

Application No: 14/0111M

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

Proposal: Proposed demolition of existing building and erection of 6 apartments and
4 dwellings

Applicant: Mr & Mrs J Elder

Expiry Date: 25-Mar-2014

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- Principle of housing on the site
- 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 is for the erection of 10 residential units and under the Council's Constitution, is required to be determined by the Northern Planning Committee.

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 a Predominantly Residential Area and within the Prestbury Conservation Area as identified in the Macclesfield Borough Local Plan.

The site contains a number of mature trees and the River Bollin forms the eastern site boundary.

DETAILS OF PROPOSAL

This application seeks full planning permission to demolish Ford House and erect 6 apartments and 4 dwellings.

The apartment block would be three storeys high (comprising 3, 3 bed units and 3 2 bed units) and located on the footprint of Ford House, with a row of three terrace properties (also three storeys with 4 beds) to the rear and a detached (2.5 storey with 5 beds) dwelling also to the rear backing onto the River Bollin which forms the eastern site boundary.

Following comments from the Strategic Highways Manager the site layout has been altered to allow for a shared surface and wider point of access. Given the minor nature of the changes it was not considered necessary to re-consult on these amended plans.

Planning History

11/0108M Demolition of Ford House (Conservation Area Consent). Refused 07-Feb-2012

11/0107M 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. Refused 07-Feb-2012

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic
BE3 – Conservation Areas
BE4 – Demolition Criteria in Conservation Areas
BE16– Setting of Listed Buildings
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

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
SD1 – Sustainable Development in Cheshire East
SD2 – Sustainable Development Principles
SC4 – Residential Mix
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

Prestbury Supplementary Planning Document (2011)
Prestbury Conservation Area Appraisal (2006)
Prestbury Village Design Statement (2007)
Local List of Historic Buildings SPD (2010)
Ministerial Statement – Planning for Growth (2011)

National Planning Policy Framework (2012)

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 conditions relating to finished floor levels and the submission of 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 (following the submission of amended plans)

Prestbury Village Youth Group – Loss of community facility requires adequate consideration and compensation

Prestbury Amenity Society – Object as local housing targets met, overdevelopment of the site, out of character with Conservation Area, impact on trees, inadequate parking, impact on flood risk, impact on neighbouring amenity, impact on locally listed building and streetscene and impact on the nature environment.

United Utilities – No objections subject to conditions relating to drainage

English Heritage – Recommend that the LPA carefully weigh any other public benefits against the harm which the loss of Ford House as a local heritage asset would result in and to take into consideration relevant policies before reaching a decision. Express concerns regarding height of new buildings and loss of trees.

VIEWS OF THE PARISH COUNCIL

The Committee object to this application on the grounds that it is a gross overdevelopment of the site. The presence of the 5 bedroom house next to the river and the extension of Ford House up to the river. The extension and facade of Ford House is unsympathetic to the street scene and intrusive in the Conservation Area (PPG15, BE3 & BE11). This development requires the removal of a large number of TPO'd trees which are a significant amenity to the conservation area and to the village street scene (DC9).

OTHER REPRESENTATIONS

48 letters of representation had been received. 32 of these letters either raise no objection or support the proposal for the following reasons:

- Ford House needs demolishing due to its condition
- Ford House is currently an eyesore

- The development will provide funds for the community facilities
- It will bring new life into the village
- Investment welcomes
- Facilities at the site were inadequate and already relocated
- Best solution
- Positive impact upon streetscene and respects character of the site
- Density comparable to other developments
- Housing required
- Will provide support for existing businesses

16 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
- Demolition of locally listed building
- Dwellings should be affordable
- Plans do not acknowledge former role of Ford House as a community resource
- 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
- The density of the development is a concern
- Replacement buildings do not preserve and enhance character and appearance of Conservation Area
- Adverse impact to streetscene
- Contrary to Prestbury SPD and Village Design Statement
- Deliberate neglect does not justify demolition
- Adverse impact upon historic fabric
- Consider building could be refurbished
- Alternative proposals put forward
- Concerns regarding scale
- An overdevelopment of the site.

APPLICANT'S SUPPORTING INFORMATION

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

Heritage Assessment

Considers that demolition of Ford House would not result in substantial harm to the Conservation Area. Considers removal, replacement and comprehensive redevelopment to be the better option for the site. The replacement building is of comparable scale, provides termination of views and it would be of a similar architectural style. Considers that the building is in a poor state of disrepair and there is no realistic prospect of it being repaired and restored to residential use. When balancing this against the benefits of regenerating the site,

the impact on the Conservation Area would be neutral. Therefore no residual harm in the 'planning balance'. The impact of new buildings and loss of trees would not be negative.

Design & Access Statement

This statement outlines that the site context, planning policy, design process and evolution, development proposals and details on access and movement. Design has evolved from officer comment and public consultation, considered to be the strongest design response to respect the character of the area. It mentions that it is not economically viable to bring the building back into use and provides rationale on issues such as scale, appearance, landscaping and access.

Arboricultural Assessment

16 out of 43 trees are to be removed, whilst numerically this is a high number they are all within the centre of the site and this would have a very minor impact on the character of the area. The public amenity value of the TPO would not be diminished and the peripheral screening retained in substantial and no additional planting is required. The landscape impact would be neutral, trees would be protected in accordance with the relevant British standards and there would be no issues in respect of social proximity.

Planning Statement

Principle of demolition accepted under previous application. Public consultation indicated support for redevelopment proposals. Housing on the site should be viewed positively given that the site is identified in the SHLAA, that the Council cannot demonstrate a five year housing land supply and given that there is a local requirement for more housing in Prestbury. Benefits include the sustainable nature of the location, the condition of the building which is an 'eyesore', redevelopment would offer the opportunity of enhancement, tree cover is maintained, access would be improved, contributions secured towards open space and recreation and community facilities. Demolition considered necessary and viability information submitted on this point. Robust marketing assessment submitted under previous application. Demolition justified due to structural condition of building, once repairs undertaken, little would be left of the original fabric, the internal layout is not compatible with its future use and the cost is prohibitive.

Protected Species Survey

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

Structural Report – Ford House

The condition of the building has deteriorated even further and the works required would constitute a 'vast undertaking'.

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.

Highways Report

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.

Viability Assessment and Valuation Letter

This report looks at the costs of alternative options including keeping the building with refurbishment, demolition and replacement, replacement and redevelopment of the site to the rear for one dwelling and the proposals the subject of this application.

Contaminated Land Report

Impact from contamination is low however some potential sources of contamination have been identified which may affect gardens and therefore further surveys and remedial works are required.

OFFICER APPRAISAL

Housing

The proposals relate to the construction of new dwellings in a Predominantly Residential Area, within the settlement boundary of Prestbury. The site is within walking distance of public transport and local services, as well as recreational open space. The site is considered to be in a suitable and sustainable location.

The site is identified within the Strategic Housing Land Availability Assessment (SHLAA) and the proposals would include a mix of housing types which would meet the housing needs of Prestbury identified within the Cheshire East Strategic Housing Market Assessment Update 2013. Therefore the construction of housing on the site would contribute towards meeting local housing objectives.

In addition it should be noted that the principle of housing on the site was accepted under the previous application.

Policies H1, H2 and H5 within the MBLP 2004 indicate that there is a presumption in favour of housing development and this approach would be supported by para 14 of the NPPF and policies MP1, SD1, SD2 within the emerging Local Plan.

Heritage Assets

The main issue is the impact of the proposals on the significance of heritage assets – in this regard, the issues relate to the impact upon the locally listed building (Ford House) which is an *undesigned* heritage asset, and the impact upon designated heritage assets including nearby listed buildings and Prestbury Conservation Area.

Locally Listed Building – Undesignated Heritage Asset

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.

The building is an undesignated heritage asset. The application is supported by the submission of a Heritage Assessment which describes the significance of the asset and identifies how the proposals would affect the significance of the asset.

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

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.”*

Under the previous application in 2011 the applicant submitted a Structural Report indicating that whilst it was possible to repair the building, the policy test (above) is whether the building is beyond reasonable repair. Detailed costings have been submitted, which indicate that it would be significantly more costly to partially demolish and refurbish the existing building to their requirements than demolish the entire building and construct a replacement. The cost of this repair is clearly a limiting factor to the future of the building and the potential of the site.

In addition, 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.

On that basis, in 2011 there was considered to be evidence that the building was beyond reasonable repair. Since this time, the case has been compounded by the further deterioration of the building and the escalated costs associated with remediating this further damage. English Heritage now consider the building to be in danger of immediate collapse.

Whilst it is acknowledged in para 130 of the NPPF 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. Notwithstanding this, the loss of the undesignated heritage asset should be taken into consideration.

Impact on Nearby Listed Buildings – Designated Heritage Assets

The site lies within the setting of Manor House and Bridge Hotel, both of which are Grade II Listed Buildings.

In its present condition Ford House (and indeed the Ford House site as a whole) does not make a particular contribution to the setting of the two listed buildings, but insofar as the development will amount to change, it would preserve the setting of the listed buildings. Therefore, there would be no impact on their significance.

This would accord with policy BE16 within the MBLP 2004 and policy SE7 within the emerging Local Plan and guidance within the NPPF.

Impact on Prestbury Conservation Area – Designated Heritage Assets

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.

Both para 132 of the NPPF states that when considering the impact to designated heritage assets, 'great weight should be given to the assets conservation' and that 'any harm or loss would require clear and convincing justification'. The key issue is therefore whether the loss of the building, the impact on trees and the impact of the new building components would either individually or cumulatively constitute 'substantial harm' and if so, can it be demonstrated that this harm is necessary to achieve substantial public benefits or the following criteria apply:

- The nature of the heritage asset prevents all reasonable uses of the site; and
- No viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- Conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- The harm or loss is outweighed by the benefit of bringing the site back into use.

Principle of Replacement Building

With regard to Ford House's 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". Securing redevelopment proposals would be possible under the provisions of para 136 of the NPPF and policy BE4 within the MBLP 2004.

In *Bedfordshire (Bedford Borough Council v SSCLG and Another* [2013] EWHC 4344 (Admin)) it was held that substantial harm is equivalent to a serious level of harm in which much or all of the significance of the heritage asset is drained away which infers that this would justify de-designation where the heritage asset were a Conservation Area.

The applicants consider that in the context of the above High Court case and para 133 of the NPPF, the loss of Ford House would constitute less than substantial harm. 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 a replacement is proposed.

Under the previous application, English Heritage considered the proposals to amount to 'substantial harm' to the Conservation Area however under this application they invite the LPA to consider the 'harm' to be 'weighed against the public benefits' which mirrors the wording of para 134 of the NPPF which is applicable to developments where proposals would lead to 'less than substantial harm'.

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.

Turning to other factors which could contribute towards substantial harm, the quality and character of the redevelopment proposals and impact upon trees is a key consideration.

Redevelopment Proposals

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.

However, consideration has to be given to context and at the pre-application stage concerns were expressed regarding the increase in height from two to three storeys and the extension of the building footprint parallel with the road towards the river. English Heritage has similarly expressed concerns regarding the height of new buildings and the impact of this on the character of the Conservation Area.

At present, whilst there are examples of three storey properties the immediate context comprises the Bridge Hotel which is not only two storey but also listed. Whilst Ford House is prominent, it is not dominant within its context. Arguably, the construction of a three storey building approximately twice the height of Bridge House (at its closest point to Ford House), whilst not directly impacting upon the setting of Bridge House (to the extent that it would justify a refusal of planning permission in its own right), it would diminish its contribution to the Conservation Area comparative to the Ford House site.

The façade of the building terminates views but it is not a focal point of the Conservation Area and does not contribute towards the legibility of place. In increasing the scale of the building and its comparative prominence, the new build will in effect, become a focal point to the Conservation Area in a way which would detract from the role of the existing listed buildings and the original function of Ford House within the Conservation Area. This would have an adverse impact upon the integrity of the Conservation Area.

The proposals also constitute an overdevelopment of the site which would have an adverse impact upon the character of the Conservation Area. The scale and proximity of buildings results in an uncomfortable relationship whereby new buildings would fail to meet the relevant spacing standards within the Local Plan (see amenity section), reduce the available tree

cover (see tree section) and would also produce a form of development denser and more compact than the already tight knit urban grain within the core of the village.

Impact on Trees

The Prestbury Conservation Area Appraisal identifies trees as an important part of the village, with those on land around the river being highly valued. The Townscape Analysis Map also identifies that much of the Ford House grounds contain important trees and groups of trees.

The Village Design Statement states the predominance of trees in the Conservation Area is a feature which must be retained and are an attractive and unifying characteristic of the village.. The statement goes on to state that Yew and Holly are often related to more historical sites and can be found in the churchyard, Ford House, Prestbury Hall and Bridge End Farm.

It should be noted that the previous application on the site was refused as follows:

The proposed development by virtue of its size, siting, and resultant loss of trees would have an unacceptable impact on the Prestbury Conservation Area of which the site forms a part. The proposal would neither preserve nor enhance the character or appearance of the Conservation Area, and would be contrary to policy BE3 of the Macclesfield Borough Local Plan.

The importance of the trees to the character of the Conservation Area has been articulated within the Prestbury VDS and Conservation Area Character Appraisal. Concerns in respect of the loss of trees have been raised by the Council's Forestry Officer, Conservation Officer and Landscape Architect, English Heritage and in letters of representation.

These proposals are in effect, worse than that proposed under the previous application refused –the number of trees to be removed has increased from 6 trees and one group to 16, which would have an adverse impact upon the amenity value of the site particularly along this important river corridor as well as the impact to the character of the village/ Conservation Area.

Whilst the loss of Ford House in isolation (and assuming an appropriate replacement is provided) would not result in substantial harm to the Conservation Area, it is considered that the impact of the redevelopment proposals and the loss of the trees would both individually and cumulatively would result in substantial harm to the heritage asset contrary to policy BE3, BE4 within the MBLP 2004, policy SE7 within the emerging Local Plan and chapter 12 of the NPPF.

Archaeology

The site of the proposed development lies within the historic core of Prestbury, close to the parish church. 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 archaeological remains. 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 recommends that trenching work and any subsequent mitigation (excavation, watching brief, etc) that proves necessary is secured by condition.

Design

External Appearance

The plans adopt a more traditional approach to the design of the dwellings, incorporating 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.

The fenestration 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.

At present, there are examples of three storey properties within the wider area and therefore this need not necessarily be inappropriate. However, the sensitive nature of the location means that three storey buildings along the frontage would have an adverse impact upon the Conservation Area by diminishing the contribution made by other nearby heritage assets.

Turning to the proposals to the rear of the site, the design and quality of materials proposed would also reflect local character and the mix of design styles across the site is reflective of the eclectic mix within the wider Conservation Area.

Size and Scale

As noted within the Conservation section, the sensitive nature of the surroundings means that three storey buildings in this location are simply not appropriate to the context.

Layout

The buildings to the rear have smaller footprints and would be subservient to the replacement Ford House building. The layout of a single terraced block within the site is also typical of the local area. Whilst the replacement Ford House building does have a large footprint, the building adopts a different approach in design terms with the extension reflecting features and proportions of Church House and Ravenstone close by, which is in keeping with the local area and helps to break down the massing of the building.

The layout would however produce a form of development denser and more compact than the already tight knit urban grain within the core of the village.

Trees / Landscaping

There are 43 individual trees and one group of two trees across the site which are protected by virtue of their location within the Conservation Area and due to the designation of a Tree

Preservation Order.

The submitted Arboricultural Report indicates that 13 of these trees are off site and a further 16 are scheduled for removal including trees which have a high amenity value. Whilst the report maintains that replacement planting is unnecessary, three trees are proposed for planting in the courtyard.

It should be noted that the previous application on the site was refused for the following reasons:

1. The proposed development by virtue of its size and siting would result in the direct loss of, a threat to the continued wellbeing of, and an unsatisfactory relationship with existing trees which are of amenity value to the area as a whole, and is therefore contrary to policy DC9 of the Macclesfield Borough Local Plan.

The current proposal was subject to a pre-application meeting on 22nd November 2013 in which concerns in respect of the impact upon protected trees were expressed. This was reiterated in the formal written advice.

Both the Council's forestry officer and landscape architect have raised concerns in respect of the impact on trees. In addition to the scheduled removal of trees as articulated within the Conservations section, the social proximity of trees to the new build dwellings has not adequately been considered within the Arboricultural Report. This would have an adverse impact upon the longevity of these trees in the future.

The social proximity of the trees is considered to be poor leading to loss of enjoyment of reasonable amenity for the detached dwelling and fear of trees falling/breaking once the property is occupied.

The house would only receive direct sunlight between late morning and early afternoon and this period of light attenuation would be further eroded as the trees continue to mature and develop. Daylight would also be affected particularly from the east and north to both the outside utilisable space and the main habitable rooms.

The close proximity of large mature trees to buildings does involve risk of damage/injury occurring in adverse weather conditions. In relation to the detached dwellings and the apartments there are a number of mature trees located in close proximity to the dwelling. In the medium term there will be pressure to fell or severely prune trees because of shade nuisance safety, and honey dew issues.

The proposals would be contrary to policies DC9, BE3 within the MBLP 2004 and SE5 and SE7 within the emerging Local Plan and guidance within the NPPF.

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 £7,000, which would be used to make additions, improvements and enhancements to recreation and open space facilities in Prestbury.

Community Facilities

Ford House was utilised as a community facility for young people although it is acknowledged that there were wider community benefits. 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.

Whilst the building has been vacant since 2007, under the last application, a financial contribution was required for the loss of the community facility.

The Council would continue to require 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. A contribution of £15,000 (based on ten family dwellings) is required (as per previous application) 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. Such a contribution would also be supported by para 70 of the NPPF which seeks to safeguard the loss of valued community facilities such as these.

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.

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 apartment building and 3 terraces houses and a detached house will add to the existing housing stock in the area.

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 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

In terms of interface distances there is only 20m between the apartment building and the terrace to the rear. This is well below the standards within the Local Plan and would be below local standards i.e. existing relationships between nearby buildings. It is one thing to compromise on standards in order to re-use existing buildings, however it is quite another to build in poor standards of amenity. This issue is symptomatic of the fact that the proposals constitute an overdevelopment of the site.

In addition, the proximity of buildings (there is 6.7m between the principal windows in the apartment building and the blank gable of the detached dwelling and 2.6m between principal windows and the blank gable of the terrace) and the tree cover would raise issues in respect of lack of useable amenity space and restriction of light to principal windows particularly for the detached dwelling.

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 of neighbours to the site is not considered to be sufficient to justify a refusal of planning permission.

For the reasons noted above the proposals would result in a poor standard of amenity for future occupants of the site contrary to policy DC38 within the MBLP 2004.

Highways

The submitted transport statement examined various access options and the most appropriate option was to use an upgraded existing access – this was accepted under the previous application. 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, 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.

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. 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.

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 the NPPF. 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.

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 the NPPF.

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 further survey work to be submitted.

CONCLUSIONS AND REASON(S) FOR THE DECISION

These proposals have a greater impact upon the Conservation Area and Trees than the previous refusal and also raise amenity issues due to the increased amount of development on the site.

The loss of trees would have an adverse impact upon the Conservation Area given the importance of these trees to the character of the Conservation Area. In addition the loss of trees would also 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. In addition to the impact upon trees, the scale of buildings would also have an adverse impact upon the character of the Conservation Area. The proposals also constitute an overdevelopment of the site which is addition to the obvious impacts upon the Conservation Area would also raise amenity issues in relation to interface distances, quality of amenity space, overshadowing and social proximity to trees. The proposal is therefore contrary to policies BE3, DC3, DC9, DC38 of the MBLP 2004 and policies SE5 and SE7 within the emerging Local Plan. Accordingly, a recommendation of refusal is made.

* * * * *

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.

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

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