previous applications for a dwelling on the site have been refused/ dismissed at appeal

## **APPLICANT'S SUPPORTING INFORMATION**

A design and access statement has been submitted in support of the application.

## **OFFICER APPRAISAL**

### **Principle of Development**

The principle of a new dwelling to replace an existing building in this Predominantly Residential Area is considered to be acceptable, subject to design, amenity, highways, tree, landscaping, nature conservation, sustainability, environmental health issues as examined below.

It is noted that the previous application 03/3136P for the conversion of the existing squash building to a dwelling was only refused due to the moratorium on new housing in the Borough, which has since been lifted.

It is also noted that application 00/1719P was an outline application for a detached dwelling on a different part of the site, in addition to the squash club building. It was refused due to the impact on protected trees and the intensification of vehicular traffic using Sparrow Lane.

### **Design / Character**

Policies BE1, DC1, DC41 seek to promote high standards of design, with the overall vernacular, scale, density, height, mass, spacing and materials of new development being sympathetic to the character of the locality, surrounding buildings and site itself.

The objections from the Town Council have been carefully considered, however the revised scheme is considered to have an acceptable impact on the character and appearance of the locality.



It is noted that the area comprises dwellings of a variety of architectural styles and sizes. Subject to appropriate materials being used in construction, the modern but relatively simple vernacular would be sufficiently in keeping with the area and is considered an improvement on the rather bland existing building, which is not in prime condition.

The proposed dwelling would be 8.3m high, 1.3m higher than the existing squash club building. This is not considered to be too high when compared to the street scene and surrounding neighbouring buildings. It would also have a footprint comparable to surrounding dwellings and would sit comfortably within the plot, with sufficient space remaining between existing dwellings and buildings.

Overall the revised scheme is considered to comply with all relevant design policies.

### **Amenity**

The objection has been carefully considered, however the dwelling would be over 36m away from 'Manor House' and no windows would be directly overlooking. It would be at least 33m from the domestic outbuilding to the rear of this property and whilst there would be some overlooking of this outbuilding and rear garden, it is not considered sufficient to warrant refusal of the application.

The second nearest dwelling to the proposal would be 37m away and so overall a commensurate degree of space, light and privacy would remain between the proposed scheme and all other surrounding properties, with the proposed site also benefiting from a large amount of amenity space around the dwelling. The scheme would also enjoy an open outlook of Sparrow Lane to the South. Overall the scheme would comply with all of the relevant criteria in policies DC3, DC38, DC41.

### **Highways**

The objections have been carefully considered. The Strategic Highways Manager does not object to the proposal; the site has an existing adequate vehicular access that is located off a narrow private road that (in its totality) serves a number of other properties as well as the nearby allotments.

Whilst the standard of access is poor, with a width of between 2.25m-2.5m from Aylesby Close along Sparrow Lane to the site (circa 94m distance), it is important to note that the previous use as a squash club generated vehicle movements and the proposed dwelling is not considered to increase the number of trips when compared to the previous use.

The same conclusion was made by the Highways Engineer under the previous application 03/3136P, as well as the Planning Inspector when this application went to appeal. It is noted that the squash club was still in use at the time of that application in 2003, and that this remains the lawful use of the building, which could be reinstated without the need for planning permission.

The Public Rights of Way Unit also do not object, stating that it appears unlikely the proposal would affect the public right of way, subject to an informative being attached to ensure public access and safety is maintained.

Whilst it is noted that emergency service vehicles and other larger vehicles may have difficulty traversing Sparrow Lane, this is considered to have been the same situation for other properties on the other section of the Lane with a similar width and also the squash club when built/in use and also the existing allotments. Furthermore any issues relating to fire services can be controlled via the relevant Building Regulations legislation.

Adequate parking on site for this size of dwelling would be provided and overall the scheme would comply with policy DC6 and the relevant sections of DC41.

### **Trees**

The loss of the protected tree is a material consideration in the determination of this application. The arguments presented by the Arboricultural Consultant that the tree has only a 10-20 year life expectancy are noted, however in terms of assessing the suitability of trees for long term retention, a life expectancy of over 10 years is considered suitable. It is agreed that the presence of the Phytophthora pathogen will, in all likelihood result in the trees demise and therefore this has to be taken into consideration and a balance made against the scheme as presented.

The applicant has classified the tree as a C1 category tree ( a tree of low quality) a view that the Council's Forestry Officer does not share and therefore does not meet the circumstance set out in Policy DC9 where trees are no longer of sufficient amenity value.

Following further discussions with the Agent, a landscaping scheme has been submitted 18/05/11 to justify the 'exceptional circumstances' and 'net environmental gain' stated in Policy DC9. The landscape scheme makes provision for the planting of four replacement trees in the Extra Heavy and Semi Mature Nursery Stock Category, comprising of a Maple, two Birch and a Liquidambar within the application site.

This proposal would provide additional trees that what would otherwise be obtained if the protected tree had to be felled as part of an application under the TPO. In such cases the LPA can only condition the replacement of one tree for each protected tree removed under the Order. Therefore in the longer term it is accepted that some environmental gain would be achieved by the planting and establishment of four additional trees. The Agent has also indicated that one of the replacement trees, a Maple will be planted within the existing protected group and would therefore maintain the protection of the Order.

The site is currently occupied by the former Squash Courts which are now in a dilapidated condition and therefore consideration has to be given to the long term future of the site. In planning terms there are no other restrictions other than the protected tree preventing development of the site and the position of the tree, sited centrally within the site does present a challenge to the development of the site and probably restricts what could feasibly be built.

The applicant has sought to demonstrate that the scheme as presented meets the exceptional circumstances by providing additional replacement planting to provide the net environmental gain. It is agreed that in the long term these replacements will likely provide that environmental benefit, but in the short term there will be a moderate impact upon the amenity of the area as a consequence of the loss of the protected tree.

On balance, the net long term environmental gain is in this case considered to outweigh the short term moderate impact upon the amenity of the area due to the loss of the protected tree.

### **Sustainability**

The proposal is considered to comply with all sustainability criteria as set out in the PPS3 checklist.

### **Nature Conservation**

The Nature Conservation Officer does not object, stating that the application is supported by an acceptable bat survey undertaken by a suitably qualified and experienced ecological consultant. No evidence of bats was recorded and the building proposed for demolition does not appear to offer any significant potential for roosting bats.

Whilst the objections are noted, there are considered to be no ecological constraints associated with the proposed development.

### **Environmental Health**

As the proposal is for a sensitive end use which could be affected by any contaminated land present on the site, a condition is required by Environmental Health for a contaminated land Phase 1 report to be submitted.

Bearing in mind the relatively recent squash club use, which existed for a long period of time, and considering the existing amount of long-standing trees and natural vegetation on the site, this condition is not considered to be either necessary or reasonable and as such would not comply with the tests set out in Circular 11/95. Therefore it is considered more appropriate to attach an Informative advising the applicant of their duty to adhere to the relevant regulations relating to land contamination.

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

To conclude, the proposed development is deemed to be in accordance with all relevant policies in the development plan and there are not considered to be any other material considerations that would carry sufficient weight to refuse the application.

The scheme would ensure the long term sustainable regeneration of a site which is currently disused and overgrown, with a building which is in a partially dilapidated state. It would have an acceptable impact on the character and appearance of the locality, neighbouring amenity and nature conservation. The proposal would not result in an increase in vehicular traffic accessing the site than the previous use and it is considered that the long term net environmental gain through the re-landscaping of the site would outweigh the harm caused through the loss of the protected tree.

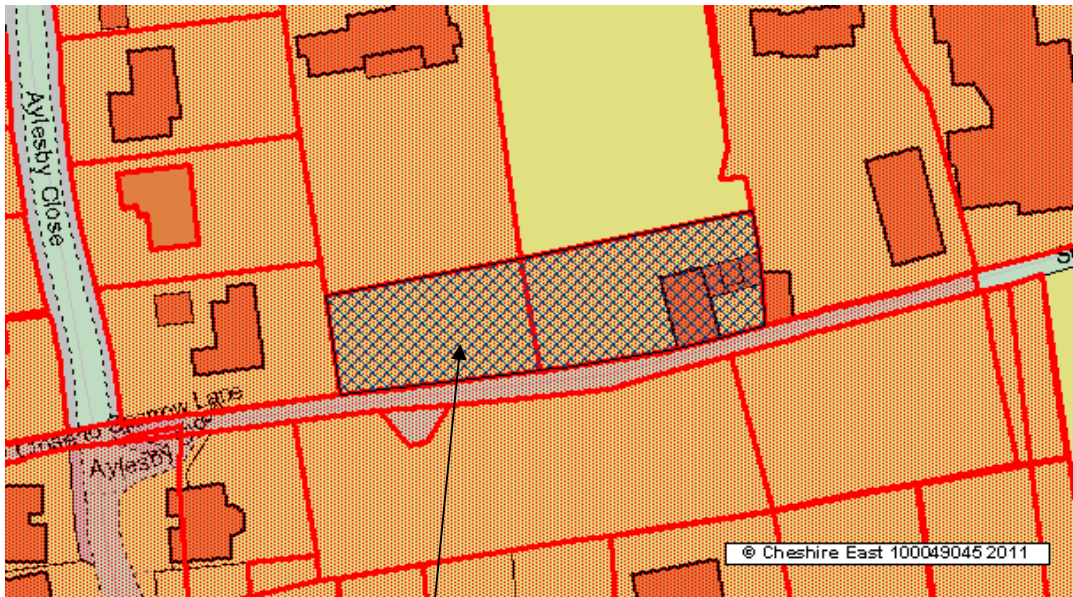
Overall, therefore a recommendation of approval is made, subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. AD02 - Complies objections considered
2. AD14 - Acceptable relationship adjacent and wider
3. AD15 - Acceptable impact on amenity
4. AD20 - visual impact
5. POL01 - Policies
6. A03FP - Commencement of development (3 years)
7. A03AP - Development in accord with revised plans (unnumbered)
8. A05EX -
9. Materials
- 10.A01TR - Tree retention
- 11.A02TR - Tree protection
- 12.A05LS - Landscaping - implementation
- 13.A04LS - Landscaping (implementation)
- 14.A25GR - Obscure glazing requirement
- 15.A32HA - Submission of construction method statement
- 16.A23GR - Pile Driving
- 17.A08HA - Gates set back from footway/carriageway
18. Contaminated Land
19. Public Right of Way
20. Noise

Location Plan



The Site

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Application No: 11/0366M

Location: LAND SOUTH OF THE JUNCTION OF MILL LANE AND, LONDON ROAD, ADLINGTON

Proposal: CHANGE OF USE OF LAND FROM AGRICULTURAL TO A NATURAL BURIAL GROUND AT ADLINGTON HALL

Applicant: ADLINGTON HALL ESTATE

Expiry Date: 02-May-2011

**Date Report Prepared:** 24 May 2011

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions, the completion of a s106 legal agreement and subject to further comments from English Heritage and the Environment Agency.

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact upon character of Historic Parkland / wider area
- Impact upon amenity of neighbouring properties
- Impact upon highway safety
- Pollution risk to groundwater

#### **REASON FOR REPORT**

This application is before the Committee as it represents a change of use of land on a site in excess of 1 hectare.

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

The application site comprises a 7.96 hectare area of open agricultural land to the south west of Adlington crossroads within the grounds of Adlington Hall. A watercourse runs through the site, the land to the west of the watercourse is designated grade II\* in the English Heritage Register of Historic Parks & Gardens and the trees to the eastern boundary are protected by TPO. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission to change the use of the land to a natural burial ground. The development involves alterations to the existing vehicular access from Mill Lane, the provision of 32 parking spaces, access road and turning circle, and a footpath through the site.

## **RELEVANT HISTORY**

None

## **POLICIES**

### **Regional Spatial Strategy**

DP1 (Spatial Principles)

### **Local Plan Policy**

NE5 – Parkland landscapes

NE11 – Nature conservation

BE1 – Design Guidance

DC1 – Design New Build

DC3 – Residential amenity

DC6 – Circulation and access

DC8 - Landscaping

DC9 – Tree Protections

DC19 – Groundwater resources

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

Highways – No objection subject to condition

Environmental Health – No objections

Archaeology – No objections subject to condition

Environment Agency – Object due to the absence of information relating to the impact upon groundwater

Natural England – No objections

English Heritage – Further information is required

Adlington Parish Council – Object on the grounds that the burial ground should be located where it is not visible from highway or neighbouring properties. A location elsewhere on the Adlington Hall Estate would avoid inevitable traffic congestion. Resultant views of the burial ground from the nearby houses will restrict owners' ability to sell their properties.



## **OTHER REPRESENTATIONS**

9 letters of representation have been received from local residents and interested parties. 5 of these letters object to the proposal / raise concern on the following grounds:

- Visual impact when viewed from properties on London Road, which are elevated above the site
- Burial process will be fully visible
- Landscaping would take years to establish
- Burial ground should be located on land that is not visible from highway or local housing
- Additional traffic and impact upon highway safety
- Impact upon protected trees
- Negative impact upon residential amenity
- Is there a need for such a facility?

4 of the letters support the proposal noting that:

- It will not have any detrimental impact upon the Green Belt
- Having attended a funeral at a similar site in Merseyside, it is a wonderful and natural concept
- There is clearly a need as local cemeteries are full
- Ideally located for the local community

## **APPLICANT'S SUPPORTING INFORMATION**

A design & access statement and a habitat survey were originally submitted with the application. However, additional information has since been received including; a Landscape Character Impact Statement, a Landscape and Habitat Management Plan, a Heritage Statement, a landscape plan and a schedule of proposed plant species and sizes.

Given the receipt of this additional information neighbours and the Parish Council have been re-notified, and the last date for the receipt of comments on the additional information is now Friday 3 June 2011.

## **OFFICER APPRAISAL**

### **Green Belt**

Paragraph 3.12 of PPG2 states that "the making of any material changes in the use of land are inappropriate development unless they maintain openness and do not conflict with the purposes of including land in the Green Belt." It is also notable that paragraph 3.4 of PPG2 (relating to new buildings in the Green Belt) makes specific reference to essential facilities for cemeteries, which are identified as being not inappropriate. The current proposal does not include any new buildings, but this paragraph is useful to the extent that it implies cemeteries can be an appropriate use of land in the Green Belt.

No structures are proposed on the site other than a timber pedestrian footbridge crossing the stream. There will be no memorials or grave stones on the site, individual burial plots will be marked with a small plaque which will be laid flush with the ground which will not be visible from any distance away from the plot. Therefore, the most significant impact upon the

openness of the Green Belt is likely to arise from the parking of vehicles associated with the use of the land as a burial ground.

The proposed 32 parking spaces themselves will occupy an area which will be a maximum of 30 metres wide and 35 metres long. In the event that all parking spaces are used at one time, there is some potential for a reduction in the openness of the Green Belt. However, given that it is the ancillary car parking that is the only aspect that has the potential to reduce openness rather than the burial ground itself, the limited scale of the car parking and temporary nature of the presence of vehicles, the openness of the site is considered to be adequately maintained.

In addition the proposal does not conflict with any of the five purposes of including land in Green Belts, which are:

- To check the unrestricted sprawl of large built up areas
- To prevent neighbouring towns from merging into one another
- To assist in safeguarding the countryside from encroachment
- To preserve the setting and special character of historic towns
- To assist in urban regeneration, by encouraging the recycling of derelict and other urban land

It is therefore considered that the proposed burial ground complies with the requirements of PPG2 and is not inappropriate development in the Green Belt.

### **Landscape Character**

The development site is part of the Adlington Hall Estate and consists of two gently undulating fields which are divided by a tree-lined brook. There is a mature hedgerow with trees along the eastern site boundary with the A523 London Road. There is a woodland plantation along the western boundary which screens the site from Adlington Hall and the more formal gardens. The main site access is off Mill Lane located between a row of residential properties and a small copse of semi mature trees at the north-eastern corner. There is also a field access gate off London Road opposite Smithy Garage.

The field to the west of the brook is part of the medieval deer park and is designated as grade II\* on the National Register of Historic Parks and Gardens. This designation means that the site is nationally “particularly important, of more than special interest”.

Views into the site from the A523 London Road are generally well screened or filtered by the mature roadside hedge and trees. Views from the properties on the eastern side of London Road are screened by the site boundary vegetation and also by trees and hedges in front gardens (though the three southernmost properties have more open frontages). These properties do benefit from some open views across the site from first floor bedroom windows. The properties on Mill Lane that back on to the site are owned by the Adlington Estate. Views from the living rooms and gardens are partially screened by trees and hedges but there are probably good views across the site from rear bedroom windows.

The natural burial site proposals include the following features:

- The boundary hedgerow, trees and low stone wall on either side of the entrance on Mill Lane would be removed and replaced with a new native hedgerow located to the rear of the visibility splays improve sight lines.
- A new tarmac access road off Mill Lane leading to a gravel car park.
- A new timber field gate and separate pedestrian access gate.
- A new bound gravel footpath with timber edges running down the centre of the site
- A small timber footbridge across the brook.
- Blocks of woodland around the car park and along the eastern site boundary.
- A native hedgerow along the southern site boundary and also along the rear garden boundaries of the Mill Lane properties.
- Wildflower meadows would be formed over the remainder of the site with mown footpaths to facilitate access to burial plots.

A Landscape and Habitat Management Plan has been submitted which describes how the area would be managed to establish and retain the appearance of a wildflower meadow rather than a formal cemetery, which is considered to be necessary in the interests of the character and appearance of the area. There would be no memorials or grave stones; individual burial plots would be marked with small plaques laid flush with the ground which would not be visible from any distance away from the plots. Floral tributes would be removed on a daily basis. Plots would be chosen by families and would be located randomly rather than in uniform rows.

Low soil fertility is required to successfully establish wildflower meadows. The land has up until recently been used for grazing and would most likely have received applications of fertiliser to improve the pastureland. The recent clearance of grassland and seeding with maize will have further increased soil fertility. Measures will be taken to actively encourage nutrient depletion. The exact methodology of this will be detailed at a later date when the tenant farmer's lease has expired and the opportunity to study the soil conditions is available. Topsoil removal or soil inversion (very deep ploughing) are possible options. The management plan must be updated prior to approval once the methodology has been determined.

In terms of the visual impact of the proposal, the removal of the hedges and trees along the Mill Lane frontage would have an adverse visual impact but this would be mitigated by the replacement native hedge along this boundary.

The new car park and vehicle movements would be noticeable from the properties on Mill Lane, particularly Mill Lane Cottage. However, the proposed woodland planting around the car park and the new hedgerow around the rear garden boundaries would eventually mature and screen these views.

There could also be some oblique views of the car park from the bedroom windows of the properties on the eastern side of London Road. The proposed woodland planting around the car park and along the eastern site boundary would eventually screen views of the car park

and vehicles. The proposed woodland planting along the eastern site boundary has been designed in blocks rather than a continuous belt in order to retain some open views from these properties of the wildflower meadows. Overall, the proposed visual impact of the proposal is considered to be acceptable, subject to the agreement and implementation of a landscape management plan. Given that the land is of historical importance and will be managed as a burial site for the foreseeable future it is considered that this would be necessary to secure the management plan via a s106 rather than by condition. Periodic monitoring and review of the Management Plan by the LPA and possibly English Heritage could also be necessary to ensure that the aims and objectives of the plan are being achieved and the landscape appearance is acceptable.

With regard to the heritage designation of the site, English Heritage initially raised concerns with regard to the level of information submitted with the application. They were subsequently involved in further on site discussions with the agent, and Council officers, and have received further details. Comments on these revised details are awaited, but it is anticipated that the further information will overcome their concerns. Once received, Members will be advised of the English Heritage comments in an update.

### **Trees**

The majority of the trees along the London Road boundary are protected by a 2006 Tree Preservation Order, there are also a significant number of trees associated with the water course which extends through the centre of the site. Also directly to the east of the proposed access stand a number of semi-mature trees, as well as those located within the private garden of Mill Lane Cottage. The submitted management plan confirms that there will be no burial plots within the Root Protection Areas (RPA) identified within BS5837:2005 of mature trees, unless a method statement is first agreed with the Council. The Arboricultural Officer has commented that he is satisfied that this inclusion within the management plan, together with the impact of previous farming practices upon the RPAs, will ensure a satisfactory impact upon trees of amenity value.

### **Archaeology**

The majority of the site does not contain any sites currently included in the Cheshire Historic Environment Record. In addition, an archaeological watching brief during the construction of a new water main across the site did not reveal any archaeological deposits. In view of these facts and the nature of the proposed works, the Council's Archaeologist advises that it would not be reasonable to require any further archaeological mitigation across most of the area. The exception to this lies immediately to the south of Mill Lane where the new access and parking is proposed. Evaluation work was carried out at this location in connection with the proposed Adlington bypass some years ago. This revealed evidence of post-medieval buildings and features and, whilst much of the evidence was adequately recorded, it is likely that further deposits would be exposed by the construction of the visibility splay, tarmac entrance, and any other significant ground disturbance. It is therefore recommended that works in this area should be subject to a controlled top soil strip followed by the excavation and recording of any archaeological deposits that may be present, which may be secured by condition.

### **Highways**

The access to the proposed burial ground is to be taken from an existing field access that is to be upgraded as part of the application. The frequency of burials has been indicated to be

1-2 per day and to serve the visitors 32 car parking spaces are provided as well as a turning area for hearses. The Strategic Highways Manager has commented on the proposal and considers that this number of spaces is sufficient to cater for the use proposed.

The access is to be widened to allow two-way flow and also the visibility at the access point is being improved in both directions. The access point is in excess of 30m away from the junction of London Road and is a sufficient distance away not to cause problems at the junction through traffic generation from the development, especially as the access is to be widened. No significant highway safety issues are therefore raised.

It should also be noted that the site is relatively well served by public transport, with Adlington railway station and local bus stops located a short walking distance from the site.

### **Ecology**

The Council's Nature Conservation Officer has had detailed pre-application discussions with the applicant and their ecologist. The application is supported by an acceptable phase one habitat survey and Great Crested Newt Habitat Suitability Assessment. The Great Crested Newt assessment recommends the completion of a full Great Crested Newt survey. The report was prepared prior to the proposals for the scheme being finalised.

As a result of refinements to the proposed development following pre-application discussions the Nature Conservation Officer is satisfied that great crested newts are unlikely to be affected by the proposed development. A further newt survey is therefore not required. Trees on site were identified as offering potential roosting opportunities for bats, which should be retained as part of the proposed development. Overall the proposal is not considered to have a significant impact upon nature conservation interests.

### **Amenity**

The residential dwellings along Mill Lane, which are under the applicant's control, back onto the application site, and the properties on the opposite side of London Road are located approximately 40 metres from the site boundary. It is acknowledged that from these properties the burial process would be visible, and neighbours could potentially witness mourners in some emotional distress, which could impact upon the living conditions of local residents. However, having regard the distances involved the existing vegetation and additional hedge planting, there is not considered to be any significant loss of amenity arising from the proposal.

### **Groundwater**

At the time of writing the Environment Agency were objecting to the proposal on the grounds that the proposed development may pose an unacceptable risk of causing a detrimental impact to groundwater quality because:

- Published geological mapping indicates that the site is situated above the principal aquifer of the Sherwood Sandstone at rockhead. This is shown to be overlain by superficial deposits, with glaciofluvial sands and gravels, and glacial till shown to occur at the surface.
- The site also lies within a groundwater source protection zone 2 for a nearby public water supply abstraction.

- Nearby groundwater level information indicates that the water table may be relatively close to the surface in this area.

The applicant has not submitted any ground or groundwater level information with the application. A risk assessment should be carried out, accompanied by appropriate ground investigation information to demonstrate that the land is suitable for use as a burial ground and will not pose an unacceptable risk to groundwater.

The Environment Agency will maintain their objection until they receive a satisfactory risk assessment that demonstrates that the risks to groundwater posed by this development can be satisfactorily managed.

It is understood that the applicant also had pre-application discussions with the Environment Agency, and that additional information has now been forwarded to them for consideration. It is anticipated that the additional information may overcome their concerns but Members will be advised on this matter in an update.

#### **Other considerations**

With regard to the comments received in representation not addressed above, the application must be assessed on its own merits, therefore, whilst the comments relating to alternative, less visible sites are acknowledged, they cannot be afforded any weight in the determination of the application. Similarly, there is no requirement for the need of the facility to be demonstrated.

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

The proposed burial ground is not considered to be inappropriate in the Green Belt. The impact upon the visual amenity of the area is considered to be acceptable having regard to the submitted management plan, which can be secured over the longer term by legal agreement. Subject to the resolution of the concerns of English Heritage and the Environment Agency, for the reasons outlined above a recommendation of approval is made, subject to conditions and the completion of a s106 legal agreement.

#### **Heads of Terms**

Should the Committee be minded to approve the application, then a s106 legal agreement would be required to include the following:

- Provision and implementation of a Landscape & Habitat Management Plan

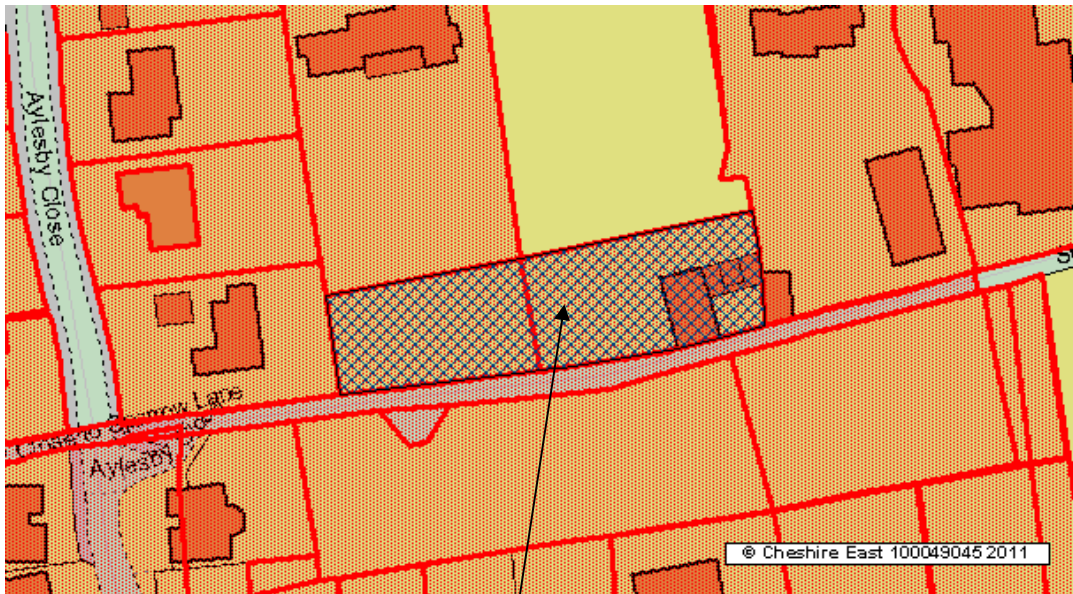
Application for Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Tree retention

4. Construction of access
5. Details to be approved
6. Submission of samples of building materials
7. Submission of additional landscape details
8. Archaeological investigation

Location Plan



The Site



Application No: 11/1115M

Location: WINDMILL WOOD, CHELFORD ROAD, OLLERTON, KNUTSFORD, KNUTSFORD, CHESHIRE, WA16 8RX

Proposal: Proposed Erection of a Dwelling and Two Outbuildings in Association with the Management of Windmill Wood Including the Demolition of a Brick Built Warehouse, One Shed and Two Open Stores

Applicant: Mr & Mrs Panayi

Expiry Date: 13-May-2011

#### **SUMMARY RECOMMENDATION**

Refuse

#### **MAIN ISSUES**

- Whether the proposal is acceptable in the Green Belt
- Impact upon nature conservation interests
- Impact upon woodland / trees

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

The application site comprises a 17 hectare piece of land located to the south of Chelford Road. The site contains a single storey warehouse building and a number of open sided structures. The remainder of the land is covered by woodland, which is also a Site of Biological Importance. Two public footpaths are located within the site, one which follows the northern site boundary and one which crosses north/south through the site. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan.

#### **DETAILS OF PROPOSAL**

This application seeks full planning permission to demolish the existing warehouse, shed and two open stores and erect a new dwelling and two outbuildings in association with the management of Windmill Wood.

#### **RELEVANT HISTORY**

The site has an extensive planning history involving applications for a variety of residential and commercial developments.

The most recent and relevant applications are detailed below.

01/2130P – Certificate of lawfulness for a building used for the storage of shotgun cartridges and the storage/assembly of domestic appliances only. Positive Certificate 28.01.2002.

05/1416P – Change of use of land for use for paintball games, erection of 2 marquees, 2 tents, 3 shipping containers and 3 portable toilets. Refused 08.11.2005.

09/0544M – Demolition of existing commercial buildings, residential/ office annex and attached garage, and the erection of three detached environmentally sustainable dwellings and associated works. Refused 06.07.2009

## **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

DP7 – Promote environmental quality

DP9 – Reduce emissions and adapt to climate change

RDF4 – Green Belts

### **Local Plan Policy**

NE7 – Woodlands

NE11 – Nature Conservation

NE13 – Nature Conservation

BE1 – Design Guidance

BE16 – Setting of Listed Buildings

GC1 – New Buildings

H1 – Phasing Policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Sites

DC1 – New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 – Landscaping

DC9 – Tree protection

DC38 – Space, light and privacy

### **Other Material Considerations**

PPG2: Green Belts

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

Highways – Comments not received at time of report preparation

Environmental Health – No objections subject to conditions

Public Rights of Way – No objections

Manchester Airport – No safeguarding objections

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

Comments not received at time of report preparation

## **OTHER REPRESENTATIONS**

To date, one letter of representation has been received objecting to the proposal on the following grounds:

- Inappropriate development in the Green Belt
- Detract from rural character and appearance of the area
- Insufficient details on woodland management submitted.
- Insufficient details on Great crested Newts, bats and badgers submitted
- No woodland management has taken place for over 30 years
- Buildings erected without planning permission
- Wood cutting takes place during unsociable hours
- The site is use as business without planning approval

## **APPLICANT'S SUPPORTING INFORMATION**

The applicant has submitted a design and access statement, a planning statement, a bat and barn owl survey, an arboricultural statement with woodland management plan and a PPS3 Housing self assessment checklist.

## **OFFICER APPRAISAL**

### **Green Belt**

The applicant's supporting statement confirms that the proposed storage shed and wood cutting building would be directly related to the management of Windmill Wood. The only wood processed and stored would be that generated from Windmill Wood itself. A small business operation would be set up producing logs, planks, woodchips and sawdust for sale off site, which would in turn help to fund the woodland management. It is agreed that the proposed buildings, which would be used for the purposes of forestry would not be inappropriate in the Green Belt.

Turning to the proposed dwelling, the applicant has confirmed that this is not being put forward as a forestry worker's dwelling. As a new dwelling, the proposal is therefore inappropriate development in the Green Belt. As noted in policy GC1 of the Local Plan, such development should not be approved except in very special circumstances. Inappropriate development is, by definition, harmful to the Green Belt, and it is for the applicant to justify that the harm by reason of inappropriateness, and any other, harm is clearly outweighed by other considerations.

In addition to the harm by reason of inappropriateness, it is considered that the proposal would also significantly reduce the openness of the Green Belt.

The existing buildings are all very low rise, with a maximum height of 4.3 metres. Their combined floor area amounts to approximately 382 square metres. By comparison, the

proposed buildings are between 4.8 and 7.5 metres in height, with a total floor area of approximately 700 square metres or footprint of 542 square metres. Clearly the amount of built form on the site will significantly increase with this proposal. The preservation of openness is a primary aim of Green Belt policy, and again it is considered that substantial harm should be attached to developments that serve to reduce the openness of the Green Belt.

### **Very Special Circumstances**

The applicants have put forward the following as very special circumstances to outweigh the identified harm:

#### *1) The dwelling would secure the management of Windmill Wood.*

It is not entirely clear how or why the dwelling would secure the management of Windmill Wood as it is not being demonstrated that somebody needs to live on site to maintain the woodland. The planning statement outlines security issues including some theft and the discovery of a pitched tent within the woodland indicating some form of trespass. However, the existing building, which has been used for the storage of shotgun cartridges in the past could be used for secure storage, and CCTV could also be installed.

Furthermore, the supporting information has outlined that a small profit could be achieved through the sale of logs, sawdust etc. However, whilst the applicant may be willing to maintain the woodland for a small profit, future occupiers of the site may not. The Council must consider the long term implications of the development, as opposed to only the immediate wishes of the applicant. Also, any legal agreement, which ties the house to the woodland, could potentially be amended after 5 years. There is no guarantee that the woodland would be managed for many years to come, whereas the dwelling certainly would remain.

If it is the dwelling that would secure the management of the woodland then it is considered that the application should be submitted as an occupational worker's dwelling and meet the financial, functional and other tests of Annexe A to PPS7.

#### *2) Loss of existing commercial use and associated traffic.*

It is suggested in the planning statement that due to the size of vehicles that could use the site if in commercial use, there would be a net benefit to openness with the proposed development. It is acknowledged that larger commercial vehicles could visit the site, however, this could still be the case with the current proposal as the by products from the woodland management will need to be transported from the site to their point of sale, which is to be off site. In addition, the temporary nature of vehicles visiting the site would not have such an impact upon openness as three substantial buildings, which are significantly greater than those they replace.

In terms of potential noise arising from a commercial use, it is anticipated that the main noise would arise from general comings and goings. With regard to the existing use of the site, a site visit, and submitted photographs have shown that there are a number of electric tools on site, particularly power saws, which would create significant levels of noise for prolonged periods. This practice would be expected to continue under the current proposal for the preparation of the wood for sale.

#### *3) Ecological enhancement*

Whilst it is acknowledged that a degree of ecological enhancement would be achieved through the management of the woodland, this simply demonstrates compliance with local plan policy NE11, and is not considered to amount to a very special circumstance.

The proposed package of measures is therefore not considered to amount to the required very special circumstances to outweigh the harm to the Green Belt by reason of inappropriateness and loss of openness. The proposal is therefore considered to be contrary to policy GC1 of the Local Plan.

### **Design / character**

With regard to the form and design of the buildings, the proposed storage building and wood cutting shed have a relatively characteristic appearance of modern farm buildings. The proposed dwelling is a dormer bungalow, with a large and dominant octagonal entrance structure, which does not appear to be entirely in keeping with the simple form of the other buildings or what would normally be expected on a forestry / agricultural site. However, as the buildings would not be unduly prominent from public vantage points, the impact upon the character of the area is not considered to be sufficient to justify a reason for refusal.

Notwithstanding this concern, due to the distance to and the extent of intervening vegetation, the proposal is not considered to have a significant impact upon the setting of the Listed Building on the adjacent site.

### **Amenity**

The proposal will move the buildings that will house the wood processing operations closer to the dwellings on Manor Lane. However due to the purpose built nature of the buildings for wood processing it is considered to be likely that much of the activity will take place within the buildings, as opposed to outside. Whilst the buildings will be constructed from “hit and miss” boarding to allow ventilation, the structures should serve to reduce noise levels to some degree. Also, having regard to the distance to and the existing relationship with these neighbouring dwellings no significant amenity issues are raised.

### **Ecology**

The application site is located within the Windmill Wood Site of Biological Importance. Local Plan policy NE13, which restricts development that would adversely affect the SBI is applicable to the determination of this application. The Nature Conservation Officer has commented on the application and advises that the proposed buildings will not have a significantly adverse impact upon any habitats of nature conservation importance.

The application is supported by a woodland management plan, the implementation of which would be beneficial for the SBI. However, it is noted that the management plan makes reference to the treatment of the on-site wetland however no detailed proposals have been provided. Furthermore, the management plan also specifies the use of herbicide, which may not be appropriate within the SBI.

By leading to a nature conservation enhancement, the proposal complies with the objectives of policy NE11, which seeks to conserve, enhance and interpret nature conservation interests.

### **Highways**

The existing vehicular access from Chelford Road is to use to serve the proposed development, and parking for 5 vehicles will be provided within the site. Comments from the Strategic Highways Manager are awaited, however, the proposed access and parking arrangements are considered to be acceptable having regard to the existing use of the site. Comments from the Strategic Highways Manager will be reported to Members in an update.

### **Trees / Woodland**

The application follows pre-application discussion with the Council's Arboricultural Officer, and a Woodland Management Plan has been submitted, which sets out the way in which the woodland will managed over the next 10 years. Comments from the Arboricultural Officer are awaited, however, there is no doubt that the woodland would benefit from a programme of effective management.

By enhancing the existing woodland through the implementation of the management plan proposals, the proposal complies with the objectives of policy NE7 of the Local Plan, which outlines that the Council will seek to retain and enhance existing woodlands by woodland management.

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

Subject to the receipt of information from outstanding consultees, the proposed development represents inappropriate development in the Green Belt, which would also reduce openness. Whilst a package of benefits have been put forward as very special circumstances, for the reasons outlined within the report, these benefits are not considered to outweigh the harm caused by inappropriateness and by loss of openness. Accordingly a recommendation of refusal is made, for the following reason:

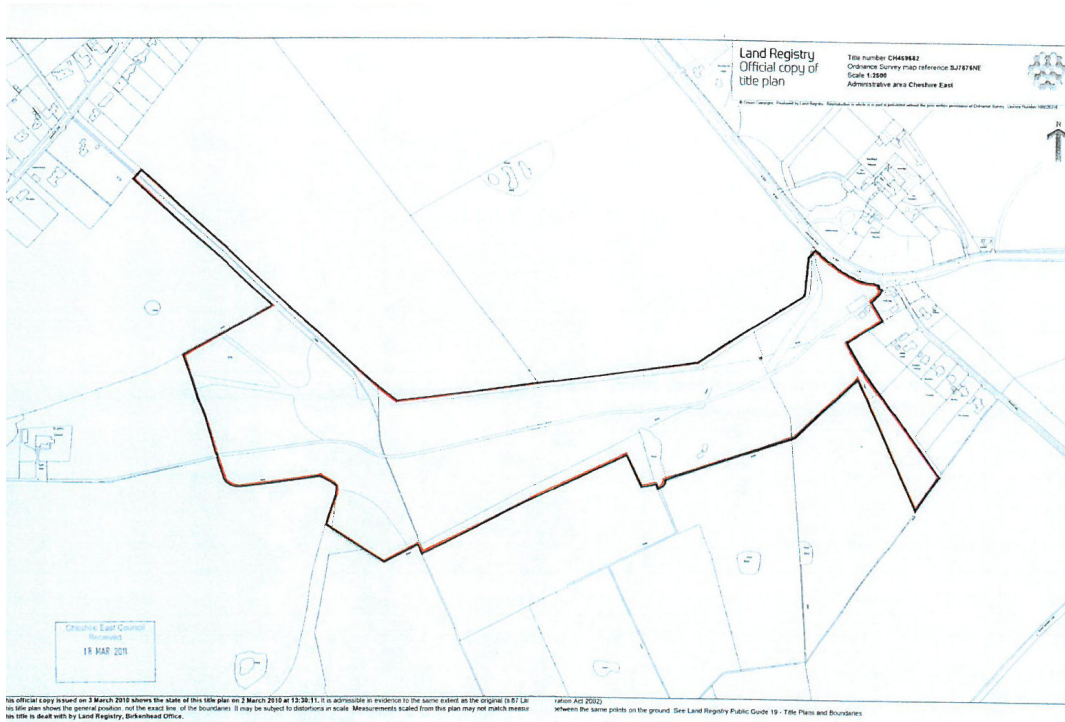
1. The proposal would reduce openness and is an inappropriate form of development within the Green Belt, as defined by the Development Plan. The development is therefore contrary to policy GC1 of the Macclesfield Borough Local Plan and would cause harm to the objectives of those policies. The development is similarly contrary to national policy guidance relating to development within the Green Belt. It is not considered that very special circumstances exist to justify the approval of inappropriate development in the Green Belt.

Application for Full Planning

**RECOMMENDATION:** Refuse for the following reasons

1. Inappropriate development

# Location Plan



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Application No: 11/0648M

Location: JUBILEE FOUNTAIN OUTSIDE 11-13, FOUNTAIN PLACE, CHESTER ROAD, POYNTON

Proposal: As Part of a Wider Highway Improvement Scheme it is Proposed to Relocate the Jubilee Fountain Monument in Fountain Place, Poynton from it's Current Position on a Traffice Island to an Area of Footway to the Southeast Corner of the Junction

Applicant: Mr P Sherratt, Cheshire East Council

Expiry Date: 11-May-2011

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions and any other comments that may be received within the consultation period

#### **MAIN ISSUES**

Impact on the character of the listed structure and its setting

**Date Report Prepared:** 25<sup>th</sup> May 2011

#### **REASON FOR REPORT**

The application has been submitted by Cheshire East Council and objections have been received from members of the public.

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

The Jubilee Fountain is a Grade II listed structure. It is located on a traffic island at the junction of Chester Road and London Road South, Poynton.

#### **DETAILS OF PROPOSAL**

Due to Phase 2 of the Poynton Village Highway Improvement Scheme, Listed Building Consent is sought to relocate the fountain to the opposite side of the junction, on Park Lane.

#### **RELEVANT HISTORY**

No relevant planning history

#### **POLICIES**

##### **Regional Spatial Strategy**

DP1 Spatial Principles

EMC1 Integrated Enhancement and Protection of the Region's Environmental Assets

##### **Local Plan Policy**

BE2 Historic Fabric

BE15 Repair or Enhancement of Listed Buildings

BE18          Listed Building Consent

**Other Material Considerations**

PPS5: Planning for the Historic Environment

**CONSIDERATIONS (External to Planning)**

**Highways:** No objections

**VIEWS OF THE PARISH / TOWN COUNCIL**

**Poynton Parish Council** - Comments awaited

**OTHER REPRESENTATIONS**

Two letters of representation have been received from members of the public. One simply states that they object to the application, whilst the other states that they consider moving the fountain from Fountain Place to be a serious error of judgement that will detrimentally impact on the character and appearance of Poynton. They go on to state that most of the character of Park Lane has been ripped out but moving the fountain, which has been there since 1897, should not be done. It is outrageous and disliked by many.

**APPLICANT'S SUPPORTING INFORMATION**

A Design & Access Statement and a Method Statement for the dismantling and re-erecting of the fountain was submitted with the planning application.

**OFFICER APPRAISAL**

This structure is Grade II Listed and forms the centre piece of Fountain Place. Its current location is not original: it was moved and refurbished in the 1980's to its current location. The fountain is proposed to be moved due to the highways improvement scheme that is currently taking place within Poynton and will result in the current traffic island on which it is located being removed. The proposed location of the fountain will be on Park Lane. Whilst the objections received from the public have been taken into consideration, the Conservation Officer considers that the proposed siting of the fountain will serve to give this structure prominence within the new setting and therefore raises no objection to the relocation of the listed structure subject to a condition.

The Strategic Highways Manager has assessed this application and considers that the proposed new location for the fountain in a wide area of footway would provide adequate space for pedestrian usage. There are no highway objections to the application.

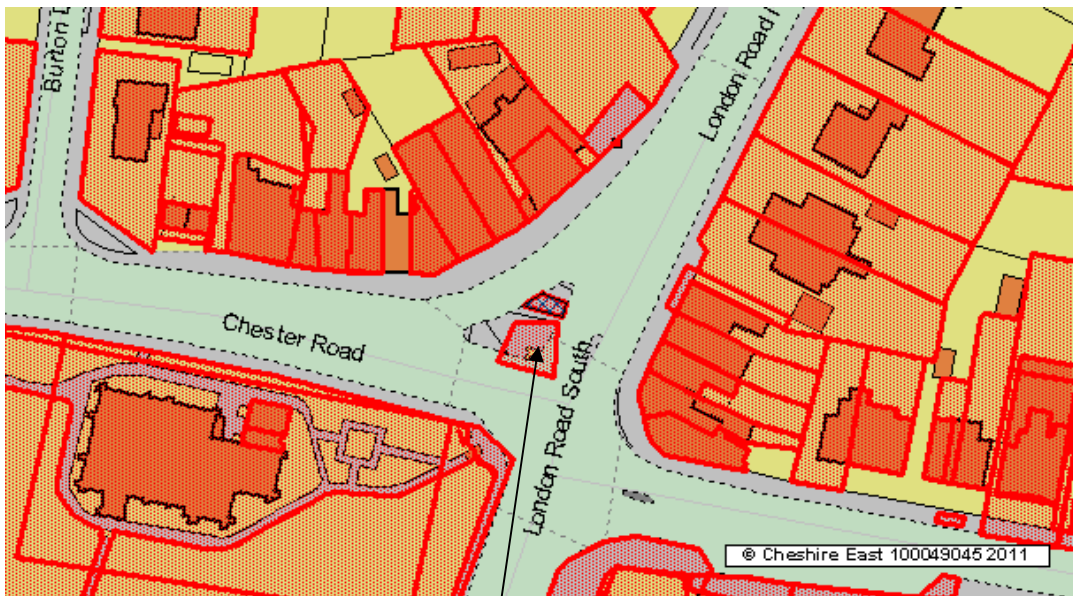
**CONCLUSIONS AND REASON(S) FOR THE DECISION**

Whilst the objections received have been taken into consideration it is considered that the relocation of the listed fountain would not have a detrimental effect on its siting or prominence and is therefore considered to comply with the relevant policies in the Local Plan, as well as regional and national policy. It is therefore recommended that the application is approved subject to conditions, subject to any further comments being received.

RECOMMENDATION: Approve subject to following conditions

1. Standard Time Limit
2. Development in accord with approved plans
3. Works in Accordance with Method Statement

Location plan



The Site