

Application No: 14/3531M

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

Proposal: Proposed demolition of existing building and erection of 6 apartments and
4 dwellings (resubmission 14/0111M).

Applicant: Mr & Mrs J Elder

Expiry Date: 24-Oct-2014

Date Report Prepared: 14 November 2014

SUMMARY RECOMMENDATION

Approve subject to conditions and s106 agreement

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. The River Bollin forms the eastern site boundary, and Spencer Brook forms the northern 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 x 3 bed units and 3 x 2 bed units) and located on the footprint of Ford House, with two pairs of semi-detached properties (also three storeys with 4 beds) to the rear of the site.

PLANNING HISTORY

14/0111M - Proposed demolition of existing building and erection of 6 apartments and 4 dwellings – Withdrawn 26.03.14

11/0108M - Demolition of Ford House (Conservation Area Consent) - Refused 07.02.12

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 07.02.12

POLICIES

Macclesfield Borough Local Plan – Saved Policies

NE11 – Nature Conservation
BE1 – Design Guidance
BE2 – Preservation of Historic Fabric
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

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)
National Planning Policy Framework (2012) (The Framework)

Cheshire East Local Plan Strategy – Submission Version

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

CONSULTATIONS (External to Planning)

Cheshire Archaeology Planning Advisory Service – No objections subject to condition relating to a programme of archaeological investigation being implemented.

Environment Agency – No objections subject to conditions relating to finished floor levels and ground levels, surface water run off and the provision and management of a buffer alongside the River Bollin.

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

Strategic Highways Manager – No objections

Prestbury Amenity Society – Strongly object as the building should be conserved as part of Prestbury's heritage. This is overdevelopment of the site and will dominate the surrounding listed buildings. Contrary to village design statement and Plan for Prestbury. Policy BE11 of local plan should be adhered to. Contrary to policies BE2, BE3 and BE4 of the local plan. Concern over loss of protected trees. Question whether bat / great crested newt survey has been carried out. Should be renovated as a single dwelling as it was originally with landscaped gardens.

United Utilities – No objections subject to conditions relating to drainage

Natural England – No objections

English Heritage – Regretful that Ford House has been left to deteriorate to an extent where the integrity and potential authenticity of the building, if a repair scheme was put in place, would be greatly compromised. Note that the height of the proposed development towards the high street is still proposed to be three storeys. Recommend the building height step down at this end of the high street, near the River Bollin in order to respect the character in this part

of the conservation area and the transition between the taller buildings on the west side of the high street and the lower dwellings on the east side of the river. The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice

VIEWS OF THE PARISH COUNCIL

The Committee were split about this application but an objection was carried by the Chairman's vote on the grounds that it is an overdevelopment. It contravenes the Village Design Statement, Plan for Prestbury, Buildings of historical interest, DC9, BE20, BE11, BE2, BE3, BE4, BE5, Prestbury Conservation Area Appraisal and Para 133 of the NPPF.

OTHER REPRESENTATIONS

Approximately 90 letters of representation had been received. 69 of these letters support the proposal for the following reasons:

- In keeping with heritage of Prestbury
- Currently blight on the village
- Bring new families / life into village
- Requirement for new houses in Prestbury
- Sensible to use brownfield site
- Efficient use of land
- Will support existing businesses
- Jobs through construction
- Design is sympathetic
- Loss of trees is minimal and proportionate
- Need for apartments in the village
- Regeneration of village is essential – suffering from empty shops and restaurants
- Parish Council undertook a postal vote of Prestbury residents and there were 535 in favour of the development of Ford House and 161 against
- Development of site has to be commercially viable
- Layout and density is appropriate
- Vast majority of people do not want to conserve the asset in question
- Does not appear to be any parties willing to renovate the building
- Further delay will be damaging to character of village

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

- Overdevelopment
- Out of character
- Increase in traffic on awkward bend
- Too close to River Bollin
- Building should be restored
- Loss of TPO trees
- Openness of area will be lost
- Additional building on streetscene will have a detrimental impact
- Extra height and additional storey will be overwhelming and oppressive

- Flood Risk Assessment is confused
- Loss of locally listed building
- Contradicts whole philosophy of conservation
- Site is a green area in the centre of the village and must be preserved
- Impact upon conservation area
- Lack of any community accommodation
- Contrary to Prestbury Village Design Statement
- Density too high
- Frontage should remain as it is now
- Flood risk to properties
- Deliberately allowed to fall into disrepair.

1 letter makes a general observation that some space could be used to provide more parking for visitors, tradesmen, deliveries, etc.

APPLICANT'S SUPPORTING INFORMATION

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

- Heritage Assessment
- Design & Access Statement
- Arboricultural Assessment
- Protected Species Survey
- Structural Report – Ford House
- Flood Risk Assessment
- Highways Report
- Development Appraisal and Valuation Letter
- Contaminated Land Report
- Planning Statement

The planning statement concludes:

- Condition of Ford House has deteriorated over time, and is now closed on health and safety grounds
- On local list but has been harmed by modern extensions
- Redevelopment of site would enhance character of the village and the Conservation Area
- Will deliver much needed housing and bring benefits to the village
- Harm to the significance of the conservation area is less than substantial harm, therefore public benefits should weigh against the level of harm
- Principle of housing on the site is in accordance with local plan and the NPPF
- Proposal represents sustainable development.

OFFICER APPRAISAL

Housing

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of five year housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of objectively assessed housing need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the Council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, it is no longer recommended that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, it is considered that the Council is unable to robustly demonstrate a five year supply of housing land.

The NPPF clearly states at paragraph 49 that:

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

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

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

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

The proposals relate to the construction of new dwellings within a Predominantly Residential Area. The site is a previously developed site, 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, and the principle of housing on the site is accepted as it was under application 11/0107M.

The scale of the development and site is below the trigger for any affordable housing requirements.

Heritage Assets

The main heritage issue is the impact of the proposals upon the significance of heritage assets. In this case, the main heritage assets affected are: Ford House itself, which is on the Council's local list of historic buildings and is therefore a non designated heritage asset as defined in the Framework; and the Prestbury Conservation Area, which is a designated heritage asset.

Locally Listed Building – Non designated 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 undesigned 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 it.

Para 135 of the Framework suggests that harm or loss to an undesigned heritage asset should be taken into consideration, when determining a planning application, and that a balanced judgement will be required. Policy SE7 within the emerging Local Plan suggests that harm to undesigned 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.*”

As with the previous applications, the applicant has submitted a Structural Report. Detailed costings have also 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.

At the time of the application in 2011 there was considered to be sufficient evidence to show that the building was beyond reasonable repair. Since this time, the case has been compounded by the further deterioration of the building. English Heritage's own structural

engineer has visited the building and does not disagree with the observations within the structural report and considers the building to be in danger of immediate collapse. They also note that the integrity and potential authenticity of the building, if a repair scheme was put in place, would be greatly compromised.

Whilst it is noted in paragraph 130 of the Framework that the deteriorated state of a heritage asset that has been caused by deliberate neglect 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.

Impact on Nearby Listed Buildings – Designated Heritage Asset

The site lies close to Manor House and Bridge Hotel, both of which are Grade II Listed Buildings.

The proposed development would result in some change to the setting of these buildings given their relative proximity. However given the particular relationships between the buildings, the extent of change to their settings is not considered to affect the significance of these designated heritage assets.

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

Impact on Prestbury Conservation Area – Designated Heritage Asset

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.

Loss of locally listed building

English Heritage notes that Ford House does make a positive contribution to the Conservation area. 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. As indicated above, the condition of the building is now such that if it was repaired, the integrity and potential authenticity of the building would be greatly compromised. Limited weight is therefore given to the harm arising from the loss of historic fabric as a result of demolition. Similarly, its visual function, terminating views from The Village, will be retained through the presence of a replacement building.

Scale and design of new development

The replacement Ford House building will have a similar appearance to the existing building with projecting gable and bay window and rendered walls, albeit over three storeys, rather than the existing two. Bridge House, which will adjoin the replacement Ford House will reflect the existing properties at Ravenstone House, Church House and Prestbury Cottage. Its brick finish and lower ridge height will provide a visual break and allow the replacement Ford House to be the dominant structure.

Similarly, the semi-detached dwellings to the rear have been designed to reference the gables and bays on the proposed Ford House building. Overall, the design of the properties is considered to be in keeping with the area.

In terms of their visual impact, some concern has been raised by English Heritage, and previously by officers, over the height of the proposed buildings which front onto The Village. They have suggested that the building height should step down at this end of the high street (The Village), near the River Bollin in order to respect the character in this part of the conservation area and the transition between the taller buildings on the west side of the high street and the lower dwellings on the east side of the river.

The proposed Ford House building will be 2 metres higher than the existing, which will undoubtedly increase its physical presence. However, three-storey properties are characteristic of The Village, and are also present on New Road on the East side of the river, and therefore will by no means be out of keeping. Bridge House (the brick built section fronting onto the highway), will be set down and back from the replaced Ford House building, which will ensure that the new Ford House is the dominant structure. The step down will help to facilitate the transition onto New Road, sought by English Heritage.

The concern previously raised by officers was in terms of how the height of the replacement building related to the listed Bridge Hotel on the opposite side of the road. The Bridge Hotel is a relatively low two-storey building. However, the proposed Bridge House has now been set back into the site when compared to the previous (withdrawn) submission, which will help to reduce the dominance of the new buildings, and when also having regard to other examples of two storey properties sitting adjacent to three storey properties in the conservation area, such a relationship will not be out of keeping.

The visual impact of the new buildings to the rear of the site will be much less, and are not considered to have a significant impact upon the conservation area.

Trees and landscaping

The impact upon the trees within the site has always been a very significant issue when assessing applications on this site.

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'*.

The Council's arboricultural officer has made the following comments on the application:

Selected trees within the application site are protected by the Cheshire East Borough Council (Prestbury – Ford House) Tree Preservation Order 2012, which comprises of three groups of trees (scheduled as G1; G2 and G3).

The proposal involves the removal of two Category A trees (Copper Beech -T15 and Horse Chestnut – T16); four Category B trees (2 Yew, Ash and Holly) and seven Category C trees. A further three unprotected Cypress are also proposed to be removed.

The eastern elevation of the two pairs of semi detached properties provides a slightly improved relationship to retained protected trees along the River Bollin than previous proposals, although the same number of protected trees are proposed to be removed

Encroachment into the RPA of the Corsican Pine (T32) by Bridge House (apartments) is shown to be not substantially different from the previous submission, although less root spanning foundation is shown on the plan. Whilst this area is already hard standing, it would appear that a small area of the rooting environment of this tree will now be soft landscaped.

The position and social proximity of Bridge House to the Corsican Pine (T32) remains fundamentally the same as the previous application and whilst the report refers to some pruning of the tree to remove the overhang; the tree's lean to the south and proximity to the building with principle aspects from Bridge House looking directly at the tree could lead to future requests to fell the tree.

Some new trees will be planted in the proposed Courtyard between Ford House and Bollin Edge Mews (the semi-detached properties), however given the nature of this area, this is likely to be very few, and will not be visible from outside of the site.

Whilst there some minor improvements over previous proposals on the site, the loss of protected trees remains the same as the previous scheme with no substantial provision for replacement planting in mitigation. In this regard the arboricultural officer considers this to be a net loss in arboricultural terms.

The comments from the arboricultural officer are noted, and it is acknowledged that the part of the site along the River Bollin and to the rear of Ford House has a strong woodland character.

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, '*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*'.

Previous concerns have centred around the loss of protected trees and the social proximity of trees to the habitable room windows within the proposed development, which would be expected to lead to further requests for additional felling. On previous proposals there were many habitable room windows facing towards the river and the tree belt adjacent to it.

The eastern most semi-detached property comprises windows to its east elevation which serve the ground and first floor accommodation. Importantly though, the habitable rooms are also served by windows to the front or rear aspects as well. Therefore, pressure to fell trees from these properties in the future should not be so great.

The east facing apartments in Bridge House do comprise their main habitable room windows serving their lounge / dining rooms on their east elevation. These windows are approximately 8 metres from the stem of tree T32 at the nearest point, with the canopy even closer. The applicants are proposing some pruning of this tree which will include some crown lifting, and its lower branches could be lifted to provide an improved vista to the River Bollin without diminishing its landscape presence.

This would improve the relationship with the windows, but it does have to be acknowledged that there could be requests to further prune or fell the tree in the future.

Notwithstanding the relationship with Bridge House above and potential future issues, the proposed scheme is now considered to be in a format that maximises the development potential of the site, whilst retaining the majority of trees on the site. There will be losses of some substantial and high grade, formally protected trees, which will result in a net loss in arboricultural terms. Consequently the proposal will be contrary to policy DC9 of the Local Plan. However, given the extent of tree cover remaining to the east and north of the site, it is considered that the site will still provide *'Prestbury with an important link to the surrounding countryside'* as referred to in the conservation area appraisal. It is therefore necessary to consider whether there are other material considerations that would outweigh the policy presumption against the loss of the trees. This is explored further below in the context of the impact upon the Conservation Area.

Conclusions on impact upon Conservation Area

The Framework differentiates between *substantial harm* and *less than substantial harm* to designated heritage assets.

On this issue, the National Planning Practice Guidance notes that:

'Whether a proposal causes substantial harm will be a judgment for the decision taker, having regard to the circumstances of the case and the policy in the National Planning Policy Framework. In general terms, substantial harm is a high test, so it may not arise in many cases... It is the degree of harm to the asset's significance rather than the scale of the development that is to be assessed. The harm may arise from works to the asset or from development within its setting'.

In this case, for the reasons set out above, it is considered that the proposal will result in less than substantial harm to the Conservation Area, and will result in the direct loss of protected trees.

Paragraph 134 of the Framework states that, *'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use'*.

Similarly, paragraph 135 relates to the effects of an application on the significance of a non-designated heritage asset, which requires a balanced judgement having regard to the scale of any harm or loss and the significance of the heritage asset.

Paragraph 138 refers to site specific harm within conservation areas being treated as either substantial harm under paragraph 133 or less than substantial harm under paragraph 134.

The applicant puts forward the following public benefits of the proposal:

- Provision of much needed residential development in a sustainable location;
- Bringing the site back into active use;
- Enhancing both the character and appearance of the conservation area;
- Creating high quality architect designed development
- Extensive retention of tree cover;
- Improved vehicular access to the site;
- Generation of New Homes Bonus and council tax revenues for the Council as well as developer contributions towards open space and recreation with the locality.
- Further financial contribution to benefit the wider community.

Of these, the high quality development and relevant contributions are required to ensure compliance with planning policies, as is the new access. The retention of tree cover cannot really be identified as a benefit as significant trees are being removed from the site. This leaves the following benefits:

- Provision of housing

The Council cannot currently demonstrate a 5 year housing supply. This is a significant material consideration that weighs in favour of the development. The proposed development will help to boost the Council's housing land supply.

- Brings the site into active use

This is perhaps the most significant benefit. The site has been vacant since 2007, and any vacant properties do not help the vitality of the village centre. It is also notable that a number of local business owners have submitted letters of support for the proposals. Redevelopment will bring more people into the village.

- Enhance character and appearance of conservation area

Due to its condition Ford House is currently providing little benefit to the character and appearance of the conservation area. The redevelopment of the site will allow the site to once again make a positive contribution to the area.

In terms of securing its optimum viable use (as referred to in paragraph 134 of the Framework), the submitted development appraisal sets out the following options:

- A – Repair and fit out existing building
- B – Demolish, re-build and fit out existing building
- C – Demolish and rebuild 6 apartments, 3 mews, 1 detached (previously withdrawn scheme)
- D – Demolish and rebuild existing building and single new build detached to rear
- E – Demolish and rebuild 6 apartments and 4 semi-detached (current proposal)

The only options to realise a profit by some margin are options C and E. Option C is the previously withdrawn scheme, and has therefore been discounted, and Option E is the current proposal.

The appraisal has been independently validated by an external consultant. From this a number of queries were raised relating to the elemental build costs associated with the development, the level and application of contingencies, and the level of professional fees. However, the external consultant ran their own development appraisal based on their opinions of relevant costs and fees, and the conclusions were the same. Out of the various development options put forward, on the basis of purchase price of the land or on the basis of viability based on a 20% profit on cost level, only Option E (the proposed development) would appear to be viable. A late option was also presented that looked at the viability of just building the apartments at the front of the site, and again this was identified not to be a viable option.

It should be noted that the elemental build costs are at the top end of the anticipated range for development of this type. However, the external consultant accepts that for a scheme of this nature that the build costs would be at the upper end of the scale. The applicant has also stated that the bespoke nature of the current proposal makes comparisons with BCIS (Building Cost Information Service) indices difficult to assess, and refer to other schemes that use similar rates.

As noted above, there is some, limited, harm to the conservation area arising from the loss of historic fabric following the demolition of Ford House, and additional harm arising from the loss of protected trees, which combine to result in less than substantial harm to the designated heritage asset.

The submitted development appraisal serves to demonstrate that the current proposal is the optimum viable use for the site, and the benefits of the proposal identified above are, on balance, considered to outweigh the identified harm in this case.

Archaeology

The site of the proposed development lies within the historic core of Prestbury, approximately 100m to the north west of the medieval parish church and overlooking the River Bollin. The Council's archaeologist advises that it is likely that this particular location would have attracted early settlement and that such settlement will have left below-ground evidence, including traces of buildings, rubbish pits, and boundaries. Any such evidence would be vulnerable to disturbance during any re-development of the site.

In these circumstances, it is recommended that in the event that planning permission is granted relevant aspects of the development should be subject to a developer-funded watching brief in order to identify and record any exposed archaeological deposits. Relevant aspects of the development may be defined as any initial ground clearance and topsoil stripping, the digging of foundations, and the insertion of major services. A report will be required and the mitigation may be secured by condition.

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 £34,500, 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

Amongst other community uses, Ford House was previously utilised as a community facility for young people by providing accommodation for a youth club. When Ford House fell into disrepair the youth club was required to leave.

Whilst the building has been vacant since 2007, under the last application, a financial contribution was required for the loss of the community facility. Officers 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 / apartments) is required (as per previous applications) 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 paragraph 70 of the Framework which seeks to safeguard the loss of valued community facilities such as these.

Ecology

Bats

The submitted bat survey identifies evidence of bat activity in the form of minor roosts of two relatively common bat species within Ford House. The usage of the building by bats is likely to be limited to small numbers of animals using the buildings for relatively short periods of time during the year and there is no evidence to suggest a significant maternity roost is present.

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

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

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory

alternative, (ii) maintenance of the favourable conservation status of the species and (iii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

The loss of the buildings on this site in the absence of mitigation is likely to have low-medium impact upon on bats at the local level and a low impact upon the conservation status of the species concerned as a whole.

The submitted report recommends the installation of bat boxes and a replacement ‘bat loft’ as a means of compensating for the loss of the roosts and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed.

The proposal to demolish Ford House and construct a replacement apartment building and 4 semi detached houses will add to the existing housing stock in the area, and bring the site back into active use, which is in the public interest.

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. 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.

River Bollin and Spencer Brook

In order to safeguard the ecological interest of these two watercourses and avoid any potential impacts on protected species associated with them the nature conservation officer also recommends that an undeveloped ‘buffer zone’ of 5m is provided adjacent to the two water courses.

Breeding Birds

Given the nature of the site and the identified loss of vegetation, a condition requiring a breeding birds survey is also recommended.

Amenity

Local Plan policies H13, DC3 and DC38 seek to protect the amenity of residential occupiers. Policy DC3 states that development should not significantly injure the amenities of adjoining or nearby residential property and sensitive uses due to matters such as loss of privacy, overbearing effect, loss of sunlight and daylight and traffic generation and car parking. Policy DC38 sets out guidelines for space between buildings.

The separation distances between the proposed apartment building and the semi-detached properties to the rear range between 14 and 21 metres. This is below the distance guidelines outlined in policy DC38 of the Local Plan. However, these guidelines can be varied if the design and layout of the scheme and its relationship to the site and its characteristics provides a commensurate degree of light and privacy between buildings. In this case, the 14 metre separation distance applies to a habitable room window in one of the semi-detached properties (plot 4) looking primarily towards non habitable and obscurely glazed windows on the apartment building, which is considered to be acceptable.

The separation distance of most concern is between semi-detached plots 1 and 2 and the proposed apartment building, which achieves a distance of 20 metres. This is well below the recommended distance of 35 metres.

On this issue page 16 of the Design and Access Statement notes:

“The courtyard approach suggests a series of outbuildings that have intensified over time and are characteristic of an evolved development on a site such as this. The arrangement seeks to replicate existing and successful relationships seen within the village in terms of distances and enclosure to space. A distance of 20m separates the proposed Ford House and the semi-detached dwellings; this is similar to that along the Village between the two and a half storey Bollin Cafe Red House and the three storey Post Office/ Spindles/ Unicorn House. The recently approved and built development at Spencer Mews measures only 16.5m interface distance from OS Data”.

Lower separation distances are therefore evident throughout the village and the proposed spacing would not be out of keeping with the area. Furthermore, the rear facing rooms in the apartments will have an alternative outlook other than to the rear from their side elevations, and their main living / dining room will be to the front with an open outlook and a view along The Village. Similarly, the lounge / dining rooms and the master bedrooms to the semi-detached dwellings will benefit from a relatively open outlook to the rear and a view across the open (glebe) land. On balance therefore, the distances between the proposed dwellings can be accepted.

The nearest neighbouring dwelling is Glebe House, which is located to the west of the site. The nearest of the proposed residential properties will be located 5 metres from the boundary shared with Glebe House. The side facing habitable room windows will need to be obscurely glazed to prevent any overlooking of this neighbour's rear garden area. In addition, 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. No further amenity issues are raised with regard to the relationship with the neighbouring properties.

Therefore whilst it is acknowledged that the separation distances between the proposed buildings are below the guidelines set out in policy DC38, the relationship between the proposed and existing buildings maintains a satisfactory standard of space, light and privacy. As with much of the proposal a balanced approach is required in terms of considering the future living conditions of existing and in particular future occupiers of the development. Given the particular circumstances of the application, and the details above, the standards of amenity for existing and future occupiers is considered to be acceptable.

Highways

The existing site access to Ford House is not suitable for two way vehicular movements. The proposal will widen the existing access to 5.5 metres, which will also allow for refuse and service vehicles to enter and turn within the site. The Strategic Highways Manager raises no objections to the proposed access arrangements.

The parking standards with the submission version of the Local Plan, recommend 2 spaces for 2/3 bed dwellings and 3 spaces for 4+ bed dwellings. The semi detached properties all comprise 4 bedrooms, and the apartments comprise 3 x 3 beds and 3 x 2 beds. Using these figures, the parking demand for the development would be 24 spaces. A total of 22 off street parking spaces are being provided to serve the development. The emerging local plan notes that reduced provision can be negotiated by site. 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. No highway safety issues are therefore raised and the proposal complies with policy DC6 of the Local Plan.

Flood Risk

The Environment Agency has no objections to the proposed development but note that the proposed development will only be acceptable if conditions are imposed to require:

- finished floor levels of the buildings set at a minimum of 101.78m AOD,
- no alteration of existing ground levels within the 1% flood outline
- a scheme to limit the surface water runoff generated by the proposed development.
- provision and management of a buffer zone alongside the River Bollin

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.

Subject to the conditions recommended above, it is considered 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 Framework.

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.

Heads of Terms

A s106 legal agreement will therefore be required to include the following heads of terms:

- £34,500 for off-site provision of Public Open Space for improvements, additions and enhancement of existing Public Open Space and amenity facilities in Prestbury; and
- £7,000 for the off-site provision of recreation/outdoor sport (outdoor sports facilities and pitches, courts, greens and supporting facilities/infrastructure) for improvements, additions and enhancements of existing recreation / outdoor sports facilities in Prestbury.
- £15,000 to provide support and opportunities for young people and youth clubs and organisations in and around Prestbury.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development will provide 10 dwellings. The occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade / enhance existing facilities. The contribution towards young people and youth club facilities is required to mitigate for the loss of the previous community facility. The contributions are in accordance with the Council's Supplementary Planning Guidance on Planning Obligations.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The Council is currently unable to robustly demonstrate a five year supply of housing land. Therefore, the presumption in favour of sustainable development applies in this case, and in

accordance with paragraph 14 of the Framework, planning permission should be granted unless any adverse impact of doing so would significantly and demonstrably outweigh the benefits from it, when assessed against the Framework as a whole, or specific policies in the Framework indicate development should be restricted (such as policies relating to designated heritage assets).

The proposed development would result in less than substantial harm to the designated heritage asset that is Prestbury Conservation Area and will result in the direct loss of some protected trees. However the identified harm is considered to be outweighed by the public benefits of the proposal, which include providing much needed housing on a brownfield site in a sustainable location, bringing the site into active use and improving the appearance of the site and wider area. The proposal therefore accords with the requirements of the Framework. The design of the buildings is considered to be in keeping with the character and appearance of the Conservation Area, and there would be no significant highway safety or amenity issues arising from the proposal. Appropriate mitigation is also provided for protected species, together with an undeveloped ecological buffer zone along the two watercourses within the site.

The proposal is, on balance, considered to be a sustainable form of development, and in the absence of any identified significant adverse impacts a recommendation of approval is made.

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

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

- | | |
|----------|--|
| 1. A03FP | Commencement of development (3 years) |
| 2. A01AP | Development in accord with approved plans |
| 3. A02EX | Submission of samples of building materials |
| 4. A01GR | Removal of permitted development rights |
| 5. A07EX | Sample panel of brickwork to be made available |
| 6. A10EX | Rainwater goods |
| 7. A12EX | Fenestration to be set behind reveals |
| 8. A17EX | Specification of window design / style |
| 9. A20EX | Submission of details of windows |

- | | |
|----------|--|
| 10.A21EX | Roof lights set flush |
| 11.A22GR | Protection from noise during construction (hours of construction |
| 12.A23GR | Pile Driving |
| 13.A25GR | Obscure glazing requirement |
| 14.A02HA | Construction of access |
| 15.A01HP | Provision of car parking |
| 16.A07HA | No gates - new access |
| 17.A32HA | Submission of construction method statement |
| 18.A01LS | Landscaping - submission of details |
| 19.A04LS | Landscaping (implementation) |
| 20.A12LS | Landscaping to include details of boundary treatment |
| 21.A01TR | Tree retention |
| 22.A02TR | Tree protection |
| 23.A04TR | Tree pruning / felling specification |
| 24.A19MC | Refuse storage facilities to be approved |
| 25.A02CA | Demolition as precursor of redevelopment |
| 26. | Bat mitigation (including bat loft) to be provided |
| 27. | Breeding Bird Survey to be submitted |
| 28. | Provision and management of undeveloped ecological buffer zone |
| 29. | Scheme to minimise dust emissions arising from demolition / construction activities to be submitted |
| 30. | Phase II contaminated land survey to be submitted |
| 31. | Details of foul and surface water drainage to be submitted |
| 32. | Written scheme of archaeological investigation to be submitted |
| 33. | Details of existing and proposed ground levels to be submitted with finished floor levels of the buildings set at a minimum of 101.78 m AOD, and no alteration of existing ground levels within the 1% flood outline |

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