

Application No: 11/0107M

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

Proposal: Demolition of Ford House and construction of replacement building for parish offices, three associated apartments and construction of seven townhouses within the grounds of Ford House.

Applicant: ST PETERS PAROCHIAL CHURCH COUNCIL

Expiry Date: 26-Apr-2011

Date Report Prepared: 23 January 2012

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

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

REASON FOR REPORT

The application has been brought to the Committee by the Head of Planning & Housing due to the significant local interest in the proposal. The application has previously been considered by the Northern Planning Committee on 13 April 2011, where it was resolved to defer the application to allow officers to assess additional information submitted by the applicant and to allow further negotiations to take place regarding the design and scale of the proposed town houses.

Extensive discussions have since taken place with the applicants and their agents, which have resulted in the submission of revised plans. All interested parties have been renotified / reconsulted.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached two-storey locally listed building dating from the 19th century, most recently used as meeting rooms and other supporting activities to St Peter's church. Over the years there have been a number of external extensions and internal

alterations, but recently the condition of the building has deteriorated to the extent that it was closed for health & safety reasons in 2007. The site occupies a prominent position at the north eastern end of The Village, within the Prestbury Conservation Area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish Ford House and erect a replacement building for parish offices and 3 apartments associated with the church, and to construct 7 town houses within the grounds of Ford House and make alterations to the vehicular access.

An accompanying application for Conservation Area Consent (11/0108M) appears elsewhere on the agenda.

From the outset of discussions on this proposal, Council Officers and English Heritage have encouraged the applicants to adopt a holistic approach to their buildings / sites to fulfil the needs of the church, the congregation and the local community. The application at St Peters Church (11/0144M) recently approved by Members at the Committee on 29 September 2011 was part of this approach. The church application and the current application were submitted together and are linked to the extent that the church extension sought to provide some facilities lost by the demolition of Ford House, the rebuilt Ford House will provide those facilities that could not be accommodated within the extension to the Grade 1 listed church, and also by the fact that the proceeds from the sale of the proposed town houses will fund the construction of the church extension.

It should also be noted that many references to enabling development are made within the documentation submitted with the application to the extent that the Ford House development “enables” or funds the works to the church. English Heritage define enabling development as *development that would be unacceptable in planning terms but for the fact that it would bring public benefits sufficient to justify it being carried out, and which could not otherwise be achieved*. However, this is not enabling development, as in order for it to be such, the economic benefits would need to go into the repair of existing historic fabric in order to preserve a heritage asset, which in this case is proposed for total demolition, and is not applicable to new buildings or extensions.

However, Members should be aware of the links between the current proposal and the approved church development. Whilst the proposal may not amount to enabling development, the matters raised by the applicant to justify the demolition are still material planning considerations, which need to be afforded appropriate weight in the assessment of the application. The applicant maintains that the church extension is reliant upon the development of the Ford House site; therefore whilst they have been submitted as separate planning applications, they are fundamentally linked.

POLICIES

Regional Spatial Strategy

DP1 – Spatial Principles

DP2 – Promote Sustainable Communities

DP4 – Make the Best Use of Existing Resources and Infrastructure
DP5 - Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
L4 – Regional Housing Provision
RT2 – Managing Travel Demand

Local Plan Policy

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic
BE3 – Conservation Areas
BE4 – Demolition Criteria in Conservation Areas
BE20 – Locally Important Buildings
BE24 – Development of sites of Archaeological Importance
H1 – Phasing policy
H2 – Environmental Quality in Housing Developments
H5 – Windfall Housing Sites
DC1 – Design: New Build
DC3 – Amenity
DC6 – Circulation and access
DC8 - Landscaping
DC9 – Tree protection
DC38 – Space, light and privacy
DC63 – Contaminated Land

Other Material Considerations

Prestbury Supplementary Planning Document (July 2011)
Prestbury Conservation Area Appraisal (2006)
Prestbury Village Design Statement (2007)
Local List of Historic Buildings SPD (2010)
PPS1 Delivering Sustainable Development
PPS3 Housing
PPS5 Planning for the Historic Environment
PPS9 Biodiversity and Geological Conservation
PPG13 Transport
PPS25 Development and Flood Risk
Ministerial Statement – Planning for Growth (March 2011)
Draft National Planning Policy Framework (July 2011)

CONSULTATIONS (External to Planning)

Cheshire Archaeology Planning Advisory Service – No objections subject to condition relating to archaeological mitigation.

Environment Agency – No objections subject to the development being carried out in accordance with the submitted Flood Risk Assessment and a condition relating to a management buffer alongside the River Bollin.

Environmental Health – No objections subject to conditions relating to hours of construction and contaminated land.

Strategic Highways Manager – No objections subject to conditions relating to provision of new access.

Natural England – No objections

United Utilities – No objections subject to conditions relating to drainage

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

VIEWS OF THE PARISH COUNCIL

Prestbury Parish Council – Object to this application on the grounds that Ford House is a building of local historical interest in a conservation area and is part of the heritage of the village and it would be a loss of a community asset and is an overdevelopment of the site. It would also include the removal of six trees that have Preservation Orders on them.

The Parish Council has commented on the proposal twice before, once in March 2011 (objection on grounds of overdevelopment), and once in July 2011 (no objection but had concerns about the density).

OTHER REPRESENTATIONS

Prior to the revised plans being submitted, 122 letters of representation had been received. 91 of these letters either raise no objection or support the proposal for the following reasons:

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

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

- Loss of car park to rear of Ford House
- Loss of protected trees
- Youth Club building to the rear of Ford House does not belong to the church
- There are Great Crested Newts in the immediate vicinity
- Ford House is locally listed
- Dwellings should be affordable
- Youth Centre extension paid for by village fundraising
- Plans do not acknowledge former role of Ford House as a community resource
- Proposals do not address relocation of the youth club
- The site should be retained for the parishioners of Prestbury
- Financial contribution should be made to compensate for lost community facilities
- The site is subject to flooding

- Highway safety risk at access
- Proposed buildings are out of character
- No recognition of the relationship of the church with the wider community
- The density of the development is a concern

Since the reconsultation process on the revised plans, a further 16 letters have been received. 12 of these letters (including one from the Prestbury Business Forum) support the proposal for the following additional reasons:

- Lengthy delays on the Ford House site are adversely affecting local businesses
- It will restore the street scene
- Increased number of people in the village will be a benefit to local businesses
- Support from Prestbury Business Forum

4 of the letters (including one from the Prestbury Amenity Society and one from the Save Ford House Group) object to the proposal for the following additional reasons:

- Locally listed buildings should be preserved
- Conservation Areas are intended to ensure that such buildings are preserved rather than replaced
- Replacement does not preserve and enhance character and appearance of Conservation Area
- Absence of any community accommodation, i.e. Youth Club
- Ford House is one of the first older buildings seen by visitors when approaching from North East
- Location in relation to Grade 1 listed church enhances necessity to preserve
- Does not recognise the recommendations of PPS5 particularly clause 2.6
- Contrary to Prestbury SPD and Village Design Statement
- Deliberate neglect does not justify demolition (PPS5)
- Building is protected by policies BE2 and BE20
- Adverse impact upon historic fabric
- Proposal is not enabling development
- No evidence of substantial public benefit
- Contrary to policies BE3 and BE4
- Copper Beech tree is a dominant feature of the site and will be lost if development is approved – with other direct tree losses and threats – contrary to DC9
- Does not comply with policy DC41 relating infill housing development
- No agreement on replacement community facilities for the Youth Club. A s.106 agreement should be submitted with details of provision to offset this loss of community facilities and car parking (policy IMP1)

APPLICANT'S SUPPORTING INFORMATION

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

Planning, Design & Access Statement

This statement outlines that the future of the building is intrinsically linked to a development project that will secure the future of St Peter's Church and its role at the centre of the village community. In view of the needs of the church for ancillary accommodation; the scale of the proposed extension appropriate to the church; the cost of development options; the structural

condition of Ford House and, factors connected with highway safety it is concluded that the only viable option is to take down and rebuild Ford House for use as a parish office with residential accommodation for church staff.

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

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

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

Sustainability Statement

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

Protected Species Survey

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

Arboriculture Assessment

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

Structural Report – Ford House

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

Flood Risk Assessment

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

Transport Assessment

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

Confidential Report on Enabling Development – Meller Braggins

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

PPS5 Statement – Ford House

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

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

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

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

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

Additional information submitted since the previous committee meeting has highlighted the fact that it is the Prestbury Conservation Area that is the designated Heritage Asset, in accordance with the PPS5 definition, and not the locally listed Ford House, which is an “undesigned” heritage asset. The appropriate policy test is therefore HE9.4 of PPS5 rather than HE9.2.

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

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

OFFICER APPRAISAL

Housing

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

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

Reference has been made within letters of representation that the proposal does not meet the requirements of policy DC41 (Infill Housing Development), however, the proposal is not considered to be infilling as defined in the glossary of the Local Plan. Other local plan policies adequately address relevant matters of public interest, as discussed below.

Conservation Area

There are a number of issues that contribute to the overall impact upon the Conservation Area - the loss of the locally listed building, the scale and design of the proposed new development, and the impact upon trees and landscaping of the site. Each of these matters is considered below:

Locally Listed Building

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

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

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

Locally Listed buildings are identified within PPS5 as “heritage assets”, whereas Conservation Areas are identified as “designated heritage assets”. A heritage statement has been submitted with the application that provides a description of the significance of the heritage assets affected and the contribution of their setting to that significance in accordance with policy HE6 of PPS5.

Policy HE9 of PPS5 identifies levels of harm to designated heritage assets arising from proposed developments, and how they should be considered. HE9.2 refers to “substantial harm to or total loss of significance”, and HE9.4 refers to proposals that result in “less than substantial harm”. The applicant’s heritage statement maintains that the correct test should be that of HE9.4, as the harm of the proposal is less than substantial. This is due to the alterations that have been made to the original Ford House, the condition of the existing

building, and the fact that the replacement is sympathetic to the existing in terms of scale, height, mass and design.

English Heritage, however, considers that the test in HE9.2, in terms of the substantial harm to the Conservation Area by loss of a principal building, should be applied. English Heritage maintain that Ford House does make a positive contribution to the Conservation Area, noting that even though the building has had some external alterations, mainly Edwardian and 1970s rear extensions, the main façade towards The Village is largely intact and is a focus when driving through the village. They do also acknowledge that the interior has little significance due to the extent of alterations, that Ford House is in a poor condition, and that it will be costly to repair the building. However they do not consider that this should be a factor to take into account when assessing the application as this could result in a number of cases where deliberate neglect would be seen as a way of obtaining consent for demolition. An issue that is reinforced by policy HE7.6 of PPS5.

The Council's Conservation Officer however considers that the impact of the proposal, upon the conservation area, in terms of street scene appearance is arguably limited, due to the replacement building mimicking the original Ford House. However, impact on street scene within the conservation area is a small consideration, outweighed by the fundamental principle of demolition. This would be contrary to the Local Plan by virtue of loss of historic fabric, loss of a Locally Listed Building and loss of a building which makes a positive contribution to the character (with emphasis on character rather than appearance depending on the final finish of the new building) and appearance of the Prestbury Conservation Area. He considers that a replacement building would not display the evidence of successive alterations and sense of continuity over time which is apparent in the existing external fabric.

The total loss of Ford House (a heritage asset) is unfortunate, and is arguably contrary to policies BE2 and BE20 of the Local Plan. However, whilst it is acknowledged that HE7.6 states that the deteriorated state of a heritage asset that has been caused by deliberate neglect of or damage should not be a consideration when assessing development proposals, there is no specific evidence in this case to suggest that the condition of the building has arisen through the deliberate actions (or inaction) of the site owners. The condition of the building should therefore be considered in order to assess the level of harm arising from the current proposal.

The building is in a poor state of repair, and the Council's Structural Engineer has visited the site. He generally concurs with the submitted structural engineers report and considers that the repairs/rebuilding elements noted in that report would leave the structural skeleton of the main building generally in place although all roofs and floors would probably have to be stripped out and replaced. He also notes that without any repair works being undertaken on the building, what remains of the structure will very rapidly deteriorate due to the ingress of water that is already occurring in many areas.

The report also recommends the repair of hairline cracks in the roughcast

render, however given that cement-based render is incapable of movement any cracks will open up again in the future. The render is also impervious and prevents the passage of moisture through the solid brick walls which is necessary to avoid further decay. The removal of the render is therefore also necessary in the long term, and it is likely that this could not be achieved without damaging the face of the bricks, which will mean either removing the roughcast and re-rendering in a lime-based coating to allow for movement and permeability of moisture, or the replacement of the outer leaf of bricks.

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

A repair option has been investigated by the applicants, which indicates that it is possible to repair the building, however, the policy test (above) is whether the building is beyond reasonable repair. The cost of this repair is clearly a limiting factor to the future of the building and the potential of the site. Detailed costings have been submitted, which indicate that it would be significantly more costly (in excess of £100,000) to partially demolish and refurbish the existing building to their requirements than demolish the entire building and construct a replacement.

Policy HE9.1 of PPS5 states that loss affecting any designated heritage asset should require clear and convincing justification, and that there is a presumption in favour of the conservation of all designated heritage assets. English Heritage considers that this means that there should be a presumption in favour of managing change to a Conservation Area in a way that sustains and where appropriate enhances its significance. They consider that to replace one good building with a different but arguably equally as good building is not sustaining its significance. This would be contrary to HE9.1 of PPS5. The applicant needs to demonstrate that the loss is necessary in order to deliver substantial public benefits.

Similarly, the Local List of Historic Buildings Supplementary Planning Document states that “proposals for the demolition of Locally Listed Buildings must normally demonstrate clear and convincing evidence that the building is no longer of local importance”. As noted above, the existing condition of the building does serve to undermine its local importance. Furthermore, Prestbury Parish Council carried out their own independent survey of the development proposals. 1,391 questionnaires were sent out to Prestbury residents / businesses, and 707 were returned. The results found an overwhelming support for the proposal to demolish Ford House and erect a replacement building with town houses to the rear. 525 of the 707 respondents supported the scheme. These results do serve to question whether Ford House is still truly of local importance if the majority of local people are happy to see it replaced.

The two aspects of Ford House that are considered to contribute to the character and appearance of the Conservation Area are its historic fabric and its visual function due to its prominent position at the end of The Village. These are the aspects picked up on by English Heritage, The Council's conservation officer and the applicant's historic buildings advisor.

In terms of historic fabric, clearly the works that would be required to bring the existing building back to a useable condition would have a significant effect upon the existing historic fabric. The evidence would suggest that only the shell of the brickwork walls would remain, which would undermine the historic integrity of the building significantly.

With regard to its visual function at the end of The Village, it is difficult to see how the effect of the building or its contribution to the Conservation Area would be significantly different if the building were to be replaced, as opposed to being repaired to the extent outlined above. The historical "associations" would not necessarily be so great, but as the local listing identifies, the current Ford House is already a "reconstruction of an earlier building, rebuilt circa 1850 – 1875". The quality of the materials to be used in its repair or its replacement is perhaps of more importance. The building does not merit national listing, whereas the majority of the other buildings along The Village are nationally listed.

In terms of public benefits, the applicant's primary justification for demolition of Ford House is based on the benefits it would bring to the church site. The funds realized through the development of the town houses would finance the extension to the church (approved under application 11/0144M), thereby securing the future of this significant heritage asset, as well as facilitating required works to the Grade II listed Norman Chapel and Hearse House. The supporting information does suggest that the church extension and facilities within Ford House provide benefits to both the church and the wider community. These include improvement to visual appearance of the village; the creation of two new jobs: A Community & Youth Worker (primarily in Upton Priory) and a Children & Families Worker; upgrading of the Church of the Resurrection at Upton Priory for community uses, which is in the Parish of Prestbury; Parish office; some of the income from the sale of the new buildings will be for the benefit of children and young people; Ministry team workspace (clergy, readers, pastoral workers); increased availability of existing community spaces, with groups relocating back to church facilities freeing space elsewhere.

The case for demolition is further based upon its physical condition; its lack of authenticity as a result of unsympathetic alterations; the cost of restoration; the need to provide safe access for vehicle users and pedestrians; and the unsuitability of the current layout of the building for church use.

The concern expressed by Prestbury Business Forum should also be acknowledged. They consider that the structural condition and appearance of Ford House is severely affecting the street scene, and is now impacting adversely on the businesses trading on The Village and New Road in particular. The proposal will restore the street scene and will lead to an increase in the number of people living in the centre of the village and increased footfall which

will help support the businesses trading in the village.

It is therefore considered, having considerable regard to the existing condition of the building, that the harm to the Conservation Area arising solely from the replacement of Ford House is less than substantial harm. There are identifiable benefits to the scheme, some more tangible than others. The harm to the Conservation Area (as a designated heritage asset) arising from the demolition of Ford House is not considered to be sufficiently significant to resist the principle of its replacement. This element of the proposal is therefore considered to comply with the requirements of PPS5.

Archaeology

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

The Council's archaeologist initially advised that pre-determination evaluation work should be carried out at the Ford House site, due to its geographical position. However, he has since advised that a more pragmatic approach is appropriate for this site. He has now confirmed that it is acceptable to secure trenching work and any subsequent mitigation (excavation, watching brief, etc) that proves necessary by condition.

Design

Whilst the number of residential units to the rear of Ford House has now changed from 6 town houses and 2 apartments to 7 town houses, the general footprint and scale remains very similar to the original submission. The revised plans do now adopt a more traditional approach to the design of the dwellings. The proposal incorporates a variation in materials and a selection of particular details from the village centre has influenced the design of the dwellings. Notably: three-storey facades with a one-third to two-thirds proportion of window to wall, with the upper size window diminishing; projecting flat roof bay windows and pitched lean-to additions to the front elevation; white painted gable facades with some degree of timber framing; steps between roof pitches (which reflects the gentle slope of the land); timber framed porch and gable structures, and panelled door joinery.

In their own right, the design of the dwellings and the replacement Ford House Building are considered to be acceptable and in keeping with the variety of properties in the surrounding area with the materials and features drawn from the local area. The layout of a single terraced block within the site is also typical of the local area.

English Heritage are content with the new build development to the rear of the site in principal, as they consider that this will have only a minor effect upon the character and appearance of the Conservation Area.

Some concern has been raised regarding the 7 town houses representing overdevelopment of this site. However, considerable discussions have taken place over the months with the applicants and this scheme was the smallest viable solution for them. Whilst a smaller development could have a lesser impact upon the Conservation Area, it is noted that if retained the existing tree belt close to the bridge and running alongside Bollin Grove would serve to screen the site minimising the impact of the town houses upon the Conservation Area.

Trees / landscaping

Unfortunately, not all existing tree cover will be retained. Due to the scale of the development there will be some impact upon existing trees within the site, and a subsequent impact upon the woodland character that currently exists. Since the application site lies within the Prestbury Conservation Area, trees (above 75mm diameter) are therefore subject to control under special provisions within Section 211 of the Town and Country Planning Act 1990.

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

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

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

The Prestbury Conservation Area Appraisal (August 2006) identifies that '*substantial areas of deciduous woodland are located beyond Spencer Brook to the west of Prestbury, in the churchyard, and in the area contained by Spencer Brook*'. This area is characterised as follows, '*an important 'green lung' is provided by the River Bollin with its water meadows and woodlands*', and that in contrast to the principal commercial street – The Village, that this area, '*the churchyard, the water meadows, and the woodlands, provide a marked contrast with mature trees, privacy and peace*'.

The areas on either side of the River Bollin, including the area to the rear of Ford House make an important contribution to the character of the Conservation Area. The area to the rear of Ford House is specifically identified as being of merit, *'these buildings back on to an area of overgrown woodland which provides Prestbury with an important link to the surrounding countryside'*.

In its recommendations for development within the Conservation Area, The Village Design Statement (2007) also states that *'trees should be retained and enhanced as a predominant feature of the area'*.

As the Planning, Design and Access Statement states, the application site currently benefits from a number of mature trees which help provide an attractive setting to the Conservation Area. The proposals will involve the removal of a number of trees from the boundary of the site and central and rear parts of the site, to accommodate the seven proposed townhouses. The natural screening into the site would inevitably be reduced and the visual impact of the proposed town houses would be significantly increased. This loss of tree cover would be detrimental to this part of the Conservation Area by diminishing the existing woodland character.

It is therefore considered that the proposal does not satisfy the requirements of policy DC9, and is also contrary to policy BE3 of the Macclesfield Borough Local Plan.

Conservation Area Impact – Conclusions

The principle of the replacement of Ford House can, on balance, be accepted in this case, having regard to the condition of the existing building, the benefits of the proposal, and the nature of the replacement building. However, it has to be acknowledged that some historic fabric would be lost, which is considered to amount to less than substantial harm to the Conservation Area. However, in addition to this there is the harm arising through the direct loss and threat to trees of significant amenity value and the affect upon the landscape contribution of the site as a whole. Insufficient space exists within the site to satisfactorily compensate for the loss of these trees. Taken together with the loss of Ford House as a locally listed building, the proposed tree losses will expose the development to such a degree that the existing woodland character of the site will be diminished to the extent that that it would result in substantial harm to the character and appearance of the Conservation Area which, on balance, is not outweighed by the identified benefits of the scheme. The character and appearance of the Conservation Area is not preserved or enhanced, and the proposal is therefore contrary to policies BE3 and DC9 of the Macclesfield Borough Local Plan, and the national policies contained within PPS5.

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 £30,000, 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 of £8,500, which would be used to make additions, improvements and enhancements to recreation and open space facilities in Prestbury.

Community facilities

It is also understood that Ford House previously provided facilities for young people in the form of a youth club amongst a range of other community focused activities.

The applicants have submitted a list of users of Ford House at the time of its closure in 2007, which includes the name of the group, the nature of the group and their current accommodation situation. The list shows that the majority of groups were church related. In addition, the applicants have referred to the Church Bulletin that was produced weekly by the church office and distributed to the Parish. They maintain that articles from this Bulletin demonstrate that the Youth Club was church orientated since its inception, and its official title was the St Nicholas Youth Fellowship.

Money was raised by the Youth Fellowship to repay loans used for the build costs of the extension, which is the part of Ford House that is often referred to as the Youth Club. The applicants maintain that Ford House and the extension are the property of the Church.

In terms of wider community benefits, the applicants have stated that Ford House was always an Ecclesiastical Parish facility, which had a much wider focus than notions of village or just the civic parish. The community benefits arising from the current proposal have been highlighted previously in this report.

Other letters have been received from third parties, including a statement from one of the founding members of the Youth Club, which outline that Prestbury Junior Youth Club was established in 1975, as an open youth club and resided in Ford House. The Youth Club was run by youth leaders who attended church but the club was not run by the church. The Youth Club grew to such a size that the leaders approached the vicar and asked permission to build an extension specifically to house the Youth Club. The Parochial Church Council (PCC) minutes shows this was agreed and a loan was granted via the PCC for £10,000 from Macclesfield Borough Council. The Youth Club committee proceeded with the extension which was finally completed in September 1981, at a cost of £30,000. All the money to repay these loans was raised by the Youth Club committee which has been documented by Youth Club finance officer.

When Ford House fell into disrepair, as the result of inadequate maintenance by the church, the Youth Club was asked to leave the extension, which in itself was in sound condition. No replacement facility or compensation was offered by the Church.

Clearly there is some dispute over the origins and nature of the youth facility that has been provided at Ford House over the past 35 years. However, from the information that has been received it is considered that Ford House did provide a community facility, which included accommodation for the youth club. The redevelopment of Ford House will result in the loss of these facilities. Whilst there are some replacement facilities in the replaced Ford House and

the extension to the church (11/0144M) that could potentially be used by smaller groups, the large space within the extension would be lost.

The replacement proposals include a meeting room and a Parish office, which are identified as being for community use. The applicants would like the community benefit offered within the additional facilities to be provided in the church to be taken into account to offset this loss. However, whilst they should not be discounted entirely, the identified benefits of the church extension have been already been considered, and afforded appropriate weight, during the assessment of the application to extend the church (11/0144M).

The Local Plan does not include any specific policies relating to the loss of community facilities, however the SPG on S106 (Planning) Agreements (May 2004) does state that: *'developers and applicants will be expected to contribute to appropriate provision to address local youth needs. The appropriate scale of contribution will be determined through negotiation'*.

In terms of a contribution towards the provision and support of youth opportunities, this is required through the SPG due to the loss of the previous community facility and lack of an alternative opportunity as a result of the development. In this regard, the SPG includes the following example of how young people can be supported, through a commuted sum:

- funding or contributions and support of locally provided activities and programmes for young people. These could include hire of transportation for organised excursions, support of one off events and celebrations, hire of buildings for meetings, costs of procuring facilitators and specialised support, contributions to fundraising programmes etc.

In the absence of a suitable replacement building / facility scheme to contribute towards (but recognising there may be future opportunity to use a commuted sum as partnership funding towards this) a commuted sum for the support of local youth groups and activities will be requested, to provide support and opportunities for young people and youth clubs and organisations in and around Prestbury who would have previously benefitted from access to village facilities or could do so in the future. As noted above this final amount would be determined through negotiation, but is likely that sum would be in the region of £15,000 based on 10 family dwellings (2+beds).

Ecology

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

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

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

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

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

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

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

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

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

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

The proposal to demolish Ford House and construct a replacement building and 7 town houses will add to the existing housing stock in the area, and provide a valuable resource for the church and community, whilst securing the long term future of the Grade I listed church and other listed structures on the church site.

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

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

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

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

Amenity

The nearest neighbouring dwellings are located to the west of the site. The nearest of the proposed residential properties will be located 15 metres from the boundary shared with Glebe House. There will be some overlooking of existing private gardens, and the simple presence of the dwellings may also have some impact upon the amenity of this nearest neighbour. However, there are some mature trees on the boundary, which will help to filter views from, and to, the new dwellings, and additional landscaping may reduce the impact even further. Therefore, having regard to the distance and relationship with the adjacent property, any impact upon residential amenity is not considered to be sufficient to justify a refusal of planning permission. The neighbour at Glebe House has commented on the proposal and supports the scheme but expresses concern over the potential to damage the wall between the application site and Glebe House. Confirmation is requested from the developers that they will make good the wall if necessary on completion of the works. This concern is noted, but is a civil matter between the two landowners.

The Ford House building will have habitable room windows facing towards the blank gable wall of the new dwellings behind, with only 5.5 metres between them, which is clearly well below the distance guidelines contained with policy DC38. However, the rooms of flats 1 and 3 have side facing windows that will provide adequate light and outlook, and the rear facing window of flat 2 does allow some outlook past the front corner of the dwellings, which is considered to be acceptable, and provide adequate living conditions within the development.

Highways

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

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

An access across the River Bollin from Bollin Grove was also discounted due to the loss of mature trees, the bridge would also probably have to be higher than Bollin Grove due to recent flooding levels, and the report states that the entrance to the bridge would need to be approximately 19 metres in width. Such an access would be impractical and unviable.

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

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, a refusal on the grounds of lack of car parking is not considered to be justified. The Strategic Highways Manager also notes that there will be the potential to park on the access road without interfering with the access to the residential properties. No highway safety issues are therefore raised.

Flood Risk

The Environment Agency has no objections to the proposed development subject to the measures detailed in the submitted Flood Risk Assessment being implemented and secured by way of a planning condition on any planning permission.

They also request a condition relating to the provision and management of an ecological buffer zone alongside the River Bollin. Development that encroaches on the River Bollin has a potentially severe impact on their ecological value. The River Bollin is particularly valuable for wildlife and it is essential this is protected.

In terms of the sequential approach, it is acknowledged that the land is identified as a potential site for development within the Council's Strategic Housing Land Availability Assessment. The site is owned by the church, and this is the simple reason for the site coming forward for the proposed development. No other Church land is known of that that could be used for the development. There is also a wide acceptance that the site does need improving, and is a brownfield site that has been used for purposes with a similar vulnerability to flooding as the proposed use.

The applicant makes the following comments on the sequential approach. They consider that any site with a river as a boundary will inevitably have part of the river's natural flood plain within its curtilage. In such circumstances it is appropriate to consider the sequential test against that part of the site being used for housing or car parking against that part of the test. It would obviously be pointless to rule out 99% of a site for development if a 1m strip by the river was on flood zone 3. In this instance the developed footprint of the housing and car parking lies outside floodzone 3 with ecological enhancements proposed for the river corridor that lies on the flood plain. The development is therefore both appropriate and suitable for the site in terms of the sequential test as set out in PPS25. Additionally as the site is already developed and therefore largely covered with tarmac and/or the developed footprint of the existing building much of the run-off from the site will reach the river unattenuated. Although modest, the wetland proposed has therefore been designed to both balance surface water flows and reduce run off rates to the river and provide ecological enhancements. The wider social benefits of the scheme should also be considered although in term of the sequential test it is the fact the land being developed is 'off' the flood plain that needs to be the primary consideration.

It is understood that the applicant engaged in pre-application discussions with the Environment Agency and the principle of the development was accepted for the above reasons. The Environment agency has confirmed that having looked at the submitted FRA and, provided that the measures it identifies are adhered to, they consider that the applicant has demonstrated that the flood risk at this site can be appropriately managed, relative to the vulnerability of the land use in accordance with PPS25.

Other considerations

The Contaminated Land Officer has noted that since the application is for new residential properties which are a sensitive end use and could be affected by any contamination present, a condition is recommended requiring a phase 1 contaminated land report to be submitted.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposal raises many issues, and has been the subject of considerable discussions between Council officers, external consultees and other interested parties. The Parish Council has carried out its own survey within Prestbury, which came out in overwhelming favour of the replacement proposals. The scheme will facilitate the extension to the church, by using the funds from the sale of the town houses to the rear, and provide further accommodation required by the church, which is to some extent a community use, within the replacement Ford House. The existing Ford House will continue to deteriorate rapidly if improvement works do not take place in a timely fashion. Whilst the demolition of Ford House will result in some loss of historic fabric, for the reasons outlined in the report the replacement of this building can, in this case, be accepted. However, the loss of historic fabric is not the only identified harm to the Conservation Area, a designated heritage asset as defined by PPS5. The proposals result in the direct loss of trees that are of significant amenity value. These trees contribute to the woodland character of the site which provides Prestbury with an important link to the surrounding countryside, as noted in the Prestbury Conservation Area appraisal. The loss of these trees cannot be mitigated for within the site, and social proximity issues raise concern that there may be further applications in the future to prune or even fell additional trees. This would further reduce the woodland character of the site. The loss of trees would increase the visual impact of the proposed development, and create a more built up appearance of the site, which is at odds with the semi rural nature of this part of the Conservation Area. The proposal is therefore contrary to policies BE3 and DC9 of the Macclesfield Borough Local Plan. Accordingly, a recommendation of refusal is made.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. R03TR - Loss of trees contributing to amenity
2. R01CA - Adverse effect on Conservation Area

