

Northern Planning Committee

Agenda

Date:	Wednesday, 21st May, 2014
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1EA

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 disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 10)

To approve the Minutes of the meeting held on 16 April 2014 as a correct record.

4. Public Speaking

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information
Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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. **14/0617M-Demolition of the existing property and construction of 5no. apartments with under-croft parking and associated landscape works, Bollin hey, Collar House Drive, Prestbury, Cheshire for P Hughes, P H Property Holdings Ltd (Pages 11 - 30)**

To consider the above application.

6. **13/5184M-Sustainable Development of 14 dwellings within the curtilage of Eaton Cottage, Eaton Cottage, Moss Lane, Eaton for Mr & Mrs Moores, Taylor Earnshaw (Pages 31 - 48)**

To consider the above application.

7. **13/3100M-Demolition of existing buildings and erection of a terrace of 3 two storey dwellings, Land at Langley Mill, Langley Road, Langley for Steve Hopkins (Pages 49 - 62)**

To consider the above application.

8. **14/1337M-Variation of Conditions 2 and 8 on Approved Application No. 10/3175M to correspond with Listed Building Consent approvals ref 13/1024M, 13/1007M and 13/3269M, namely; a) alteration of single garage to apartment 2 to form a study and utility room and the addition of glazed areas to the garage doors; b) demolish and rebuild the south gable wall and c) demolish and rebuild the north gable and part of the west wall, Butley Hall, Scott Road, Prestbury for Mrs Adele Lock, Edengate Bespoke Homes (Pages 63 - 74)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 16th April, 2014 at The Capesthorne Room - Town Hall,
Macclesfield SK10 1EA

PRESENT

Councillor R West (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, B Burkhill, K Edwards, H Gaddum, A Harewood,
O Hunter, J Macrae, D Mahon, D Neilson and P Raynes

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor), Mr P Hooley (Northern Area Manager), Mr N Jones (Principal Development Officer), Mr T Poupard (Senior Planning Officer) and Miss L Thompson (Senior Planning Officer)

113 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor L Brown and Mrs L Jeuda.

114 DECLARATIONS OF INTEREST/PRE DETERMINATION

In respect of application 14/0355M, Councillor Mrs H Gaddum declared that she had pre determined the application. She moved to the public gallery during the presentation by the Officer. She came to the table to speak as the Ward Councillor and then left the room during consideration of the application. She returned to the meeting once a decision on the application had been made.

In the interest of openness in respect of application 14/0729M, Councillor Mrs H Gaddum declared that she has been the relevant Portfolio Holder when the proposals were first mooted.

In respect of the same application, Councillor J Macrae declared that he had pre determined the application. He moved to the public gallery during the presentation by the Officer. He came to the table to speak as the Ward Councillor and then left the room during consideration of the application. He returned to the meeting once a decision on the application had been made.

In the interest of openness in respect of the same application, Councillor P Raynes declared that he was a Member of the School Organisation Sub Committee as well as being the Finance Portfolio Holder, however he had not pre determined or been involved in the application.

In the interest of openness in respect of the same application, Mr P Hooley, the Northern Area Manager declared that he knew a number of people seated in the public gallery. He emphasised that his role was to provide advice to the Committee.

In the interest of openness in respect of application 14/0046M, Councillor Mrs A Harewood declared that her current profession was in Nursing.

In the interest of openness in respect of the same application, Councillor D Neilson declared he had received correspondence in relation to the application.

115 **MINUTES OF THE MEETING**

RESOLVED

That the minutes of the meeting held on 19 March 2014 be approved as a correct record and signed by the Chairman subject to the replacement of the word 'former' with the word 'current' in Councillor Mrs Harewood's declaration.

116 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

117 **14/0046M-DEMOLITION OF MOT TESTING CENTRE AND GARAGE AND RE-DEVELOPMENT FOR USE CLASS C2 RESIDENTIAL ACCOMMODATION WITH CARE COMPRISING 47 APARTMENTS FOR PERSONS AGED 60 AND OVER WITH COMMUNAL FACILITIES, PARKING AND ASSOCIATED PRIVATE AMENITY SPACE, FORMER GARAGE, BUXTON ROAD, MACCLESFIELD FOR MRS P SMITH, ADLINGTON AND CANAL AND RIVER TRUST**

Consideration was given to the above application.

(Mr Chris Still, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the oral update to Committee the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)

2. A01AP - Development in accord with approved plans
3. A06LP - Limitation to C2 use
4. A06LP_1 - Operational Management Plan
5. A02EX - Submission of samples of building materials
6. A09EX - Rainwater goods and flues
- 7 A20EX - Submission of details of windows and balconies
- 8 A01LS - Landscaping - submission of details
- 9 A04LS - Landscaping (implementation)
- 10 A12LS - Landscaping to include details of boundary treatment
- 11 A19MC - Refuse storage facilities to be approved
- 12 A07HA - No gates - new access
- 13 A01HP - Provision of car parking
- 14 A04HP - Provision of cycle parking
- 15 A06NC - Protection for breeding birds
- 16 A08MC - Lighting details to be approved
- 17 A22GR - Protection from noise during construction (hours of construction)
- 18 A23GR - Pile Driving
- 19 A17MC - Decontamination of land
- 20 A04NC - Details of drainage
- 21 Travel Plan
- 22 Measures to encourage nesting birds
- 23 A scheme to minimise dust emissions
- 24 Unexpected contamination
- 25 Sewer easement

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority be delegated to the Interim Planning and Place Shaping Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town

and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

118 **14/0355M-TWO STOREY VICARAGE TO BE CONSTRUCTED ON LAND WITHIN DOMESTIC CURTILAGE OF EXISTING VICARAGE, ST JAMES VICARAGE, CHURCH LANE, SUTTON FOR PETER GOWRLEY, DIOCESE OF CHESTER**

(During consideration of the application, Councillor B Burkhill arrived to the meeting, however he did not take part in the debate or vote on the application).

Consideration was given to the above application.

(Councillor Mrs H Gaddum, the Ward Councillor, Parish Councillor Christine Eyre, Chairman of Sutton Parish Council and Venerable Ian Bishop, Archdeacon of Macclesfield, representing the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be delegated the Interim Planning and Place Shaping Manager, in consultation with the Chairman and Vice Chairman of the Northern Planning Committee for approval subject to conditions.

The Committee considered there was sufficient evidence to show that the harm to the green belt was clearly outweighed and therefore decided to grant approval of the application.

(This decision was contrary to the Officers recommendation of refusal).

119 **14/0729M-PROPOSED 2 CLASSROOM SINGLE STOREY MODULAR BUILDING WITH WC'S AND STORAGE AREAS. KITCHEN EXTENSION BUILT ONTO EXISTING KITCHEN INVOLVING REMOVAL OF EXISTING WALL. WIDENING OF EXISTING ACCESS ONTO CHURCH LANE TO FORM 8 STAFF CAR PARKING AREAS WITH TARMAC FINISH. EXTERNAL TARMAC PLAY AREAS WITH METAL FENCING. RELOCATION OF EXISTING ENTRANCE CANOPY AND RELOCATION OF EXISTING PLAY EQUIPMENT, MOBBERLEY C OF E PRIMARY SCHOOL, CHURCH LANE, MOBBERLEY, KNUTSFORD FOR HEADTEACHER, MOBBERLEY C OF E PRIMARY SCHOOL**

(During consideration of the application, Councillor Miss C Andrew left the meeting and did not return).

Consideration was given to the above application.

(Councillor J Macrae, the Ward Councillor, Mr Ian Norbury, an objector and Julie Eadie, a supporter attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update to Committee the application be approved subject to the following conditions:-

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

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

(The meeting adjourned for a short break)

120 **14/0408M-CHANGE OF USE OF LAND TO SITE 23 TIMBER-CLAD TWIN-UNIT CARAVANS (RESUBMISSION OF SCHEME ALLOWED ON APPEAL UNDER PLANNING PERMISSION 09/3544M), LADERA, BACK LANE, EATON FOR YVETTE NOAD, LADERA RETREAT**

Consideration was given to the above application.

(Councillor Mrs L Smetham, the Ward Councillor and Rachel Whaley, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the written update the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A04LS - Landscaping (implementation)
3. A01TR - Tree retention
4. A02TR - Tree protection
5. A04TR - Tree pruning / felling specification
6. A07TR - Service / drainage layout
7. A04NC - Details of drainage
8. A02EX - Submission of samples of building materials
9. A01AP - Development in accord with approved plans
10. caravans restricted to holiday purposes only
11. no caravan occupied between 14 Jan - 1 March
12. termination/ stopping up of temporary access
13. submission of Travel Plan
14. submission of woodland care management plan
15. external appeaance of caravans
16. details of refuse storage
17. provision of passing places
18. provision of footpath between site and the A536
19. bus stop improvements
20. Precautionary measures (badgers)

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to

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

121 **WITHDRAWN BY OFFICERS-13/5248N-OUTLINE APPLICATION FOR NEW RESIDENTIAL DEVELOPMENT OF UP TO 14 DWELLINGS, THE PRINTWORKS, CREWE ROAD, HASLINGTON FOR GEORGINA HARTLEY**

This application was withdrawn by Officers prior to the meeting.

122 **13/3931M-CHANGE OF USE OF EXISTING GLASSHOUSE FROM HORTICULTURAL USES TO PARKING OF CARS ASSOCIATED WITH THE EXISTING AIRPORT CAR PARKING OPERATION BASED AT THE SITE, BOUNDARY FARM, STYAL ROAD, WILMSLOW FOR FRANK MATTHEWS & SONS**

Consideration was given to the above application.

(Mr Emery, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That for the reasons set out in the report and in the update to Committee the application be approved subject to the following conditions:-

1. Long stay – 5+ days only
2. Access from Styal Road

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Northern Area Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Should this application be the subject of an appeal, authority shall be delegated to the Northern Area Manager in consultation with the Chairman of the Northern Planning Committee to enter into a planning agreement in accordance with the S106 Town and Country Planning Act to secure the Heads of Terms for a S106 Agreement.

123 **14/0990M-VARIATION TO CONDITION 2 OF APPLICATION 11/0533M. FOR ERECTION OF 10 NO. APARTMENTS WITH BASEMENT PARKING, 2 - 4 HOLLY ROAD NORTH, WILMSLOW, CHESHIRE FOR WAYNE SEDDON**

Consideration was given to the above application.

(Mr Seddon, the agent for the applicant attended the meeting and spoke in respect of the application. In addition a statement was read out by the Northern Area Manager on behalf of Councillor R Menlove, the Ward Councillor).

RESOLVED

For the reasons set out in the report and in the written update to Committee the application be approved subject to the following conditions:-

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A05EX - Details of materials to be submitted
4. A12HA - Closure of access
5. A13HA - Construction of junction / highways (outline)
6. A01HP - Provision of car parking
7. A10HP - Driveway surfacing - single access drive
8. A01LS - Landscaping - submission of details
9. A04LS - Landscaping (implementation)
10. A01TR - Tree retention
11. A02TR - Tree protection
12. A03TR - Construction specification / method statement
13. A05TR - 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

124 **14/0655N-STEEL PORTAL FRAMED AGRICULTURAL BUILDING FOR THE HOUSING OF LIVESTOCK, ROOKERY FARM, ROOKERY LANE, BURLEYDAM FOR ROBERT VERNON**

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the oral update to Committee the application be approved subject to the following conditions:-

1. Standard time 3 years
2. Materials as stated
3. Plans
4. Hours of Construction

125 **INFORMATION ITEM ON URGENT DECISION RELATING TO
LAND AT JASMINE PARK FORMERLY HENBURY HIGH SCHOOL,
WHIRLEY ROAD, MACCLESFIELD**

Consideration was given to the above report.

RESOLVED

That the report be noted.

The meeting commenced at 2.00 pm and concluded at 5.45 pm

Councillor R West (Chairman)

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Application No: 14/0617M

Location: BOLLIN HEY, COLLAR HOUSE DRIVE, PRESTBURY, CHESHIRE, SK10 4AP

Proposal: Demolition of the existing property and construction of 5no. apartments with under-croft parking and associated landscape works

Applicant: P Hughes, P H Property Holdings Ltd

Expiry Date: 23-Apr-2014

Date Report Prepared: 06 May 2014

SUMMARY RECOMMENDATION

Approve, subject to conditions.

MAIN ISSUES

- The principle of the development;
- The principle of the development (*character and appearance of the area*);
- Highways Access, Parking, Servicing and Pedestrian Safety Issues;
- Residential Amenity Issues;
- Arboricultural and Landscape implications;
- Ecological implications;
- Drainage Matters; and
- Other Material Planning Considerations.

REASON FOR REPORT

The application has been requested to go to Northern Committee by Councillor Findlow (*Prestbury Ward*) for the following reasons:

- Gross over development of a single house with five apartments;
- Violation of a low density area, on a road which has already been subject to excessive development in recent years;
- Balconies at the rear overlooking and infringing on the amenity and privacy of neighbours; and
- Exacerbating ingress/egress issue from Chelford Drive.

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

DESCRIPTION OF SITE AND CONTEXT

The application site is situated within a residential area characterised by large dwellings and a care home facility set in significant plots that are subordinate to the mature planting and landscaping. The age and style of the properties vary significantly, with several examples of recently completed extensive modern developments.

The application site currently contains one large private dwelling which is currently vacant. The dwelling sits on a sloping site off Collar House Drive in Prestbury and is approximately 0.39Ha in size. In close proximity to the site, Prestbury village centre provide numerous shops, banks and other facilities, with local schools in the area also. Collar House Drive is located off Chelford Road.

The existing building is accessed via a long driveway from Collar House Drive, with a large parking area and extensive gardens. Bollin Hey house is presently relatively hidden from the road due to a number of mature trees. Situated on a site sloping away from Collar House Drive towards the stream at the bottom of the site, the existing dwelling is currently a split-level family home. Located centrally within the site, it occupies three floors of accommodations, as well as roof space.

The site has previously gained planning consent for the demolition of the existing property, but this has not yet been undertaken.

DETAILS OF PROPOSAL

The application seeks planning permission to demolish the existing building and to replace it with a three storey building of 5 (three bed) apartments.

The new residential block would be on a similar location to the existing dwelling, however repositioned to fit into the plot. The principle of the design is such that the building appears as one large house.

The proposed development seeks to retain and utilise the site's current access from Collar House Drive. Undercroft parking for 10 cars and 4 visitor spaces are proposed. As access to the building will largely be by car, lift access is provided from the basement car parking through to the top floor. The scheme also proposes associated landscaping.

RELEVANT HISTORY

Following a review of the Council's records the following planning history on the site is considered relevant:-

- Planning permission was originally refused on the site in October 2003 for a six bedroom house on three storeys, under reference 03/2371P;
- Planning permission was then approved in November 2004 for a revised scheme proposing a three storey replacement dwelling, under reference 04/1656P;
- A planning application to amend the design of the replacement dwelling was withdrawn in June 2005, under reference 05/1087P;

- Planning permission was then approved in September 2005 for a further redesign of the replacement dwelling on the site, under reference 05/1754P;
- Planning permission was granted on 4 June 2007 for a further redesign of the replacement dwelling, under reference 07/0864P;
- An extension of time limitation for this final design of the replacement dwelling (07/0864P) was approved on 21 June 2010, under reference 10/1142M;
- **This permission, for a replacement dwelling on the site (*six bedroom house on three storeys with four storey tower*) remains extant until 21 June 2015.**

There is no other relevant planning history for the site.

POLICIES

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

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

Local Plan Policy:

The application site lies within 'Low Density Housing Area' in Prestbury, therefore the relevant Macclesfield Local Plan policies are considered to be: -

- Policy H4: Housing Sites in The Urban Areas;
- Policy H12: Low Density Housing Areas;
- Policy H13: Protection of Residential Areas;
- Policy BE1: Design Guidance;
- Policy NE11: Nature Conservation;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC9: Tree Protection;
- Policy DC38: Space, Light and Privacy; and
- Policy DC41: Infill Housing Development or Redevelopment.

It is noted that Policies H4, H13, BE1 and NE11 are not being saved within the Cheshire East Local Plan.

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

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

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

Replacing MBLP policies H4, H13, BE1 and NE11 (CELP) policies CS8, CS9, CS10, CS11, SE1, SE3, SE12 and SD2, which are summarised below: -

- Policy SE1: sets out requirements for design;
- Policy SE3: which seeks to protect and enhance biodiversity and geodiversity;
- Policy SE12: Pollution and Unstable Land ensures that development protects amenity; and
- Policy SD2: sets out sustainable development principles.

Other Material Considerations

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

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

Supplementary Planning Documents:

Supplementary Planning Guidance provides a more detailed explanation of how strategic policies of the Development Plan can be practically implemented. The following SPGs are relevant and have been included in the Local Development Scheme, with the intention to retain these documents as 'guidance' for local planning purposes.

- Prestbury Supplementary Planning Document - Prestbury Village Design Statement (adopted 2007).

CONSULTATIONS (External to Planning)

Highways: No objection.

Environmental Health: No objection subject to conditions.

United Utilities: No objection subject to conditions.

Public Rights of Way: No objections.

VIEWS OF THE PARISH / TOWN COUNCIL

Prestbury Parish Council:

The Parish Council would like to register an objection to this application on the grounds that this application is an; -

- Over-development of the site replacing one house with five flats, in a low density area (contravenes H12) which is already in an overdeveloped area;
- Adds to existing access problems onto Chelford Road; and
- The location of the balconies overlooking neighbouring properties which the neighbours have expressed concern about.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and six neighbouring properties have been written to directly.

Five letters of objections were received from four neighbouring residents and their comment can be summarised as follows: -

PRINCIPLE OF THE DEVELOPMENT:

- The site lies within an area covered by policy H12 – long regarded as protected Green Belt but subject to much development in Collar House Drive;
- This site is within a Low Density Housing Area (Policy H12). The proposal to demolish one house and build 5 flats thus increasing the human population and traffic five-fold would seem to infringe this policy;
- Policy H12 calls for low density housing in this area. Even though the development is intended to look like one very large house it is in fact 5 houses joined together as flats which sounds like a high density development;
- The developable area is considerable less than the 0.39Ha quoted in H13; and
- Accept that something obviously needs to be done with this plot, but a fifteen bedroom block would be overbearing on such a small steep site.

COMMENTS OF SUPPORTING DOCUMENTS:

- There has not been a service bus on Chelford Road since shortly after the WW2;

- Prestbury Park is a ring of bungalows at the nursing home, and is not opened to the public for walks. The nearest public park is over 1 km away; and
- The existing house comprises of three floors of occupation which include the roof space, not as well as a roof space as indicated by the applicant's architects.

HIGHWAY CONCERNS:

- Speeds are usually well in excess of 20 mph as stated in the supporting statement and are likely to increase now that the drive surface has been repaired;
- Know of at least three 'damage only' accidents rather than 'injury accidents';
- To replace one property with 4/5 flats could lead to an increase in numbers of people and vehicular movements and service traffic;
- There is room for only four visitor parking bays, so when the contract gardener's van and a couple of cleaner's cars are there, there will be little room for other visitors; and
- Who is going to bring the five wheelie bins up the very steep drive? Probably the maintenance man, whose van will occupy the last remaining visitor's space.

DESIGN & CHARACTER CONCERNS:

- It is consider the proposed building is overbearing, too high, too large and out of character to the rest of Collar House Drive and surrounding properties;
- The developer claims the ridge height of the proposed building is the same as the existing house. The new elevations submitted show no dimensions but certainly look significantly higher;
- The proposed building clearly has a footprint several times larger than the current house and the gaps to nearby buildings would be closed significantly; and
- The proposed building is 4 storeys high to the north elevation and will dominate the skyline from the southern aspect of gardens on Birchway and Rowanside.

AMENITY CONCERNS:

- The new building will from a high position and dominate the properties and gardens to the rear, particularly No 10. Birchway;
- The developer also suggests that the new building will be well screened by the existing trees. As the vast majority of these trees are deciduous, there will be little or no screening from autumn to spring;
- The proposed footprint of the building is approximately 2-3 times the existing dwelling and closer to the boundary of No. 9 Birchwood;
- The number of large windows and balconies to the north will result in significant overlooking and loss of privacy to me when the trees are not in leaf (May to November) to No. 9 Birchwood;
- The proposed building is 4 storeys high to the north elevation and will dominate the skyline from the southern aspect of No. 9 Birchway and others in Birchway and Rowanside;
- The proposal to fell conifers G1 (protected by TPO 39-036, 1994) will reduce the screening of this dwelling from the adjacent public footpath, which is a further reduction to the public amenity;
- Concerned about increased noise and vehicle exhaust from 10 vehicles plus visitors accessing the east entrance to the under croft parking as this entrance is a few metres away from the much used public footpath running from Castleford Drive to Collar House Drive; and
- Welcome Environmental Health comments regarding working hours, but would request

that all contractor vehicles are accommodated within the site.

OTHER MATTERS:

- There is a restrictive covenant on Bolin Hey for the benefit of Wentworth Cottage. This covenant states not to construct on Bolin Hey for more than one single private dwelling for occupation of one family only. The previous owner of Bolin Hey is aware of this covenant and has previously been asked to release this and has been rejected.

DRAINAGE AND FLOODING ISSUES:

- The garden of No. 10 Birchwood suffers from severe service water flooding in 2013, will this application impact on that; and
- The sewer pipes from Collar House Drive run through 9 Birchwood and occasionally need to be cleared via a manhole. I am concerned about any increased load from this building into the sewer system.

A full copy of all the comments made by the local resident toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a Design and Access Statement, Transport Statement and Arboricultural Assessment, details of which can be read on file.

OFFICER APPRAISAL

The principle of the development:

The application site lies within the village envelope of Prestbury and is allocated as Predominantly Residential Area. The proposed dwelling also lies within a Low Density Housing Area (Policy H12) where particular attention should be given to scale, design and general impact of the dwelling on the area

The proposed site is considered as previously developed and to be in line with Policy H5 of the Local Plan and paragraph 14 of the NPPF as the site utilises a brown field site, within a recognised urban settlement in a sustainable location.

The planning history of this site demonstrates that the principle of the demolition of a single house and the erection of a large replacement dwelling is acceptable in principle.

However, there is no presumption that land that is previously developed is not necessarily suitable for housing development nor that the whole of the curtilage should be developed. Therefore, whilst the principle of residential development on this site is acceptable, development on this site should be assessed against any harm caused to the character or appearance of the area.

Part of Prestbury, including this site, has been defined as a Low Density Housing Area through Policy H12. The criteria in these areas, generally seek to maintain the existing character of that designated area. A development proposals and any remaining plot, should be

approximately 0.4 hectares. That being said, it is not considered that this policy precludes flatted developments in these areas in principle, provided the character is protected.

Policy H12 states that:

WITHIN THE LOW DENSITY HOUSING AREAS, DEFINED ON THE PROPOSALS MAP, NEW HOUSING DEVELOPMENT WILL NOT NORMALLY BE PERMITTED UNLESS THE FOLLOWING CRITERIA ARE MET:

- 1) THE PROPOSAL SHOULD BE SYMPATHETIC TO THE CHARACTER OF THE ESTABLISHED RESIDENTIAL AREA, PARTICULARLY TAKING INTO ACCOUNT THE PHYSICAL SCALE AND FORM OF NEW HOUSES AND VEHICULAR ACCESS;
- 1) THE PLOT WIDTH AND SPACE BETWEEN THE SIDES OF HOUSING SHOULD BE COMMENSURATE WITH THE SURROUNDING AREA;
- 2) THE EXISTING LOW DENSITY SHOULD NOT BE EXCEEDED IN ANY PARTICULAR AREA;
- 3) EXISTING HIGH STANDARDS OF SPACE, LIGHT AND PRIVACY SHOULD BE MAINTAINED;
- 4) EXISTING TREE AND GROUND COVER OF PUBLIC AMENITY VALUE SHOULD BE RETAINED.

AND

- 5) IN PRESTBURY BOTH THE NEW HOUSING PLOTS(S) AND THE REMAINING PLOT SHOULD BE APPROXIMATELY 0.4 HECTARES (1 ACRE)
- 6) IN THE EDGE, ALDERLEY EDGE, BOTH THE NEW HOUSING PLOT(S) AND THE REMAINING PLOT SHOULD BE APPROXIMATELY 0.3 HECTARES (0.7 ACRE)
- 7) IN POYNTON PARK, POYNTON
 - a) ALONG THE WEST SIDE OF ANGLESEY DRIVE, THE EXISTING REAR BUILDING LINE SHOULD BE MAINTAINED, AND
 - b) ALONG SOUTH PARK DRIVE, THE EXISTING FRONTAGE BUILDING LINE SHOULD BE MAINTAINED.

- 1) *The proposal should be sympathetic to the character of the established residential area, particularly taking into account the physical scale and form of new houses and vehicular access;*

The existing site slopes steeply from the Collar House Drive down to the stream below, across from which lie other dwellings of Rowanside and Birch Way. The existing dwelling is a split-level dwelling located centrally within the site, such that it is not prominent when viewed from Collar House Drive. The existing dwelling occupies three floors of accommodation, making use of the roof space. It is considered that the dwelling, while imposing has limited architectural quality.

The proposed layout follows the footprint of the original building and is not larger than the extent permission on the site. The geometry of the building shifts slightly to address the path of the sun and to minimise overshadowing of the site and is now positions squarely on the site.

The existing dwelling on the site measures approximately 15m by 18m and is 6.5m high at the front and 9 metres high at the rear. The extant permission is measures approximately 18m by 13m and is 9.75m high at the front and 12.25 metres high at the rear. The proposed dwelling measures approximately 20m by 19m and is 10.25m high at the front and 13 metres high at the rear.

Utilisation of the roof space mimics the accommodation arrangements of the current building and minimises the mass of the proposal on the site. Single storey balcony elements are largely orientated to the front elevation and again reduce the visual massing impact on the site.

Under croft basement car parking has been proposed. The advantage of this is that it makes use of the contours of the site to limit the scale and mass visible above ground. The ridge height of the extant permission has been maintained and is proportionate to surrounding properties, particularly at the boundaries.

The proposed layout maintains the use of the existing access onto Collar House Drive. Vehicles will largely will be hidden within the basement car parking so that they are not visible as part of the street scene. The basement car parking is contained within the footprint of the overall building and is accessed via the driveway from Collar House Drive.

Overall it is considered that the proposed apartment block, whilst larger than the existing dwelling on site, does not have a significantly greater mass or scale the extant permission on the site.

The principle of the design is such that the building appears as one large house, rather than presenting the huge mass of an ostentatious apartment block. The proposal offers five apartments over 3 stories, thus reflecting the scale of the existing and neighbouring dwellings.

Within the overall scale of the building, a number of building elements and balconies have also been used to break the scheme massing down visually. A variety of window details have been incorporated to form a visual hierarchy and form a sympathetic approach to its external appearance.

1) *The plot width and space between the sides of housing should be commensurate with the surrounding area;*

The existing dwelling is 4 metres (at its closest point) to the adjacent boundary of Meadowstream to the east. The existing dwelling is also 5.3 metres (at its closest point) to the boundary of No3, Collar House drive to the west.

The extant permission is 3 metres (at its closest point) to the adjacent boundary of Meadowstream to the east. The extant permission is also 4 metres (at its closest point) to the boundary of No3, Collar House drive to the west.

The application proposals are 3 metres (at its closest point) to the adjacent boundary of Meadowstream to the east. The extant permission is also 4 metres (at its closest point) to the boundary of No3, Collar House drive to the west.

2) *The existing low density should not be exceeded in any particular area;*

Clearly the application contains one dwelling and the extant permission is for one dwelling. 5 apartments on this site would increase the density of this site.

3) *Existing high standards of space, light and privacy should be maintained;*

A detail assessment of the amenity implications of the application proposals are reviewed later in this report.

4) *Existing tree and ground cover of public amenity value should be retained.*

Properties in this area are set within a mature landscape; this is particularly the case at the site where it has substantial, and dense, planting to the front, sides and rear. There is a variety of building styles in the area and it is considered that there is, therefore, no unifying design element in the area. The application proposals retain the existing trees cover and provide additional landscaping.

5) In Prestbury both the new housing plots(s) and the remaining plot should be approximately 0.4 hectares (1 acre)

The application site is approximately 0.39 hectares in size, therefore even with one dwelling, the site cannot accord with 0.4 hectares parameters stated in Policy H12.

The general intention of the Low Density Housing Policy addresses the sub-division of plots in this part of Prestbury, both host and that remaining being required to maintain the low density nature of the area. Whilst a flatted proposal on this site would increase the density within this area, it would largely reflect the footprint and massing of the extant permission. Overall it is considered that the scheme is in keeping with the previously accepted character of the areas and does not cumulatively harm the existing high quality residential areas.

Housing Land Supply:

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
- Specific policies in the Framework indicate development should be restricted.”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2013 published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.83 year housing land supply with a 5% buffer or 5.1 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 7.9 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Highways Access, Parking, Servicing and Pedestrian Safety Issues:

The site is accessed from Collar House Drive. This is an unadopted road which is some 3.5 metres wide with no footways. It provides access to around 10 private dwellings and a large care home. Collar House Drive leads to Chelford Road.

The junction of Collar House Drive with Chelford Road has visibility of around 2.4 x 20 metres for a vehicle waiting to emerge from the junction although drivers approaching along Chelford Road have visibility of any vehicle waiting to emerge from Collar House Drive. Chelford Road has no footways or street lighting and a carriageway width of some 5 to 6 metres which varies along its length.

The site access currently has restricted visibility caused by overgrown vegetation on both sides of the access. This can be removed as part of the development proposals. Visibility of 2.4 by 22 metres would provide ideal visibility for traffic speeds of up to 20mph and the proposed access details provide visibility in excess of this requirement, with a minimum of 2.4 x 25 metres to the south and in excess of 30 metres to the north.

The access would be gated, with separate pedestrian and vehicle gates. These gates are shown to be set back a minimum of 7.0m from the carriageway of Collar House Drive and will allow a vehicle to wait clear of the road.

Car parking is to be provided at a rate of two spaces per apartment and four visitor spaces are included in the layout.

It is considered that given the large plot there are no internal highway concerns regarding the development, the visibility issues at the access point have been addressed in a revised plan where the visibility splays in both directions have been shown. The application proposes provided 200% parking available on the site

Although Collar House Drive is narrow the addition of four units in regards to the additional traffic would not produce a material impact. Additionally, although the junction at Chelford Road has limited visibility there have been no injury accidents recorded at this junction for the last five years and therefore it would very difficult to support a severe impact reason for refusal based on the usage of an additional four units

Therefore, The Strategic Highways Manager raises no objections to the application.

A Construction Management Plan condition is suggested to ensure that all construction traffic can be accommodated within the site.

Amenity issues

Policy DC3 seeks to prevent development which would cause a significant injury to amenity through issues such as overbearing impact, loss of light and loss of privacy. Policy H12 seeks to retain existing high standard of amenity in Low Density Housing Areas. Policy DC41 seeks to prevent the overlooking of existing private gardens in a housing redevelopment. Policy DC38 sets out the standards for space, light and privacy in new housing development.

More than adequate distances are maintained between the proposed building and nearby buildings to ensure adequate space and light. The key issue to consider is whether adequate privacy is maintained to the adjoining residential properties.

Although main window openings are orientated front and back, the proposed building does include windows and balconies on the side elevations which serve habitable rooms. Revised plans have been requested which will address the key overlooking concerns (with features such as balcony screens), and subject to those revisions it is considered that privacy will be adequately protected. Balcony elements are largely orientated to the front and rear elevations and again reduce the visual massing impact on the site.

The proposed apartments are positioned 55 metres from Collar House Drive. Policy DC38 requires a minimum distance of 28 metres from a three storey property to the front of other buildings containing habitable rooms. The occupiers of Wentworth Cottage and other properties facing Collar House would not suffer a material loss of privacy or overshadowing, having regard to that distance and the lower level of the proposed building.

The proposed apartments are positioned approximately 77 metres from Nos. 9 and 10 Birchwood. Policy DC38 requires a minimum distance of 39 metres from a four storey property to the back of other buildings containing habitable rooms. The occupiers of Nos. 9 and 10 Birchwood and other properties on Birchwood would not suffer a material loss of privacy, having regard to that distance and the existing landscaping. The views of the people inside these houses would be reduced significantly by that distance.

The residential apartment block is located 3 metres from the western boundary of the site. A property known as Meadowstream is located on this western boundary, in a similar position within its plot to the application site and it is located 5 metres from the side elevation of the proposed scheme.

The residential apartment block is located 4 metres from the eastern boundary of the site. No3. Collar House Drive is located on this eastern boundary. The block has a separation distance of some 15 metres at an oblique angle as No3 is located towards the front of the site.

It is not considered that and front or side windows on the ground floor will cause any loss of privacy to the adjacent properties.

Given the position of Meadowstream and the oblique angle to No3, there will be a minimal impact on potential overlooking from the two balconies on the first floor front elevation.

There is a dining room for each apartment that has a side window on the first floor. It has been agreed to change these to a high level window to minimise overlooking.

There are two small windows to a bedroom for each apartment on the first floor. It has been agreed to change the window to this bedroom for each apartment to a corner window to minimise overlooking.

Additional screening to the rear balconies on the first floor is proposed. Given the existing boundary treatments and the inter relationship with the adjacent properties is not considered that overlooking to the bottom of both adjacent properties would be significant.

A side window proposed for the lounge for the apartment on the second floor has been removed to minimise overlooking. Sufficient light will be gained to this room from the balcony to the front.

A side window to a utility room on the second floor would be obscured.

The two rear balconies for the second floor apartment have been amended to reduce the width so that overlooking sideways would be minimised. A screening of landscaping condition for these balconies is also considered.

The application site is in proximity to existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. A condition should be imposed to control hours of demolition and construction works in the interest of residential amenity. A condition should also be imposed in the event that piled foundations and floor floating are necessary. A condition to minimise dust emissions arising from demolition / construction activities is also suggested.

In respects of amenity, the proposal is fully compliant with policies DC3 and DC38. There is arguably a degree of conflict with policies H12 and DC41 due to a degree of potential overlooking from the side elevations into the garden areas of the adjoining properties. However, with the proposed revisions secured any levels of overlooking will be kept to a minimum. Sufficient distance, site screening and the extant permission are all considerations which make this proposal acceptable and the high standard of amenity presently enjoyed by occupiers of adjoining property will be adequately safeguarded in the future.

Arboricultural and Landscape implications:

The Council's Arboricultural Officer has raised no objections to the identified tree losses and the position of the proposed new apartments. Concerns were raised in relation to the visitor parking bays identified as bays 3 & 4 and the widened driveway may have a detrimental impact on the large mature protected Oak T3. However, a Method Statement for the construction of the driveway and parking bays that takes into account the topography of the land has been submitted and would be condition as part of any approval.

The council's arboricultural officer has raised no objections as the removal of the identified visibility splay vegetation retaining mature trees (except one which has recently failed). landscaping to the rear of the new splay should reflect the need for a specimen scheme.

The majority of the existing site is currently laid to lawn, with specimen plants of a modest, domestic scale which are to be largely retained. Due to the minimal amount of surface car parking, plus the retention of the existing driveway location, changes to the current site landscape will be minimal. The existing mature boundaries will be maintained. Landscape and boundary treatment conditions are suggested to ensure these provisions.

Ecological implications

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

No evidence of roosting bats was recorded and the house subject to this application appears to have quite limited potential to support them. The Council's Ecologist has advised that roosting bats are unlikely to be present or affected by the proposed development and no further action is required in respect of this protected species.

Evidence of badger activity has been recorded on site however no sett was identified on or adjacent to the site. The Council's Ecologist has advised that the proposed development is unlikely to pose a significant risk to badgers. The submitted ecological survey report does however include some precautionary mitigation measures and so a condition is suggested to ensure that (during the construction process) all trenches and pits are to be covered overnight or fitted with ramps to allow any wildlife that inadvertently falls into them to exit.

There is a stream located on the northern boundary of the application site. The Council's Ecologist has recommended that in order to safeguard the stream, a condition is imposed to secure an 8 metre undeveloped bufferzone adjacent to the stream located on the northern boundary of the application site during construction.

A condition is also suggested to safeguard breeding birds and to ensure some additional provision is made for breeding birds on the site.

Drainage matters:

It is considered that the scheme will not adversely affected drainage in the area as a water supply can be provided. A condition is suggested to control surface water discharge matters, due to the presence of the stream to the rear of the site and due to the site's topography.

This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Permission would be required from United Utilities regarding connection to the water mains/public sewers therefore a planning condition would not be required. There is a public sewer that crosses site and this would need to be diverted before work would commence on site. A condition is suggested to control the drainage easement on the site.

Other material planning considerations:

The application proposals seek permission for five residential apartments; therefore this is no requirement for affordable housing, public open space or education provision.

A restrictive covenant is not a material consideration for the Local Planning Authority to take into account when considering a development proposal. Planning permission does not override the restrictive covenant in itself however, and neither is the granting of planning permission the dominant consideration for the Lands Tribunal, when assessing an application for the discharge or modification of a restrictive covenant Under Section 84 of the Law of Property Act 1925. Put simply, the relevance of a restrictive covenant in deliberations on a planning application is that, for all practical purposes, the existence or absence of a restrictive covenant is of no relevance whatsoever and must play no part in their decision making processes.

There is a public right of way that runs along the east boundary of the site. However this footpath is outside the ownership of the application site and the application proposal will not have an effect on this public right of way. An informative is suggested to be placed on any approval that informs the development of the protection of public rights of way.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Contaminated Land team has no objection to the above application as there is no history of contamination on the site. An informative is suggested to be imposed on any permission that requires the Local Planning Authority be informed immediately if any unforeseen contamination is encountered during the development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site is within the settlement boundary of Prestbury on previously developed land, in a sustainable location close to existing services, community facilities and public transport links.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- The proposal accords with relevant policies of the Development Plan and therefore, should be approved without delay.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

It is considered that in the specific circumstances of this case, objective argument can be made that this proposal (based on a division of the site area and the number of units of accommodation within a replacement building) reflecting a largely existing footprint and massing of an extant which maintains the space about it would comply with Local Plan Policies. Whilst a scheme of this nature does conflict with one criteria of policy H12 (existing density exceeded), an argument to support this scheme is forthcoming given the guidance contained in the NPPF regarding the presumption in favour of sustainable development.

* * * * *

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A23MC - Details of ground levels to be submitted
4. A02EX - Submission of samples of building materials
5. A01TR - Tree retention
6. A02TR - Tree protection
7. A05TR - Arboricultural method statement
8. A07TR - Service / drainage layout
9. A02LS - Submission of landscaping scheme
10. A04LS - Landscaping (implementation)
11. A12LS - Landscaping to include details of boundary treatment
12. A08MC - Lighting details to be approved

- 13.A22GR - Protection from noise during construction (hours of construction)
- 14.A23GR - Pile Driving
- 15.A23GR_1 - Floor Floating Concrete
- 16.A30HA - Minimising Dust
- 17.A32HA - Construction Management Plan
- 18.A07HP - Parking Areas Laid Out
- 19.A08HA - Gates set back from footway/carriageway
- 20.A04HP - Provision bin storage of cycle parking
- 21.A04NC - Details of drainage
- 22.A06NC - Protection for breeding birds
- 23.all trenches and pits are to be covered overnight
- 24.8m bufferzone adjacent to the stream

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Application No: 13/5184M

Location: Eaton Cottage, MOSS LANE, EATON, CW12 2NA

Proposal: Sustainable Development of 14 dwellings within the curtilage of Eaton Cottage.

Applicant: Mr & Mrs Moores, Taylor Earnshaw

Expiry Date: 17-Mar-2014

Date Report Prepared: 27 March 2014

SUMMARY RECOMMENDATION
REFUSE

MAIN ISSUES

- Principle of Development
- Housing Land Supply
- Open Countryside Policy
- Affordable Housing
- The Impact upon Landscape Character
- The Impact upon Trees of Amenity Value
- The Impact upon Highway Safety
- Design
- The impact upon the Amenity of Neighbouring Property

REASON FOR REPORT

The application is for the erection of 14 dwellings and under the Council's Constitution, is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 1.22ha and comprises Eaton Cottage, which is a 19th century house, attached to outbuildings comprising of 2 existing barn conversion dwellings, an existing barn and indoor swimming pool. The application site also comprises the curtilage and extends beyond this into the open fields beyond.

It is situated between Moss Lane to the West, and Macclesfield road A536 to the East. It has access from both these roads.

The site has existing access off both Moss Lane and Macclesfield Road A536, with latter being its principle access. The north east and northern boundaries of the site overlook open

fields towards the village of Eaton. The western boundary over Moss lane has one open field, beyond that there is new housing stretching back to the outskirts of Congleton.

To the north of Eaton cottage the crown of the site falls away to open fields and a small wood . The landscaping of the site is of a domestic garden nature.

The site lies within the designated Countryside Beyond the Green Belt.

DETAILS OF PROPOSAL

The proposals relate to the construction of 14 dwellings two storey dwellings – made up of 4 house types as follows ;

Type A - 1no 264msq(2841sqft), 5 Bedrooms

Type B - 2no 198msq(2130sqft), 5 Bedrooms

Type C - 3no 1740msq(1834sqft), 4 Bedrooms

Type D - 7no 164msq(1765sqft), 4 Bedrooms

These properties form a circle around Eaton Cottage which is to be retained. The two entrance points i.e. off Moss Lane and off Macclesfield Road are to be retained. The properties would all be situated in relatively modest plots.

Planning History

None relevant

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation

NE13 – Sites of Biological Importance

BE1 – Design Guidance

BE2 – Preservation of Historic

H1 – Phasing Policy

H2 – Environmental Quality in Housing Developments

H5 – Windfall Housing Sites

DC1 – Design: New Build

DC3 – Amenity

DC6 – Circulation and Access

DC8 - Landscaping

DC9 – Tree Protection

DC17 – Water Resources

DC35 – Materials and Finishes

DC37 – Landscaping

DC38 – Space, Light and Privacy

DC40 – Childrens Play and Amenity Space

DC41 – Infill Housing Development or Redevelopment

DC63 – Contaminated Land

GC5 – Countryside Beyond the Green Belt

GC6 – Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone

GC14 – Jodrell Bank

H8 – Affordable Housing

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development

PG2 – Settlement Hierarchy

PG4 – Safeguarded Land

PG5 – Open Countryside

SD1 – Sustainable Development in Cheshire East

SD2 – Sustainable Development Principles

SC4 – Residential Mix

SC5 – Affordable Homes

SE1 – Design

SE2 – Efficient Use of Land

SE3 – Biodiversity and Geodiversity

SE4 – The Landscape

SE5 – Trees, Hedgerow and Woodland

SE7 – The Historic Environment

SE9 – Energy Efficient Development

SE12 – Pollution, Land Contamination and Land Instability

SE13 – Flood Risk and Water Management

CO1 – Sustainable Travel and Transport

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
Planning Policy Practice Guidance
S106 Agreements SPG Interim Planning Statement on Affordable Housing

CONSULTATIONS (External to Planning)

Environment Agency – In the absence of a Flood Risk Assessment (FRA), we object to this application and recommend refusal of planning permission until a satisfactory FRA has been submitted.

Environmental Health – Insufficient information has been submitted with the application in order to adequately assess the impact of road traffic noise from the A536, Macclesfield Road upon the proposed noise sensitive properties at this location.

In the absence of this information, it has not been possible to assess the impact of transportation noise on the quality of life of future occupiers of this development. Noise impact is a material planning consideration during the assessment of planning applications in accordance with NPPF.

It is recommended that the applicant addresses this issue in future planning application submissions or provide this information should the application be delayed or withdrawn (in accordance with Cheshire East planning application policy).

Whilst this scheme itself is of a relatively small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality.

Congleton Town has three Air Quality Management Areas, and as such the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions, however it is felt appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan.

In addition, modern Ultra Low Emission Vehicle technology (such as all electric vehicles) are expected to increase in use over the coming years (the Government expects most new vehicles in the UK will be ultra low emission). As such it is considered appropriate to create infrastructure to allow home charging of electric vehicles in new, modern properties. Recommends conditions in respect of Travel Planning, Electric Vehicle Infrastructure, Dust Control and Contaminated Land.

Strategic Highways Manager – It is proposed that Eaton Cottage is retained and to construct an additional 14 detached dwellings on the site.

The two existing access points to the site are to be retained but are being improved as part of the application. The access to Macclesfield Road does provide good visibility in the leading direction, the visibility in the non leading direction is not as extensive due to the dip in Manchester road but is still acceptable and is aided by the double white lines to prevent overtaking. Moss Lane is a narrow rural lane that has low traffic speeds due to its alignment, the requirement for the visibility provision is much lower and can provide sufficient visibility in both directions.

With regard to accessibility, the site is poorly located, although there is a narrow footway on the opposite side of Macclesfield Road there is no provision on the development side. There are no crossing facilities on Macclesfield Road and given the high traffic speeds crossing the road would be difficult and have a road safety issue. Additionally, there is no footway on Moss Lane linking the site with Macclesfield Road. There are bus services that run along Macclesfield Road, a bus stop and shelter is provided close to Moss Lane in an eastbound direction but there is no stop westbound.

There are no highway issues arising from the traffic generation of the 14 units and the impact is very small indeed.

In summary, I would have to raise issues regarding the accessibility of this site, especially for the pedestrian access to the development and therefore would recommend that this is a reason to refuse the application.

United Utilities – No objections

VIEWS OF THE PARISH COUNCIL

The whole of Eaton Parish Council has inspected the plans for the above and had a full discussion on the implications of this application. We would wish to put forward our concerns and comments as follows:

The development is too large for the site.

The granting of permission for this development would create a precedent for further housing towards the village.

We have already approached Cheshire East and have been verbally assured that the establishment of a strategic green gap would be implemented in future plans for the area.

Plots 9 and 10 are on agricultural land.

The development is not in keeping with the original residence on site, e.g. a Georgian cottage.

We would encourage the preservation of the many trees on the land

There is concern on the visibility to the North on the access from the development on to the A536.

We trust that all these concerns will be taken into account in your determination of this application.

OTHER REPRESENTATIONS

- Letter of objection from Eaton Cottage on the grounds of:
 - insufficient information
 - description of development misleading as application includes agricultural land
 - impact on Jodrell Bank
 - no open space provision
 - impact on biodiversity and nature conservation
 - departure from the development plan
 - Cheshire East has a five year housing land supply
 - concerns regarding suburban appearance of development

Letter from Agent requesting that issues such as ecology and flood risk be conditioned.

APPLICANT'S SUPPORTING INFORMATION

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

Design & Access Statement

This statement outlines that the site context, planning policy, design process and evolution, development proposals and details on access and movement. The design references Eaton Cottage and is a more traditional design approach. Would meet Code For Sustainable Homes Level 4 and include PV panels and rainwater harvesting. Considers absence of five year land supply justifies development.

Transport Assessment

The report concludes that the road network can accommodate the development and that the Travel Plan would seek to reduce the associated carbon emissions.

Sustainability and Servicing Strategy

This report looks at zero carbon technologies, renewable, servicing, drainage, code for sustainable homes and includes a feasibility study and incorporates a number of recommendations.

OFFICER APPRAISAL

Principle of Housing on the Site

Paragraphs 54 and 55 of the NPPF set out broad principles for housing development in rural areas. To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.

The site lies within the designated countryside beyond the Green Belt, as defined by the Development Plan. Policies within the Macclesfield Borough Local Plan seek to control development in the countryside unless it is for specific purposes..

Policy PG5 and SC6 within the emerging Local Plan suggest that infilling, rural exception sites and the construction of a single dwelling where this is exceptional in design and sustainable development terms may be acceptable.

The proposals do not fulfil any of these criteria.

The applicant has put forward a number of arguments justifying the proposals which relate to the viability of the existing dwelling and its garden, the sustainability credentials of the proposals and the lack of five year land supply in Cheshire East.

The sustainability considerations and the Council's position in respect of five year housing land supply are considered below. No information in respect of viability has been put forward and therefore this carries no weight whatsoever.

In summary, the proposals represent an unacceptable form of development within the open countryside.

Housing Land Supply

Housing Land Supply

The National Planning Policy Framework (NPPF) confirms at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

The NPPF clearly states at paragraph 49 that:

“housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.”

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or

- specific policies in the Framework indicate development should be restricted.”

Appeal decisions in October 2013 concluded that the Council could not conclusively demonstrate a five year supply of deliverable housing land. This was founded on information with a base date of 31 March 2012 selectively updated to 31 March 2013.

In response, in February 2013 published a 5 Year Supply Position Statement which seeks to bring evidence up to date to 31 December 2013. The approach taken to the Statement has been informed by policy requirements and by consultation with the Housing Market Partnership.

The Position Statement set out that the Borough's five year housing land requirement as 8,311. This was calculated using the 'Sedgefield' method of apportioning the past shortfall in housing supply across the first five years. It included a 5% buffer, which was considered appropriate in light of the Borough's past housing delivery performance and the historic imposition of a moratorium.

A standard formula of build rates and lead-in times was applied to most housing sites, unless more detailed site-specific information is available. Those considered deliverable within the five year supply were 'sense-checked' and assumptions altered to reflect the circumstances of the particular site. The Criticisms made of the yields from certain sites in the recent appeals, particularly those in the merging Local Plan, were also been taken on board.

Sources of supply included sites under construction; sites with full and outline planning permission; sites awaiting Section 106 Agreements; selected Strategic Sites which are included in the emerging Local Plan; sites in adopted Local Plans; and small sites. This approach accorded with the National Planning Policy Framework, existing guidance and the emerging National Planning Policy Guidance at that time.

A discount was been applied to small sites, and a windfall allowance included reflecting the applications which will come forward for delivery of small sites in years four and five.

A number of sites without planning permission were identified and could contribute to the supply if required. However, these sites were not relied upon for the five year supply.

The current deliverable supply of housing was therefore assessed as being some 9,757 homes. With a total annual requirement of 1,662 based on the 'Sedgefield' methodology and a 5% 'buffer' the Five Year Housing Land Supply Position Statement demonstrated that the Council has a 5.87 year housing land supply. If a 20% 'buffer' was applied, this reduced to 5.14 years supply.

Notwithstanding this, however, the recent appeal at Elworth Hall Farm, Sandbach (11 April 2014) determined that the Council had still not evidenced sufficiently the 5 year supply position, although the Inspector declined to indicate what he actually considered the actual supply figure to be.

Members should note, however, that the Elworth Hall Farm inquiry took place shortly after the publication of the Position Statement with only very limited time available to evidence the case. Since that time, the housing figures have been continuously refined as part of the preparation of evidence for further public inquiries which have taken place during March and April 2014 and are scheduled to take place within the coming months and against the RSS target, Cheshire East Council can now demonstrate a 5.83 year housing land supply with a 5% buffer or 5.1 year housing land supply with a 20% buffer.

Following the release of the Planning Practice Guidance (PPG), which now proposes that Council's include development which falls into the C2 Use Class category (i.e. care homes, halls of residence etc.) when considering housing land supply figures, the requirement provisionally drops to 6,496 (due to increased delivery in previous years) and the supply is elevated to 10,514. This equates to 7.9 years supply.

At the time of the Elworth Hall Farm inquiry the PPG was only in draft form, and although the Inspector gave consideration to the potential contribution of C2 accommodation to supply, the full implications of its inclusion were not known at that stage. The Inspector considered that the Council had a record of under-delivery and expressed the view that a 20% buffer would be appropriate. However, the inclusion of the C2 consents takes away the suggestion of persistent under supply.

The Elworth Hall Farm inspector also criticised assumptions which the Council had made around build rates and lead in times, which he considered to be overly optimistic. In response Officers have been reworking the supply figures using longer lead in times, and on build rates which do not assume that on large sites there will be two or more developers except where there is the actual site specific evidence. Whilst this clearly reduces the overall supply, this is balanced out by the inclusion of the C2 permissions, and (subject to confirmation) the most recent figures still indicate that the Council can demonstrate a 5 year supply of housing land.

In the light of the above the Council considers that the objective of the framework to significantly boost the supply of housing is currently being met and accordingly there is no justification for a departure from Local Plan policies and policies within the Framework relating to housing land supply, settlement zone lines and open countryside in this area.

Additionally, the adverse impacts in terms of conflict of this proposal with the emerging draft strategy of releasing this site for housing development would, in the planning balance, outweigh the benefits of the proposal in terms of housing land supply, since the site is not relied upon with the emerging Core Strategy or the Assessed Housing land supply.

Therefore, the site is not required for the 5 year housing land supply plus buffer.

Open Countryside Policy

As well as assessing housing supply, the recent Appeal decisions at Sandbach Road North Congleton Road Sandbach, the Moorings/Goldfinch Close in Congleton and Crewe Road, Gresty Green are also significant for clarifying the status and intent of settlement zone line and countryside policies within the existing Plan.

Some have sought to argue that as settlement boundaries effectively contain the built area of a town or village – and so define the area in which development is usually concentrated – that accordingly they should be viewed as housing supply policies. This subsequently could mean that those policies, along with normal countryside policies, should be considered “out of date” if there is no five year supply of housing land. This view is derived from paragraph 49 of the framework which states that:

“Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”.

There are appeal decisions that appear to support this perspective, although the recent appeals in Cheshire East (mentioned above) have generally taken a different approach.

The recent appeal decisions consider this matter in some detail. It was noted by Inspectors decisions" that the settlement zone lines serve a variety of purposes – and take account of land allocated for development up to a particular point (in this case 2011). However, the Inspector considered that settlement zones lines were not driven by the need to identify land for development, but rather are based on the objective of protecting countryside once development land is identified. Consequently, he concluded that the related policy (Policy PS4 of the Congleton Local Plan) was "not sufficient directly related to housing land supply that it can be considered time expired for that purpose." Instead the Policy is "primarily aimed at countryside & green belt protection". These objectives are largely in conformity with the NPPF and attract "significant weight". In both appeals conflict with countryside policies were acknowledged.

This means that these policies remain important in the planning balance – but are not necessarily determinative. The two decisions (Congleton Road and Sandbach Road North) pinpoint that much depends on the nature and character of the site and the individual circumstances pertaining to the application. At Congleton Road, the Inspector considered that the objective to boost significantly the supply of housing outweighed the "relatively moderate" landscape harm. In contrast, at Sandbach Road North the provision of housing was viewed as an "important and substantial" material consideration, but there would also be serious harm resulting from the impact on the character and appearance of the countryside. On that occasion that identified harm, combined with the significant weight attributed to countryside policies, outweighed the benefits in terms of housing supply and notwithstanding the housing supply position previously identified by Inspector Major, the appeal was dismissed.

In reaching this conclusion, the Inspector memorably noted that:

"the lack of a 5 year supply of housing land does not provide an automatic 'green light' to planning permission".

It is acknowledged that the Council has recently consented to judgement in a High Court challenge to the Sandbach Road decision and that accordingly that decision has been quashed on the grounds that the Inspector erred in law in concluded that Policies PS4, PS8 and H6 were not a relevant policy for the supply of housing within the meaning of paragraph 49 of the national Planning Policy framework to the extent that it seeks to restrict the supply of housing. This is consistent with other recent court cases such as South Northamptonshire v Secretary of State for Communities and Local Government and Barwood Land.

Whilst the implications of this judgement are still being considered, the Council's current stance on this matter, as put at recent inquiries, such as Weston Lane, Shavington is that, countryside policies in existing local plans can be considered as consistent with NPPF and are not housing land supply policies in so far as their primary purpose is to protect the intrinsic value of the countryside in accordance with paragraph 17 of the NPPF– and thus are not of date, even if a 5 year supply is not in evidence. However, it is acknowledged that where the Council cannot demonstrate a 5 year supply, they may be out of date in terms of their geographical extent, in that the effect of such policies is to restrict the supply of housing. They accordingly need to be played into the planning balance when decisions are made. Where appropriate, as at Sandbach Road North, conflict with

countryside protection objectives may properly outweigh the benefit of boosting housing supply. Therefore, the proposal remains contrary to Open Countryside policy regardless of the 5 year housing land supply position in evidence at any particular time and a judgement must be made as to the value of the particular area of countryside in question and whether, in the event that a 5 year supply cannot be demonstrated, it is an area where the settlement boundary should be “flexed” in order to accommodate additional housing growth.

Affordable Housing

The proposal is for 14 dwellings within the curtilage of Eaton Cottage in Eaton which is a settlement with less than 3,000 people. The Council’s IPSAH states that there is a requirement for an appropriate element of the total dwelling provision to be for affordable housing on all unidentified ‘windfall’ sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%.

Policy SC5 within the emerging Local Plan reiterates the requirement for 30% affordable housing provision on sites of 0.2 hectares or 3 dwellings or more in Local Service Centre’s and all other locations.

The site falls within the Macclesfield Rural sub-area for the purposes of the Strategic Housing Market Assessment (SHMA) update 2013. This showed a net annual requirement for 59 affordable units for the period 2013/14 – 2017/18.

In addition, information from Cheshire Homechoice, shows there are currently 2 live applicants who have selected the Eaton lettings area as their first choice. Furthermore the location of the site may meet the need of Congleton – The SHMA 2013 shows an annual net requirement of 58 affordable units per annum from the period 2013/14 – 2017/. In addition Cheshire Homechoice currently has 584 live applicants who have selected one of the Congleton lettings areas as their first choice. In October 2008, a Rural Housing Needs Survey was carried out that covered the Parish of Eaton; this showed there were 9 households who were in housing need. Whilst this is now out of date, it does provide a guide of the level of housing need in the area.

Given the need identified above and the policy position, there is a requirement to provide 4 dwellings, with a tenure split of 3 rented units and 1 intermediate tenure unit.

The applicant has indicated that they are unwilling to provide affordable housing on viability grounds, although no evidence to substantiate this has been provided. The Council’s Housing Team object to application on the grounds that affordable housing has not been incorporated within the scheme.

Impact on Landscape Character

The site lies within designated countryside beyond the Green Belt and whilst it is not within a designated Area of Special County Value, this does not mean that the area is devoid of landscape character.

The existing site is enclosed with extensive tree cover which obscured views on the house from the road and wider public vantage points.

The presence of the Havannah Mill development would also set a visual precedent for new housing estates. However, the development would extend beyond the original curtilage to the property and extend into undeveloped rolling fields which make an important contribution to landscape character. Moreover, the visual impact associated with this encroachment is likely to be severe given the open nature of the field affected and its lack of boundary trees reducing the opportunities to buffer the impact.

A Landscape Visual Impact Assessment has not been submitted in support of this application.

Design

External Appearance

The plans adopt a more traditional approach to the design of the dwellings, incorporating a variation in materials. The properties have the appearance of a 1930s garden city style which is not locally distinctive and fails to take reference of the existing house and grounds.

The existing property is an Estate Manor House in style, age and historic use and given that these are new build properties they could have been designed to mimic farmers cottages or outbuildings which would have been more in keeping with the use of the site and would have reinforced local distinctiveness in a way which the current proposals notably lack.

The fenestration includes suitable relief and interest which may be appropriate in a suburban or urban location, however given intrinsic historic and landscape value of the site, the design is totally inappropriate and does not reinforce local distinctiveness in any way.

Size and Scale

Given the sheer size of the host dwelling, the size and scale of the new properties would not be overdominant and therefore a reason for refusal in itself, however, the size and scale chosen by the application actively contributes to the argument that the development is not locally distinctive.

Layout

The layout would produce a form of development denser and more compact than existing development densities and again does not take the opportunities available to sensitively respect and respond to the character of the site. Whilst not a reason for refusal in itself it also contributes to the issues raised above.

The design in a number of aspects fails to respond to its context and reinforce local distinctiveness of respect the character of the site and the wider area.

Trees / Landscaping

The site contained an area of woodland and numerous mature and semi-mature trees which have amenity value and should be protected in the public interest.

No Tree Report or Tree Survey has been submitted and the proposals would involve widespread felling of trees.

This is a reason for refusal on the grounds of both insufficient information and impact upon mature trees with amenity value.

Leisure / Public Open Space

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

In the absence of on-site provision the development will be required to provide a commuted sum for the provision of offsite POS and amenity of £42,000, which would be used to make additions, improvements and enhancements to open space and amenity facilities in Prestbury. In addition, and again in the absence of on-site provision, the development will be required to provide a commuted sum for the provision of offsite recreation / outdoor sports facilities which would be used to make additions, improvements and enhancements to recreation and open space facilities nearby.

This contribution could be required via a legal agreement.

Ecology

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

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

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

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

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

In the NPPF the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result

in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

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

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

The site could be a suitable habitat for Great Crested Newts, Bats and Barn Owls. No protected species surveys have been submitted and therefore the proposals would be contrary to the Habitat Regulations and policy NE11 within the MBLP 2004.

Amenity

Overlooking

The interface distances between units and to existing residential properties (i.e. the main house and nearest neighbours) would be adhered to and therefore the proposals would not raise any issues in this regard.

Overshadowing

Given the spacious nature of the plots the proposals would not result in overshadowing either between units or to the nearest neighbours.

Garden Space

Given the nature of the plots, there would be an appropriate level of garden space for the new units and the existing house.

Noise

The site lies adjacent to Manchester Road and therefore the application should have been supported by a Noise Assessment – this information has not been forthcoming.

Impact of noise on amenities of future occupants is a material consideration.

Air Quality

Given that the site lies close to 3 Air Quality Management Areas (AQMA) an Air Quality Assessment should have been submitted with the application.

Impact of poor air quality on amenities of future occupants is a material consideration.

Contaminated Land

The Contaminated Land Officer has noted that since the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition is recommended requiring a further survey work to be submitted.

Highways

Access

The submitted transport statement examined various access options and the most appropriate option was to use the points existing access – this was accepted by the Council's Highways Engineer.

Car Parking

The proposals provide in excess of two spaces per unit with additional space available for parking. This is in accordance with the standards within the MBLP and the emerging Local Plan.

A total of 24 off street parking spaces are being provided to serve the development. Having regard to the location of the site in the centre of the village and proximity to public transport, this level of car parking is considered to be justified. The scheme has been amended to widen the point of access and provide a shared surface which would enable parking along the access road as overspill parking if required. No highway safety issues are therefore raised.

Accessibility

The objections from the Strategic Highways Manager regarding poor accessibility to the site is noted, and whilst this would not have a direct adverse impact upon highway safety, it makes for an unsustainable form of development and has not effectively been considered as part of the Transport Information submitted.

Flood Risk

The Environment Agency has objections to the proposed development as it is a major application and no Flood Risk Assessment has been submitted.

There is a statutory obligation on LPAs to take on board the advice of statutory consultees. This is a further reason for refusal.

Jodrell Bank

The site lies some distance from Jodrell Bank although it is within the Jodrell Bank Zone. No comments have been received at the time of writing the report although members may be aware that Jodrell Bank Observatory have objected to new housing within the consultation zone previously. However, at appeal it has been held that the impact to the Observatory can be mitigated via condition and a similar condition could be imposed if members were minded to approve the application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposals would be unsustainable and inappropriate in the open countryside contrary to policies GC5 – Countryside Beyond the Green Belt and GC6 – Outside the Green Belt, Areas of Special County Value and Jodrell Bank Zone within the MBLP 2004 and MP1 – Presumption in Favour of Sustainable Development, PG5 – Open Countryside, SD1 – Sustainable Development in Cheshire East and SD2 – Sustainable Development Principles of the emerging Local Plan. In addition, the proposals raise design issues result in a development which would be

contrary to policies BE1 – Design Guidance, H2 – Environmental Quality in Housing Developments, DC1 – Design: New Build, DC41 – Infill Housing Development or Redevelopment and SE1 – Design within the emerging Local Plan. The proposals would also fail to provide affordable housing contrary to policies H8 – Affordable Housing within the MBLP 2004, POLICY SC5 – Affordable Homes within the emerging Local Plan and guidance within the IPSAH. The proposals would have an adverse impact upon trees and there is insufficient information in respect of trees contrary to policy DC8 and DC9 within the MBLP 2004 and SE5 within the emerging Local Plan. There is insufficient information in respect of protected species and as such the proposals would be contrary to policy NE11 within the MBLP 2004, SE3 within the emerging Local Plan and the Habitat Regulations. There is also insufficient information in respect of Air Quality contrary to policy DC3 within the MBLP 2004, insufficient information in respect of noise also contrary to policy DC3 and insufficient information in respect of flood risk contrary to policy DC17 within the MBLP 2004. All of the above reasons are supported by guidance within the NPPF.

These issues make for compelling justification to refuse the application. The agent has been informed of these issues and given advice on how some of the issues can be overcome. No information has been forthcoming which would resolve/ outweigh these environmental impacts.

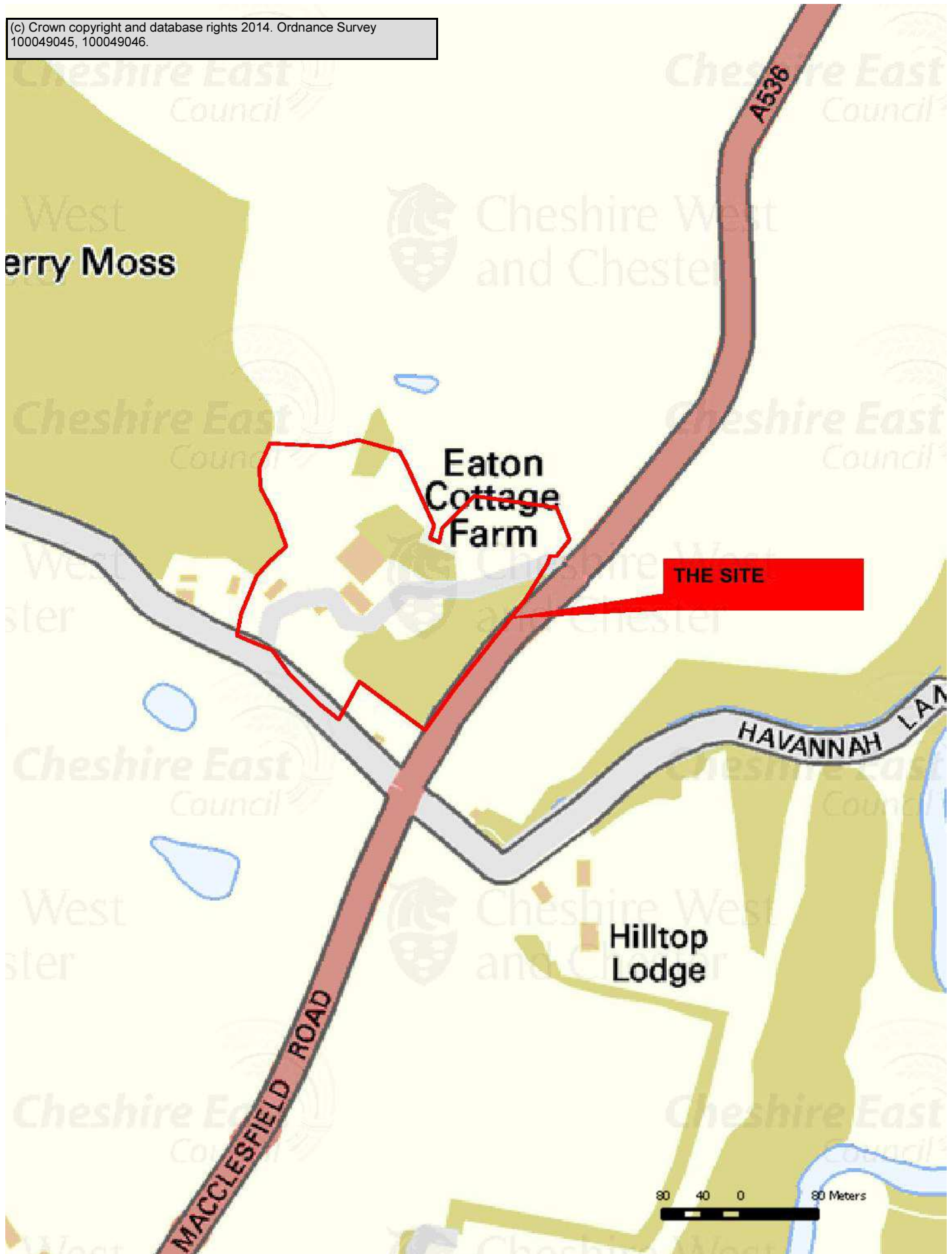
In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. unacceptable in open countryside
2. unacceptable design
3. no affordable housing
4. adverse impact on trees/ insufficient information
5. insufficient information - protected species
6. insufficient information - air quality
7. insufficient information - noise
8. insufficient information - flooding

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Application No: 13/3100M

Location: LAND AT LANGLEY MILL, LANGLEY ROAD, LANGLEY, SK11 0DG

Proposal: Demolition of existing buildings and erection of a terrace of 3 two storey dwellings

Applicant: Steve Hopkins

Expiry Date: 18-Sep-2013

Date Report Prepared: 08 May 2014

SUMMARY RECOMMENDATION

Approve, subject to conditions.

MAIN ISSUES

- The principle of the development (Green Belt);
- Impact on openness to this part of the Green Belt;
- Sustainability;
- Impact of the design and character and appearance of the street scene;
- Residential Amenity Implication;
- Highways Access, Parking, Servicing and Pedestrian Safety Issues;
- Arboricultural implications;
- Ecology Implication;
- Contamination Issues; and
- Flooding Issues.

REASON FOR REPORT

The application has been requested to go to Northern Committee by Councillor Gaddum (*Sutton Ward*) for the following reasons:

- No objection to residential use in principle;
- Concerns of highways access and egress;
- Details of levels are very important as they could have a disproportionate effect on other dwellings;
- Lack of second door (only french windows from the dining area);
- Front doors of houses apparently opening directly onto the highway; and
- Concerns over the disparity in heights of walls, and the apparently unallocated land which is part of the holding.

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

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a vacant commercial building located within the village of Langley. The site is bounded by Langley Road to the north, a tributary to the River Bollin to the south, and residential properties to the west and east.

The land at the application site falls away from Langley Road down towards the river to the south, thereby resulting in a building that is single storey to the road frontage and two-storeys to the rear.

The application site is located in an Area of Special County Value and the North Cheshire Green Belt, whilst TPO protected trees are located off-site on the opposite side of the river bank.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of the existing mill building and the erection of three dwellings.

The revised layout shows three terrace properties with direct access directly onto Langley Road. Each of the dwellings would have active frontage to Langley Road. The boundary of Langley Road would be defined by a new low wall behind which would be the front gardens to 3 properties. Pedestrian access would be provided from Langley Road to each dwelling in the form of gates.

Vehicular access would be provided in the eastern part of the site to a block of rear garaging provided at the lower level of the site. Stepped access to the rear gardens from the garage and courtyard would be provided.

RELEVANT HISTORY

Planning permission was refused on 18 November 2011 for the demolition of part of the existing commercial building, to convert the remainder of the building to one dwelling and the erection of three dwellings on the remainder of the site, under reference 11/1950M.

POLICIES

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

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

Local Plan Policy:

The application site lies within the Green Belt as defined by the Macclesfield Borough Local Plan (MLP), therefore the relevant Local Plan policies are considered to be: -

- NE11 Nature Conservation
- BE1 Design Guidance
- H1 Phasing Policy
- H2 Environmental Quality in Housing Developments
- H5 Windfall Housing Sites
- H13 Protecting Residential Areas
- GC1 New Buildings in the Green Belt
- DC1 New Build
- DC3 Amenity
- DC6 Circulation and Access
- DC8 Landscaping
- DC9 Tree Protection
- DC38 Space, Light and Privacy
- DC63 Contaminated Land Including Landfill Gas

Cheshire East Local Plan Strategy – Submission Version

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

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

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

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

Policy CS3 outlines the intended Green Belt policy for the area. Policy CS3 repeats the purposes of including land within the Green Belt listed in the Framework and sets out that permission will not be granted for inappropriate development in accordance with national policy. It should be noted here that paragraph 5.95 of the Framework states that “to achieve sustainable development, over a period of several decades the council recognises that some development may be necessary within the Green Belt in both the north and south of the Borough, however a review of Green Belt also allows the potential of new Green Belt to be explored”.

Other Material Considerations

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

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

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions

Environmental Health: No objection subject to conditions

Environment Agency: No objection subject to conditions

Building Control: No objection

VIEWS OF THE PARISH / TOWN COUNCIL

Sutton Parish Council – That the Parish Council support, in principal, the development of this site for residential purposes but have serious reservations in respect of the following matters:-

- The pedestrian front access directly onto the highway presents a potential danger to both residents and highway users. An open service area by way of a pavement or grass verge should be provided between the boundary wall and the highway.
- The vehicular access should provide for visual splays to provide adequate vision and turning space especially when turning left towards Sutton Lane Ends. This would also require an open space beyond the boundary wall to achieve adequate vision.
- The proposed width of the vehicular access (approx 2.5m.) does not provide adequate provision for uninterrupted access/egress at all times.
- The width of pedestrian access around the properties appears to be limited between (0.45m to 0.50m) which is less than the average walkway required for access purposes.
- There does not appear to be any provision for the storage and collection of waste bins which again is restricted by the width of the access between properties.
- There does not appear to be adequate provision for car parking other than within the garage complex. Homes with more than one car may experience parking difficulties.
- There does not appear to be a rear access to the properties other than by French windows directly into the Dining Room.
- There appears to be some confusion over the height of the front boundary wall in so far that drawing 12/1284/3 states that a 600mm high brick screen wall is to be erected, whereas the Design and Access Statement indicates a boundary brick wall of 1.8m in height.

- The 3m high retaining screen wall to the rear of the properties, together with a 1,800mm high post and rail fence on top will create an overbearing appearance which may, in the future, be visually detrimental to the open space beyond the water course. There are serious concerns in connection with the construction and use of such a high retaining wall.
- There are areas within the development site which do not appear to have been earmarked or identified for any specific purpose associated with the proposed development which may be detrimental to adjoining properties. Use of such areas should be confirmed.

REPRESENTATIONS

The application has been duly advertised on site by the means of a site notice and six neighbouring properties have been written to directly.

Eight letters of objections were received from five neighbouring residents and their comment can be summarised as follows: -

- No objection in principle to the redevelopment of the mill;
- Insufficient information in the application to enable us to access the impact on 74 Langley Road;
- The entrance to the driveway is too narrow and has no radius for vehicles to turn into;
- The gates at the road side of the properties open right onto the road which seems incredibly dangerous;
- Where would bins be left for collection?
- Query about the height of the wall on the road side;
- The access road planned for the East side of the site will need to be a gradual incline for cars to gain access. Significant landscaping will be necessary. However more detail is needed to understand how this will affect the boundary of No. 4 The Orchard;
- Like assurances that No. 4 The Orchard will not be overlooked by the access road and the gardens that will be elevated adjacent;
- Like to understand how the site drainage will be managed;
- Like clarification on how the potentially polluted material detailed in the phase 1 environmental study will be tested, monitored and removed from the site (where necessary) and not used as back fill in elevated areas;
- How will cars access the site in snow and ice as the access road will be quite steep and there is no space for on-road parking if the access road is not safe? And
- Query about addresses of neighbouring address that notification letters have been sent.

A full copy of all the comments made by the local resident toward this application as summarised above, can be viewed on the electronic file on the Council's public access website.

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a *Design & Access Statement*, *Tree Survey Report*, *Demolition Statement*, an *Extended Phase 1 Ecological Survey*, a *Transport Statement*, a *Phase 1 Contamination Desk Study*, a *Planning Statement*, and a *Design Analysis* were submitted in support of the planning application, details of which can be read on file.

OFFICER APPRAISAL

Having considered this application, it is the considered view that the main issues in this case are:

The principle of the development (Green Belt):

Policy GC1 of the Macclesfield Local Plan states that within the Green Belt approval will not be given, except in very special circumstances, for the construction of new buildings unless it is for a range of purposes including agriculture and forestry; essential facilities for outdoor sport and recreation; limited extension or alteration of existing dwellings; limited infilling within identified settlements; limited affordable housing for community needs; and development within major developed sites.

However, since the publication of the Local Plan, the Framework has been published which supersedes existing policies within the Local Plan. The Framework provides additional circumstances where development is considered to be appropriate over and above those previously provided under policy GC1.

The Framework now states that the limited infilling or partial and complete redevelopment of previously developed sites which would not have a greater impact on the openness of the Green Belt and the purposes of including development within it that the existing development would not be inappropriate development.

Paragraph 89 does not stipulate uses of land that are appropriate or inappropriate on previously developed land. As such, it is considered that the demolition of the existing mill building and redevelopment of the site with the erection of 3 dwellings would be acceptable development in principle, so long as the proposed development would not have a greater impact on the openness of the Green Belt and the purpose of including land within it.

Impact on openness to this part of the Green Belt:

The application proposals would result in the erection of three dwellings and a garage block. Each of the dwellings measures 10.6m in depth, 6.5m in width and 7m in height. The garage block measures 9.8m in width, 6.2m in depth and 4.9m in height. In terms of scale, a comparison of the existing and proposed built form on site notes that while the proposed dwellings present a higher frontage to Langley Road that frontage is now broken up (whereas the existing frontage is continuous). Plot coverage is also substantially reduced such that the bulk and form of development on site is substantially less than that of the existing building. The volume of the proposed buildings compared to the existing building on site represents a substantial reduction from 3,182 cubic metres to 1,324 cubic metres (a reduction of 38%). Floorspace also reduces substantially from 653sq metres to 245sq metres (a reduction of 62%).

Taking all of the different factors into account it is considered that the proposed buildings would have a comparable impact on the openness of the green belt when measured against the existing buildings on the site. The buildings would not have a greater impact on the openness of the green belt. It is considered that the proposed development does not threaten any of the purposes of including land within the Green Belt, particularly as it does not encroach beyond the existing site.

It is considered that the proposed development would not have a materially greater impact on the openness of the Green Belt than the development it would replace and that the proposal would comprise appropriate development in accordance with bullet point 6 of paragraph 89.

Sustainability:

Overall, it is considered that the site is not very sustainable as although the national walking/cycling agreed distances to local services are met and there is also a bus service available within a reasonable distance from the site, there is only 1 hourly bus service. Therefore, whilst it is accepted that the site is accessible to non-car modes, it is likely that the dwellings will be car dependant.

Impact of the design and character and appearance of the street scene:

The majority of the site is occupied by the currently disused mill building. The disrepair of the site and its dereliction has been the subject of a number of complaints. The mill building is no longer fit for purpose and is effectively derelict. The Mill building is not Listed or list-able. No objections are raised to its demolition. In order to enhance the character and appearance of the site the application proposes to demolish the mill in its entirety and the redevelopment of the site in a sensitive form would be a positive benefit to the character and appearance of the area.

Since the application was originally submitted in July 2013, considerable negotiations have resulted in changes to the design of the scheme to ensure that the development fits in within the context of Langley, which is an attractive village.

The proposal involves a traditional solution to the appearance of the site. The terrace dwellings will have the appearance of a traditional cottage consistent with those already found within the area. Each dwelling incorporates low eaves levels. Ridge levels are stepped down following the fall in levels along Langley Road. Each dwelling will have a front entrance porch similar to those found in terraced properties in the immediate vicinity of the site. Each will have an external chimney breast. In terms of materials it is intended to use Cheshire brick for the walls and natural slate roof tiles in order to reflect the context of existing dwellings in the local area.

Timbers painted windows in cottage style are proposed to the front elevations. Gutters and rainwater goods would be powder coated aluminium black and doors would be timber and painted. It has been agreed that the materials for the garage block would match the houses. Reclaimed brick from the Mill would be used for the boundary walls.

Residential Amenity Implication:

A demolition statement has been prepared by Cheshire Demolition and submitted with the application. The statement is a fairly standard one for this type of work but does make pacific reference to the areas of walls which form the rear and side wall of the car port to number 74 and the boundary wall to the right of the car port where the two storey mill is to be demolished. The method of providing temporary scaffolding protection and also demolishing by hand where required is in our opinion reasonable and accepted.

A problem seems to arise though as to what is required to be left standing to provide adequate amenities to number 74 as the walls along the boundary are forming party walls at present. To this end the owner of number 74 has requested (which is reasonable) that the rear wall to his car port remains as is, the right hand side wall to the car port which is also the main side wall to the two storey mill is only demolished to just above car port roof level as this wall supports the roof to the car port. To the gable wall and other side wall of the two storey mill which form the boundary line as the floor level in the mill is lower than the garden of number 74 that these walls are demolished to ground floor sill level to ensure stability of the existing garden area to number 74. This covers demolition stage but for future privacy of number 74 the boundary area will need further treatment with the high right hand side wall of the car port capping. Also the dwarf walls left in place along the boundary will need any openings filled in and the wall capped with fencing to an agreed height installed on top of the wall. A demolition condition is suggested to control these elements.

It is not considered that the proposed properties would impact on the amenity of the building on the opposite side of Langley road as this is the Village Hall. It is also considered that the adjacent property known as No. 4 the Orchard would not be affected by the development as it is separated by 18 metres. The access road would also break up this relationship. An existing substation would also block views. No side windows are proposed on the terraces. No 74 Langley Road is the nearest property and would be affected by the development. Although there would be no overlooking from side windows the proposed end east terrace would be close to the existing boundary and main entrance to No. 74. Whilst No 74's main concern is the boundary treatment and demolition (dealt with above) it is considered that given the present of the existing mill and traditional relationships in the village, the element could be accepted.

The application site is in proximity to existing residential properties and whilst other legislation exists to restrict the noise impact from construction and demolition activities, this is not adequate to control all construction noise, which may have a detrimental impact on residential amenity in the area. A condition should be imposed to control hours of demolition and construction works in the interest of residential amenity. A condition should also be imposed in the event that piled foundations are necessary. A condition to minimise dust emissions arising from demolition / construction activities is also suggested.

Highways Access, Parking, Servicing and Pedestrian Safety Issues:

CURRENT SITUATION:

There are currently three vehicular accesses into the site. At the western end of the frontage is parking for two vehicles in an open area; in the middle of the site is an access directly into the building; and at the eastern end of the frontage is an access for a single vehicle, which we understand was used by a service vehicle. Due to the proximity of adjoining buildings at each of the three access positions, all have very poor visibility even when emerging in forward gear. Without any turning facilities for any of the accesses, vehicles would often have to reverse out of the site without having any knowledge of whether a vehicle was approaching along Langley Road. This is clearly a very dangerous traffic situation.

EXISTING SITUATION:

Until 2009/10 the mill was used by a company that manufactured wire wheels and employed 17 staff. There is parking on-site for a maximum of three vehicles and the majority of staff parked on-street. Up until the 1980s, the site was in general industrial use and historically employed over 50 people, again with no car parking provision, leading to vehicles having to be parked on-street over a wide area.

This lawful use must therefore be taken into account when assessing the impact of the development proposal. In traffic generation terms, the development of 3 houses would result in 2 vehicle movements in the busiest hours of the day. The proposals therefore would be regarded as significant betterment in highway terms.

The proposals seek to replace the whole of the mill buildings with three dwellings. The existing access points would be closed and replaced by a shared new access that would have a higher level of visibility than any of the existing access points.

ACCESS:

The preferred design solution for the site would be for a terrace of houses along the road frontage. With this in mind, the site access either has to be towards the eastern edge of the site or the western edge of the site, or otherwise set the housing back and provide a parking space in front of each house, which would not be desirable from a design point of view.

At the western end of the site there is a bend in the road where visibility is very restricted and there is an existing dwelling adjacent to the carriageway edge that limits visibility to around 4 metres in that direction.

At the eastern end of the site there is still a restriction on visibility caused by a sub-station adjacent to the site. However, it is possible to achieve 2.0 x 15m, which represents a very significant improvement when compared to the existing conditions that are set out above. From this access position it is possible to achieve 2.0 x 40m in the westerly direction, which meets the requirement for a 30mph zone.

The access was initially shown to be around 3.5m in width and would only allow the passage of a single vehicle at a time where it passes alongside the building. Revised proposals have been submitted to widen the access to 4.5m, which would allow for [two-way opposed movements](#).

The access road would achieve a maximum 1 in 12 gradient along the access route within the site. It would also incorporate a flatter 1 in 20 platform where the access road meets Langley Road.

Arboricultural implications:

This site has been subject of previous applications and lengthy discussions in terms of proximity and relationship issues in respect of the mature Sycamore located off site to the south of the development site and identified as T5. One of the reasons for refusal identified in respect of application 11/1950M was an unsatisfactory relationship established in respect of T5 protected as part of a 1974 Tree Preservation Order.

The present application addresses the previous concerns with the properties re-positioned to the north of the site on the Langley Road frontage, and with their individual and collective external living space located a reasonable distance outside the Sycamores (T5) canopy drip line. Any issues in terms of light attenuation can be addressed on merit, with a suitable pruning schedule considered achievable without detracting from the tree or its contribution to the amenity of the immediate area or the wider landscape aspect.

The site plan depicts the location of T5 incorrectly but it is accepted that the amount of root mass establishment and required Root Protection Area (RPA) will be significantly off set by the proximity of the adjacent stream which the tree stands to the south off. Root development within the construction site is to be limited with construction of the proposed garage unlikely to encounter any roots from the offsite Sycamore (T5). Any negative impact on the garage in terms of 'honey dew' deposits and moss can be addressed as part of regular maintenance, and improved by a limited amount of selective tree surgery.

The reasons for refusal associated with the previous application in terms of trees have been addressed by the re-positioning and re-configuration of the layout.

The removal of the Sycamore identified as T1 for the reasons stated are not contested. The new access road can be implemented without having a negative and direct impact on the offsite Ash identified as T3 & T4, both of which stand to the rear of retaining structures and in keeping with T1 present a very poor social proximity to the existing adjacent building. The long term structural integrity of the offsite Sycamore T2 has been compromised by its co-dominant form. This tree was omitted from the Order which protects the adjacent more dominant specimen T5.

Bearing the above in mind, no objections to the scheme are raised from an arboricultural perspective. Protective fencing details have not been included but this can be address as part of condition suggested.

Ecology

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

In the UK, the Habitats Directive is transposed as The Conservation of Habitats and Species Regulations 2010. This requires the local planning authority to have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that no European Protected Species have been recorded on site. Therefore the planning authority do not have to consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest.

The application is supported by an acceptable ecological survey. This site was also subject to ecological surveys in 2010 which did not identify any significant ecological issues.

No evidence of roosting bats or other protected species has been recorded on site and the Council's Ecologist has advised that protected species or other nature conservation interests do not present a significant constraint on the proposed development

However conditions are suggested to safeguard breeding birds and to ensure some additional provision is made for roosting bats and breeding birds on the site.

Contamination Issues:

The application area has a history of use as a Mill and a Gasometer and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Phase 1 report submitted with the application recommends that further investigation works are required. The risks to the development are not considered to be insurmountable. The Contaminated Land team have raised no objection to the scheme subject to a condition being imposed to secure the submission of a Phase II investigation prior to commencement.

Flooding Issues:

The site is situated immediately adjacent to a non main river, ordinary watercourse which falls under Cheshire East Council's responsibility and control as a Lead Local Flood Authority (Flood and Water Management Act 2010 and Land Drainage Act 1991). The updated Maps for Surface Water indicate that part of this site may be vulnerable to flooding during extreme flood events. However the proposed flood levels of the residential houses are some 3 to 4 meters above the river.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary and to conclude, the issues raised in the representations have been addressed and all the issues raised have been borne in mind. In respect of the guidance in the NPPF the proposed redevelopment of a brownfield site is an appropriate form of development within the Green Belt, hence, the proposed development is acceptable in principle. The proposed development is considered not to have a greater impact on the openness of the Green Belt than the existing and not to threaten the purposes of including land within the Green Belt.

At the heart of the National Planning Policy Framework is a **presumption in favour** of sustainable development. Paragraph 14 of NPPF states that decision takers should be approving development proposals that accord with the development plan without delay; and

- Where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole
- The proposal accords with relevant policies of the Development Plan and therefore, should be approved without delay.

As such Members should only be considering a refusal of planning permission if the disbenefits of the scheme significantly and demonstrably outweigh the benefits of approval.

The replacement of the existing mill building with residential development is consistent with the character of the use in the village. It complements the neighbouring housing and provides a better relationship of uses than the previous industrial use on the site.

* * * * *

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A23MC - Details of ground levels to be submitted
4. A02EX - Submission of samples of building materials
5. A01TR - Tree retention
6. A02TR - Tree protection
7. A02LS - Submission of landscaping scheme
8. A04LS - Landscaping (implementation)
9. A12LS - Landscaping to include details of boundary treatment
10. A22GR - Protection from noise during construction (hours of construction)
11. A23GR - Pile Driving
12. A30HA - Protection of highway from mud and debris
13. A32HA - Construction Management Statement
14. A32HA_1 - Demolition method statement
15. A07HP - Drainage and surfacing of hardstanding areas
16. A04HP - Provision of bin storage
17. A04NC - Details of drainage
18. A06NC - Protection for breeding birds
19. Phase II Contamination Report

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Application No: 14/1337M

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

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

Applicant: Mrs Adele Lock, Edengate Bespoke Homes

Expiry Date: 28-May-2014

Date Report Prepared: 07 May 2014

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

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

REASON FOR REPORT

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

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

DESCRIPTION OF SITE AND CONTEXT

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

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

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

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

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

DETAILS OF PROPOSAL

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

This is to facilitate the:-

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

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

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

RELEVANT HISTORY

Original Permission(s):

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

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

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

Listed Building Consent linked to this application:

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

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

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

Other Recent Approvals:

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

Recent Refusals:

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

POLICIES

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

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

Macclesfield Borough Council Local Plan Policies:

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

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

Cheshire East Local Plan Strategy – Submission Version (CELP)

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

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

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

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

Other Material Considerations

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

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

CONSULTATIONS (External to Planning)

Cheshire Archaeology Planning Advisory Service: No archaeological implications

Environmental Health: No comments received.

Highways: No comments received.

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

English Heritage: No objections.

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

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

No comments were received.

VIEWS OF THE PARISH / TOWN COUNCIL

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

REPRESENTATIONS

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

No letters of representation have been received regarding this application.

APPLICANT'S SUPPORTING INFORMATION

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

OFFICER APPRAISAL

Relevant considerations:

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

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

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

Implications on the approved scheme and identified determination issues:

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

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

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

Listed Building Implications:

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

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

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

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

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

b) Demolish and rebuild the south gable wall and

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSIONS AND REASON(S) FOR THE DECISION

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

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

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

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

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

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

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

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

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

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

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

* * * * *

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Interim Planning and Place Shaping Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

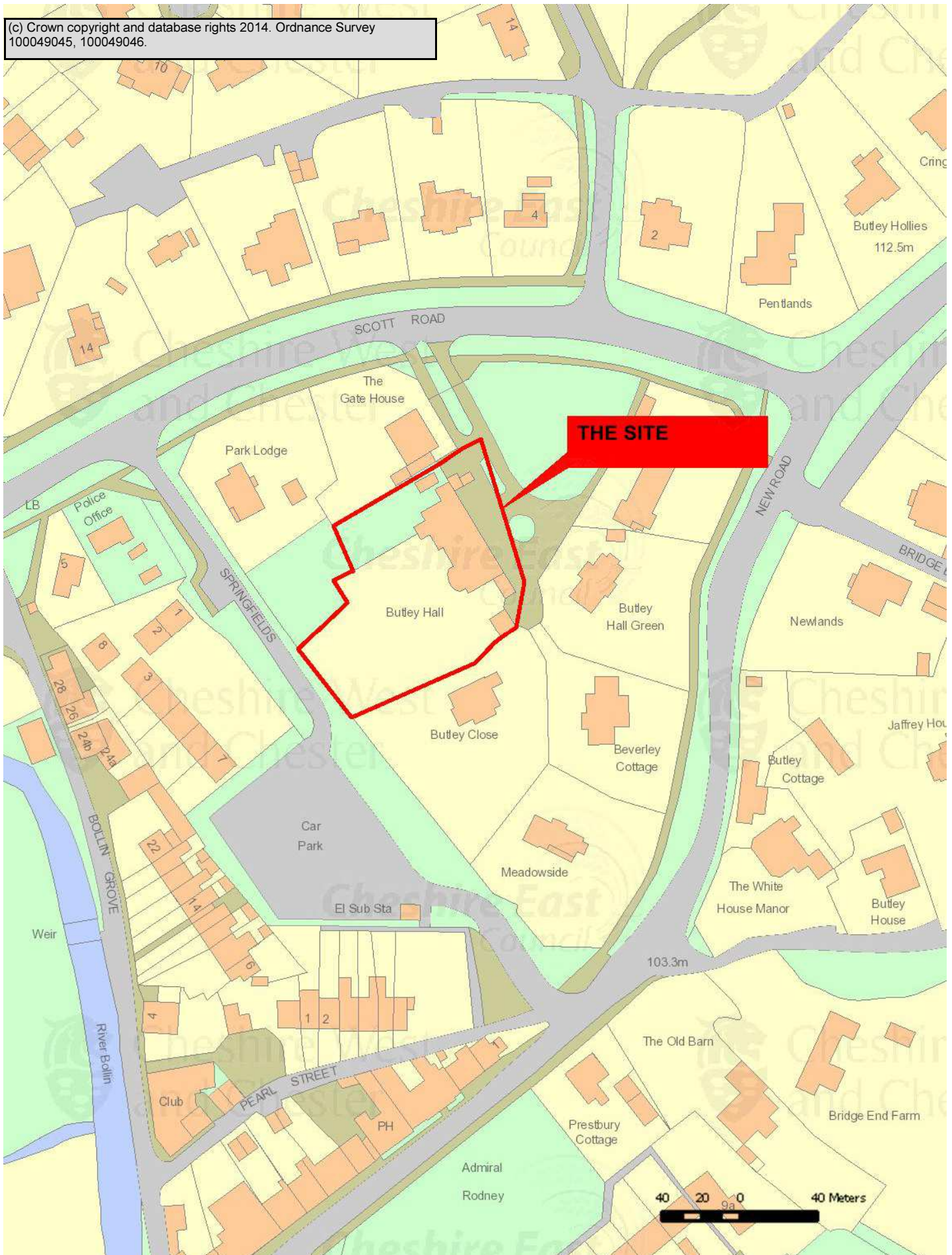
Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

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

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

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