

Application No: 17/3197C

Location: CLEDFORD HALL, CLEDFORD LANE, MIDDLEWICH, CW10 0JR

Proposal: To demolish a grade 2 listed barn and other derelict buildings within the farm site

Applicant: Cheshire East Council

Expiry Date: 18-Aug-2017

SUMMARY

The total loss of this designated heritage asset is very regrettable. However, the building is in such a poor state of repair and in danger of collapse. The unauthorised access that is taking place is a significant health and safety risk to the public, and there are also no options for the repair of the building. Safeguarding public health through the demolition of this building that is beyond repair is considered to amount to a substantial public benefit which outweighs the substantial harm arising from the loss of the building.

Subject to clarification about the removal of trees from the site as part of the demolition works, the proposal raises no further issues in terms of the relevant matters outlined within this report.

The proposal accords with the relevant policies of the development plan and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

SUMMARY RECOMMENDATION

Approve subject to conditions

PROPOSAL

The application seeks full planning permission for the demolition of the remains of the former farm house 'Cledford Hall' which has been gutted by fire, outbuildings which have partially collapsed and the grade 2 listed barn.

SITE DESCRIPTION

The application site comprises the remains of the now de-listed Cledford Hall building and a number of smaller equally dilapidated buildings, a grade II listed redundant agricultural barn. A large industrial building is located to the north east of the site and immediately adjacent to the west and south of the application site is predominantly farmland with three residential

properties located on the opposite side of Cledford Lane. The site is located within the Settlement Zone of Middlewich as identified in the Congleton Borough Local Plan.

RELEVANT HISTORY

14/5721C - 9no transit pitches and 1no permanent Wardens pitch, open space for play, and the conservation and conversion of an existing grade two listed barn within the site. The barn is to provide washing and toilet facilities and office accommodation for the resident warden. The barn is also to provide office accommodation for Cheshire East – Approved 05.05.2015

14/5726C - Listed Building Consent for grade two listed barn to be converted from an agricultural barn into washing and sanitary accommodation for the transit Gypsy and Travellers. Office accommodation is to be provided for the permanent Warden and for the Cheshire East office staff – Approved 05.05.2015

06/1290/FUL - Conversion of existing farm buildings to 5 dwellings. Conversion of farmhouse to 2 dwellings. New garages and sewage treatment plant. Demolition of outbuildings – Approved 21.08.2007

06/1287/LBC - Conversion of existing farm buildings to 5 dwellings conversion of farmhouse to two dwellings, new garages, sewage treatment plant, demolition of out buildings – Approved 21.08.2007

NATIONAL & LOCAL POLICY

National Policy

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14. Presumption in favour of sustainable development.

Development Plan

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG5 Open Countryside

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE7 The Historic Environment

It should be noted that the Cheshire East Local Plan Strategy was formally adopted on 27th July 2017. There are however policies within the legacy local plans that still apply and have not yet been replaced. These policies are set out below.

Congleton Borough Local Plan First Review 2005

The Congleton Borough Local Plan First Review 2005 allocates the whole site as being within the Settlement Zone of Middlewich.

The relevant Saved Policies are:

GR6 (Amenity and Health)
BH2 (Demolition of listed building)
PS8 (Open Countryside)

CONSULTATIONS:

Environmental Health – No comments received

Middlewich Town Council – No comments received

REPRESENTATIONS

Neighbour notification letters were sent to all adjoining occupants, a press advert was placed in the local newspaper and a site notice was erected.

No letters of representation have been received

APPRAISAL

Heritage considerations

Policy

Policy BH2 of the Congleton Local Plan explains that consent will only be granted for the demolition of Listed Buildings in exceptional circumstances, and where the building is structurally unsound; its repair is not an economically feasible alternative; alternative uses and disposal of the building have been investigated, and; detailed plans for redevelopment have been approved.

Policy SE7 of the CELPS states that, the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a development proposal by:

- i. Requiring development proposals that cause harm to, or loss of, a designated heritage asset and its significance, including its setting, to provide a clear and convincing justification as to why that harm is considered acceptable. Where that case cannot be demonstrated, proposals will not be supported.
- ii. Considering the level of harm in relation to the public benefits that may be gained by the proposal.
- iii. The use of appropriate legal agreements or planning obligations to secure the benefits arising from a development proposal where the loss, in whole or in part of a heritage asset is accepted.

Paragraph 133 of the Framework states that, where a proposed development will lead to substantial harm to or total loss of a designated heritage asset, LPAs should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve public benefits that outweigh the harm or loss.

Each of these local plan policies is sets out a clear presumption against substantial harm of loss of designated heritage assets except in exceptional circumstances or cases of clear public benefit.

Listing and description

The barn to be demolished is Grade II listed. The list description for the barn is as follows:

“Outbuildings to Cledford Hall GV II Outbuildings to adjoining farmhouse. Dated 1822 on brick in longer range. Red brick, tile roofs. Long. narrow plan of two halves, the range to south with lower roof and more irregular form. Longer northern range of eleven bays, originally with eleven doors under round brick heads regularly spaced, some later blocked to for windows. Lower range with double doors under relieving arch, open roundels to loft above and with hinged doors under flat lintels below. Ventilation openings in gable end to side. Interiors: not inspected, but believed that the northern half retains contemporary roof structure. Included as a good dated range of outbuildings, with strong group value with Cledford Hall.”

The barn historically formed part of a farm, centred on Cledford Hall and represented Cheshire's strong dairy farming heritage, with their built form sharing common forms with other contemporary farmsteads in the area. The barn remains a grade II listed building, but is now in a state of disrepair, and has lost some significance through its severance from Cledford Hall, which was de-listed in July 2014 following catastrophic fire damage.

Historic England has noted that Cledford Hall Barn is distinctive as a particularly long example of its type, which is the result of numerous additions and extensions. Cledford Hall, and its barn, were a high quality example of an early 19th century farm complex, with the hall having “handsome internal features”.

Condition of Barn

Consultants working on behalf of Cheshire East have been monitoring the movement of the building for a period of time, and can conclusively demonstrate the continuous lateral movement of the external walls. This movement could be the result of a number of factors, the length and construction technique of the walls, decay in the lateral support, namely roof members and ground conditions as the barn is positioned in an area of brine extraction, known to cause subsidence locally.

Whilst an internal temporary scaffold is supporting the upper floor, it does not provide structural support to the external envelope of the building. The very poor condition of the barn prohibits safe working within and around the structure, and this greatly restricts the ability to repair the building. A structural scaffold was proposed in an attempt to support the building in the short term. However due to the condition of the building, which is in serious danger of partial or complete collapse (indeed part a section of the front elevation has already collapsed), it was concluded that it was too dangerous to enter the building to erect the scaffold.

At the pre-application stage Historic England raised the possibility “that cranes and working baskets could be utilised to first remove the roof covering and carcass, prior to installation of the scaffold”. This option of repair has been considered, and discounted as a possibility as it would not facilitate the repair of the walls at foundation level; as a result the applicants consider that there is no practical way of repairing the barn. Its condition results in the building being a

considerable health and safety risk, which can only be addressed through the demolition of the structure.

The continued structural monitoring of the building has been valuable in demonstrating the extent of movement the barn is subject to, and that it is on-going. Historic England accepts the findings of the submitted structural reports, and agrees that no solution exists for the positive repair of the building.

The applicant has stated that the major concern now is the clear evidence that people are still gaining unauthorised access into the building. Fences have been breached and boards have been removed from windows. This may have been done by rough sleepers or by children but anyone in or near the building are putting themselves at serious risk.

It should be noted that the building was in a poor condition at the time the Council purchased the building in May 2015. The temporary scaffold was erected soon after the purchase, which allowed access to the building and more detailed survey work to be undertaken. It was this more detailed survey work that found some very serious defects in the building and initial concerns about the long-term stability of the structure.

Heritage conclusion

Whilst it is extremely regrettable that this situation has arisen, the building is now in danger of collapse. Given the unauthorised access to the site that is taking place despite the landowners best efforts to secure the site, this is now a significant health and safety issue. It is considered that there are no options available for the repair of the building and having regard to this and the health risks arising from the condition of the building it is considered that the removal of this risk is a substantial public benefit that outweighs the loss of the building. Whilst it is acknowledged that no redevelopment of the site is currently proposed as required by policy BH2 of the Congleton Borough Local Plan, the benefits to public safety are considered to outweigh this policy requirement. Appropriate conditions are recommended to ensure that the site does not have a detrimental impact upon the character of the area following demolition. It should also be noted that there is no similar requirement in policy SE7 of the CELPS or the National Planning Policy Framework. In all other regards the proposal complies with policy BH2 of the Congleton Borough Local Plan, and policy SE7 of the CELPS.

Character & Appearance

The application site is located within the Settlement Zone, however, as the site is approached from the A533 the character of the area changes dramatically from a commercial / industrial area to one that is distinctly rural. Then as you carry on along Cledford Lane past the application site a very substantial industrial building presents itself to this rural lane. In addition, the Middlewich Eastern bypass is proposed to be constructed to the west of the application site. Therefore whilst the location of the site has rural qualities, there are also very significant urban influences.

The existing buildings on the site are set back from Cledford Lane, with the closest, the redundant barn being approximately 40 metres from this highway. The vegetation to the southern boundary screens the building from Cledford Lane and the residential properties on the opposite side of the road.

No redevelopment of the site is currently proposed and the application submission suggests that the yard areas, slabs and roads are to be left in position and boundaries are to be maintained. Given the absence of proposals for redevelopment, it is considered necessary to condition details relating to the removal of materials and the landscaping of the site to ensure that the site is left in an appropriate condition that will not have an adverse impact upon the character of the area, in accordance with policies SE1 and SE4 of the CELPS.

Amenity

The nearest neighbours are a group of three properties which are located opposite the entrance to the application site on Cledford Lane. Background noise is currently very limited in this area; therefore any increase in activity is likely to be noticeable to existing residents.

In this case, the demolition of all buildings on the site leaving only areas of hardstanding would not result in any significant impact upon the living conditions of neighbouring properties in accordance with policy GR6 of the Congleton Local Plan.

Ecology

Bats

A minor roost of a common bat species has previously been recorded within the barn. 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. The loss of the roosts associated with the buildings on this site, in the absence of mitigation, is likely to have a low impact upon on bats at the local level and a low impact upon the conservation status of the species as a whole.

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) that the development is of overriding public interest, and (iii) the favourable conservation status of the species will be maintained. 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.

Alternatives

Options for the repair of the building have been investigated, but due to the condition of the building it has been concluded that no alternatives to demolition exist.

Overriding public Interest

Due to the condition of the building, the evidence of unauthorised access to the site, and the substantial health and safety risks that this presents, the demolition of the building is considered to be of overriding public interest.

Mitigation

Bat boxes have been erected on site under the terms of the previous planning permission and Natural England license, which do provide suitable compensation for the loss of the existing roost. Recommendations for the timings of the works and other strategies to reduce the risk of bats being disturbed during the works have also been submitted.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is acceptable to address the loss of the roost within the barn and is likely to maintain the favourable conservation status of the species of bat concerned.

On the basis of the above it is considered that requirements of the Habitats Directive would be met.

Barn owls

Further barn owl surveys were completed in June and July 2017 which confirm that no evidence of roosting barn owls was recorded within the buildings on site. However, these surveys were constrained due to the dangerous state of the building meaning that no internal inspection could be completed. Barn owls were recorded as being active in the general area of the site. The nature conservation officer advises that based upon the available information barn owls are not reasonably likely to be present or affected by the proposed development.

A condition is recommended to require the submission of proposals for the erection of a barn owl box on site in order to ensure that the site continues to provide opportunities for this species.

Due to the poor state and recent further deterioration the other buildings on site these are not likely to offer potential for protected species.

Great Crested Newts

Great crested Newts have been recorded at the on-site pond and also within nearby ponds. Removal and exclusion of great crested newts from the site was undertaken under the previous planning consent and a Natural England license issued in respect of this site.

Subject to a condition to ensure that all works are undertaken within the boundary of the existing great crested newt fencing the proposed demolition works are not likely to have an adverse impact upon this species.

Reptiles

Grass snake is known to occur in this broad locality. The previously submitted ecological assessment identifies suitable habitat for reptiles being present on site and advised that there is a risk of reptiles being killed during site clearance works. The fencing erected as part of the Great Crested Newt Mitigation strategy would also serve to exclude reptiles from the application site. For this reason, reptiles are not likely to be affected by the proposed demolition works.

Nesting Birds

A condition is recommended to safeguard nesting birds during the construction process.

Trees / landscape

Clarification is awaited from the applicant in terms of whether any trees will be removed as part of the demolition process.

Subject to this clarification and implementation of any necessary tree protection measures, no significant arboricultural concerns are anticipated in relation to the existing trees. Nevertheless, the matter of retention/or removal of existing vegetation does need to be clarified as this will also have bearing on new landscape proposals. This will be reported in an update.

Highways

Due to the nature of the proposals no significant highways impacts are anticipated.

PLANNING BALANCE AND CONCLUSIONS

The total loss of this designated heritage asset is very regrettable. However, as outlined above, the building is in such a poor state of repair and in danger of collapse. The unauthorised access that is taking place is a significant health and safety risk to the public, and there are also no options for the repair of the building. Safeguarding public health through the demolition of this building that is beyond repair is considered to amount to a substantial public benefit which outweighs the substantial harm arising from the loss of the building.

Subject to clarification about the removal of trees from the site as part of the demolition works, the proposal raises no further issues in terms of the relevant matters outlined above.

The proposal accords with the relevant policies of the development plan, and therefore is considered to be a sustainable form of development. Accordingly, a recommendation of approval is made.

Decision making

Given that the Council are the applicant and the proposal is for the demolition of a Listed Building, it is necessary to consider whether the application should be referred to the Secretary of State for a decision.

The National Planning Practice Guidance (NPPG) sets out the circumstances when an application made by a Local Planning Authority should be referred to the Secretary of State. The NPPG states that the following applications should be referred:

Application for listed building consent by local planning authorities, where Historic England or a national amenity society are notified and object to the proposed works, and the local authority do not propose to refuse the application.

As this is an application for planning permission, as opposed to Listed Building Consent, there is no requirement to refer the application to the Secretary of State.

RECOMMENDATION

For the reasons set out above, the application is recommended for approval, subject to the satisfactory receipt of the outstanding information.

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 Head of Planning (Regulation) has delegated authority to do so in consultation with the Chairman of the Strategic Planning Board, provided that the changes do not exceed the substantive nature of the Board's decision.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Details of site clearance, restoration and landscaping to be submitted
4. Development to be carried out in accordance with the recommendations of the submitted Ecology Update Report
5. Proposals for the erection of a barn owl box to be submitted
6. All works to be undertaken within the boundary of the existing great crested newt fencing
7. Nesting bird survey to be submitted

