

Northern Planning Committee

Agenda

Date:	Wednesday, 28th July, 2010
Time:	2.00 pm
Venue:	The Capesthorne Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or of all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre-Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 2)

To approve the Minutes as a correct record.

4. Public Speaking

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not Members of the Planning Committee.

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not Members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **10/1711M-Development of Hollands Nursery to Lodge Park (20 No. Timber Lodges)- Resubmission of 10/0076M, Hollands Nursery, Congleton Road, Gawsforth for Mr T Holland, Metier Property Holdings (Pages 3 - 18)**

To consider the above application.

6. **10/1900M-Reinstatement of Original Wing to Eastern Elevation of Old Hall and Conversion of Old Hall to Three Dwellings, Part Converted Agricultural Building to 4 Dwellings and Agricultural Building to Three Dwellings (Resubmission of 10/0569M), Over Tabley Hall Farm, Old Hall Lane, Tabley for West Register (Realisations) Ltd (Pages 19 - 42)**

To consider the above application.

7. **10/1899M-Reinstatement of Original Wing to Eastern Elevation of Old Hall and Conversion of Old Hall to Three Dwellings, Part Converted Agricultural Building to 4 Dwellings and Agricultural Building to Three Dwellings- Resubmission of 10/0578M (LBC), Over Tabley Hall Farm, Old Hall Lane, Tabley for West Register (Realisations) Ltd (Pages 43 - 50)**

To consider the above application.

CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 7th July, 2010 at The Capesthorpe Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor B Moran (Chairman)

Councillors J Crockatt, M Hardy, O Hunter, T Jackson, J Narraway, D Neilson,
L Smetham, D Stockton and C Tomlinson

OFFICERS IN ATTENDANCE

Mrs N Folan (Planning Solicitor) and Mr N Turpin (Principal Planning Officer)

Prior to the commencement of the meeting the Chairman informed Members of the sad news that Councillor Mrs E N Gilliland who was a Member of the Committee had passed away. As a mark of respect a Members stood in silent tribute to her memory.

21 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Miss C M Andrew, Mrs H M Gaddum, D Thompson and R E West.

22 DECLARATIONS OF INTEREST/PRE-DETERMINATION

Councillor Mrs C Tomlinson declared a personal interest in application 10/0127M - 53 Grange Park Avenue, Wilmslow: Landscaping of Rear Garden and Boundaries Including Retaining Wall for Mr P Wightman by virtue of the fact that she knew the applicant's neighbour and in accordance with the Code of Conduct she remained in the meeting during consideration of the application.

23 MINUTES OF THE MEETING

RESOLVED

That the minutes of the meeting be approved as a correct record and signed by the Chairman subject to the inclusion of Councillors D A Neilson and D Stockton in the list of apologies and not in the list of those present.

24 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

25 10/0127M - 53 GRANGE PARK AVENUE, WILMSLOW: LANDSCAPING OF REAR GARDEN AND BOUNDARIES INCLUDING RETAINING WALL FOR MR P WIGHTMAN

Consideration was given to the above application.

(The applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. A04AP - Development in accord with revised plans (numbered)
2. A03LS - Submission of landscaping scheme for retrospective planning permission-landscaping to include maximum height of the hedge 2metres
3. A07LS - Landscaping (implementation for retrospective planning application)
4. A12LS - Landscaping to include details of boundary treatment
5. Ground levels and retaining walls as shown on the revised plans and on details approved under condition 6 to be implemented within 6 months
6. Details of the finish and construction of the retaining walls to be submitted and approved with 1 month (note retaining wall to be up adjacent site ground level)
7. Removal of Class E Permitted Development Rights

26 10/0742M - VICTORY HALL, TOWN LANE, MOBBERLEY, KNUTSFORD: MOBBERLEY VICTORY HALL COMMUNITY COMPLEX - REFURBISHMENT AND EXPANSION AT REAR WITH EXTENSIONS TO SIDE ELEVATIONS FOR MOBBERLEY PARISH COUNCIL

This application was withdrawn prior to the meeting.

The meeting commenced at 2.00 pm and concluded at 2.45 pm

Councillor B Moran (Chairman)

Application No: 10/1711M

Location: HOLLANDS NURSERY, CONGLETON ROAD, GAWSWORTH, SK11 9JB

Proposal: DEVELOPMENT OF HOLLANDS NURSERY TO LODGE PARK (20 NO. TIMBER LODGES)- RESUBMISSION OF 10/0076M

For MR T HOLLAND, METIER PROPERTY HOLDINGS

Registered 06-May-2010

Policy Item Yes

Grid Reference 387705 367487

Date Report Prepared: 16 July 2010

SUMMARY RECOMMENDATION

Approve

MAIN ISSUES

- Have the reasons for refusal of application 10/0076M been addressed? Namely, is the layout and design of sufficient quality to give sufficient amenity and parking space within the site, and has sufficient information relating to drainage and foul sewage been submitted in order to assess adequately the impact of the proposed development.
- Impact upon the character and appearance of the area, including the landscape
- Traffic generation and sustainability
- Impact upon nature conservation interests

REASON FOR REPORT

The application is before the Northern Planning Committee due to the site area being in excess of 1 000m².

DESCRIPTION OF SITE AND CONTEXT

The site known as Hollands Nurseries, lies on the A536 (Congleton Road), approximately 6km south of Macclesfield. The application site area is approximately 1.3 hectares. There is a proliferation of buildings throughout the site, which have been used for a variety of purposes (some without planning consent), however, the main use of the site is that of a nursery. The site is broadly square. The site has access to the A536 to the front (west) and is surrounded by fields to the north and east. Maleypole Farm is adjacent to the site, to the south.

An application was refused planning consent by the Northern Planning Committee on 07.04.10 due to strong concerns about the design and layout, and drainage. This application has been submitted in attempt to address these issues.

DETAILS OF PROPOSAL

The proposal comprises the demolition of the existing glass houses, poly tunnels and all other structures currently on the site (including steel containers, a mobile home and a caravan) and redevelopment of the whole site with a lodge park comprising 20 timber lodges, associated landscaping and an internal access road. It is noted that when originally submitted this application was for 23 lodges. The 3 lodges in the middle of the site have been removed in order to allow for a larger recreation area.

All the caravans would be generally positioned around the perimeter of the site, with a central island recreational area at the heart of the site, a recreation area adjacent to Maleypole Farm and a recreational area to the north of the site. A landscape buffer would also surround the site.

The caravans will be single storey in height, with a pitched roof (clay slate), clad in red timber. Each caravan will measure a maximum of 6.1 metres in width, 12.3m in length. The eaves height would be 2.53m and the ridge height would be 3.4m. Each van would have a decked area to the rear and an adjoining storage unit, clad in timber to match the lodges.

The static caravans fall within the statutory definition of a caravan under the Caravan Sites Act 1968, as amended by the Caravan Sites Act 1968 and Social Landlords (Permissible Additional Purposes) (England) Order 2006 (Definition of a Caravan) (Amendment) (England) Order 2006. The layout would also appear to satisfy the Model Standards 2008 for Caravan Sites in England.

There is no reception lodge or office facility proposed, or visitor car parking. An internal road (constructed from gravel) would be provided within the site to give vehicular access to each unit – which would have two parking spaces per lodge. The scheme also includes 3 visitor spaces adjacent to the central recreational area.

A public consultation event was held in November 2009, prior to the submission of application 10/0076M, which was attended by approximately 70 residents. The proposals were subsequently revised in order to address some of the issues raised, which resulted in the scheme which was refused in April 2010.

RELEVANT HISTORY

10/0076M - redevelopment of hollands nursery to a lodge park (23 timber lodges) – refused 07.04.10

07/3022P - Resiting of agricultural/horticultural polytunnel - approved with conditions 22.01.08

07/3003P - Change of use of part of Holland's nursery site to garden centre-retrospective - Withdrawn 14.01.08

07/2924P - Advertisement Consent - 2no. free-standing signs and 1no hanging sign - approved with conditions 16.01.08

03/1871P - Erection of new greenhouse and relocation of existing greenhouse within the nursery boundary. demolition of existing extension to office - approved with conditions 02.09.03

03/1870P - Relocation of existing poly tunnels within the nursery boundary - approved with conditions 02.09.03

03/1246P - Retention of agricultural building for use in accordance with permission 01/1175P - refused 13.08.03

01/1176P - Retention of tea room - approved with conditions 14.11.01

01/1175P - Retention of agricultural building - approved with conditions 14.11.01

96/1796P - Retention of glasshouse (no.2) - approved with conditions

96/1764P - Retention of glasshouse - approved with conditions

97/1556P - Determination (Agricultural/Forestry) - 3 bay polytunnel - Determination – approval not required (stage 1) – 05.09.97

POLICIES

Local Plan Policy

RT13 - New Tourist Attractions

GC5 - Countryside Beyond the Green Belt

Other material considerations

- Good Practice Guide for Tourism

- PPS7 (Sustainable Development in Rural Areas)
- PPG13 (Transport)
- Tourism Matters – A report on Tourism in Macclesfield Borough (2002)
- A Vision and Strategy for tourism to 2015 - Cheshire and Warrington Tourism Board (2004)
- PPS4 (Planning for Sustainable Economic Growth)

CONSULTATION RESPONSES

Environment Agency raise no objection in principle to the proposed development but requests that any approval includes a planning condition which requires for a scheme to limit the surface water run-off generated by the proposed development to be submitted to and approved in writing by the local planning authority. This would be to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site. An informative is also suggested which would highlight that a Sustainable Drainage System should be used wherever practicable.

Environmental Health raise no objection. The following comments from the previous application are still made. If planning permission were granted a site licence would be required under the Caravan Sites and Control of Development Act 1960. The Environmental Health technical officer has commented on roads, gateways and footpaths, drainage sanitation and washing facilities, hard-standing, recreational space and space/separation distances, and associated issues, which will be considered when a site licence application is submitted.

Since the last application/comments they have increased the recreation & parking areas and reduced the number of caravan to help with spacing. The only other comments made relate to separation and drainage. Every caravan must not be less than 6 metres from any other caravan in separate occupation for fire safety purposes. In relation to drainage, there must be adequate provision of a foul drainage system made. The application includes a package plant system, which needs to be approved by Building Control. In addition, the Environment Agency may need to be consulted with regards to whether a discharge consent is required and whether the means of drainage is suitable.

The Contaminated Land Officer has no objection to the application with regard to contaminated land. The application area has a varied history of potentially contaminative usages on site mainly concerned with fuel storage, a pig pen, a garage and an area of fly tipping and therefore will require targeted sampling in these areas to quantify the risks to any future users on the site, adjacent sites and the environment. In addition, the presence of made ground across the site should be investigated to assess any risks to any users, present and future, on the site from ingestion, inhalation and dermal contact with the made ground. Off site peat deposits and on site made ground has the potential to produce significant volumes of ground gas that may affect any current and future buildings on site. A full gas survey should be undertaken as recommended in the Phase 1 Desk Study to identify the gas regime on site so

any proposed buildings on site can be designed so they are adequately protected against gas ingress as necessary. It is requested that a condition is attached to any permission granted which requires a Phase II investigation to be carried out, and the results submitted to the LPA, and any remediation required carried out.

Strategic Highways Manager – No objections subject to conditions which relate to the closure of the access to the north, and the set back of the main gate (by 20m) to allow vehicles to clear the highway safely.

The University of Manchester (Jodrell Bank Observatory), comments that they have been conducting tests on various materials as part of electromagnetic screening measures, which if they were to be incorporated in the design of the buildings would help to reduce electromagnetic interference from such items such as computers, microwave ovens and general electrical products. The University of Manchester would like the incorporation of such materials made a requirement in this development in which case it would not oppose this application.

Visitor Economy Development Manager (Cheshire East) – Comments are awaited.

VIEWS OF THE PARISH / TOWN COUNCIL

Gawsworth Parish Council recommends that this application is refused as it views the proposals as being a speculative development with no local community benefit on a site having poor drainage.

OTHER REPRESENTATIONS

A letter has been received from the neighbour who owns Maley Pole Farm. The writer raises no objections to the principle of the use of the site, but objects to the close proximity of the lodges on the adjoining boundary, the orientation of these units and their external decking areas, and the drainage of the proposed development site. The writer is concerned that with the previous use of the site as a Nursery and Coffee shop, the site closed after 6pm every evening, whereas the proposed development would operate 24 hours a day - 7 days a week. The development would create noise, smells and fumes, especially in the evenings when the holiday makers make full use of the decking areas. The positioning of the buildings directly on the adjoining boundary currently offer Maley Pole Farm a high degree of privacy and noise protection. Whilst not particularly pleasing on the eye, the writers plan was to screen these buildings with conifers. The writer accepts that there would be an immediate visual improvement from a buildings perspective, however the additional aspects that the resubmitted development would bring, in the writers view, would significantly injure the amenities of the writers property. The writer is disappointed that the frontage on to Congleton Road does not incorporate more substantial screening. The proposed fence adjoining the writers boundary is stated as being 1.8m high. The height of the raised decking and the close proximity to the fence clearly significantly reduces any

impact on screening. The writer is also concerned about the loss of Unit 21, which would have been to the north of the writers house and its replacement with a children's recreation area. The main concern about this lodge was with regard to the location of a septic tank, and access to it, as it is sited within the proposed development site, however, it serves Maley Pole Farm. The proposed redirection of the drainage system to the east of the proposed site, south eastwards across an adjacent field owned by a third party, does not detract from the writers concerns that the overflow drainage will still feed into a pond from the stream that forms the southern boundary of Maley Pole Farm. The writer has considerable concerns that the increase in volume of drainage and the potential impact that this would have on the pond and surrounding area. The owners of Maley Pole Farm would like reassurance that the septic tank which serves Maley Pole Farm will remain and be accessible at all times. The writer concludes that the objections can be managed through incorporating less density on the proposed site, either by removing the remaining three units, or removing one of these units which would allow a change of orientation of the remaining units (decking area to face west instead of south). This reduction in density would also allow enhanced screening to match the high levels of screening found on the other development site boundaries.

APPLICANT'S SUPPORTING INFORMATION

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

- Planning, Design and Access Statement
- A Phase 1 Desk Study (Contamination Survey)
- A Preliminary Ecological Assessment
- A Flood Risk Assessment
- A Landscape and Visual Assessment and Tree Survey

Each of these documents can be viewed in full on the application file.

OFFICER APPRAISAL

Principle of Development

The Council has recent experience of both applications and appeals in relation to timber clad caravans on sites in Countryside Beyond the Green Belt. The main issues for consideration are the impact on policies designed to promote sustainable development, the impact on the local environment (including its landscaped setting) and the impact on the highway. Consideration also needs to be given to rural issues and tourism matters.

When application 10/0076M was considered by the Northern Planning Committee in April, there was no objection in principle to the development. However, Members raised strong concerns in relation to the layout and design, which they thought was cramped and lacked amenity space and parking space. In addition, Members considered that there was insufficient information submitted to assess the impact on drainage in the area and foul sewage.

National Planning Policy

National Planning Policy guidance in respect of tourism development is contained within the Good Practice Guide on Planning for Tourism, PPS4, PPS7 and PPG13.

The Good Practice Guide on Tourism was published in May 2006, and supersedes PPG21 - Tourism. The guidance contains specific advice in relation to holiday, touring caravan and chalet parks. It advises that holiday parks are the largest provider of rural tourism bed spaces and that planners should carefully weigh the objective of providing adequate facilities and sites with the need to protect landscape and environmentally sensitive sites.

The guide advises that sites close to settlements will generally be more sustainable but recognises that there will be some occasions where development for tourism is sought in a location where it will be difficult to meet the objective of access by sustainable modes of transport and that the choice of location may have been determined by a functional need.

As noted above, PPS4 has been published since the submission of the application. This PPS supersedes / cancels significant parts of other policy and guidance, notably in this case paragraphs 34 to 40 of PPS7, which relate specifically to tourism and leisure.

The guidance contained within policy *EC7: Planning for Tourism in Rural Areas* of the new PPS4 is very much a repetition of that previously contained within paragraphs 34 to 40 of PPS7. The text within policy EC7.1, 1a, 1b, 1c, 1d and 1e of PPS4 can be compared directly with the text previously contained in paragraphs 34(i), 35(i), 36, 38, 39(i and iii) and 34(ii) of PPS7 respectively. These paragraphs indicate that although contained within an alternative policy document, the national policy relating to tourism in rural areas remains virtually unchanged from when the application was previously considered in August 2009. No significant new policy issues are therefore raised by the recent publication of this planning policy statement. The only specific reference to development of this type in PPS4 is found in paragraph EC7.1(d) which states that Local Planning Authorities should, through their LDFs, “ensure that new or expanded holiday and touring caravan sites and chalet developments are not prominent in the landscape and that any visual intrusion is minimised by effective, high quality screening”. As outlined below, this aspect is considered to have been adequately addressed by the applicants in the proposed landscaping.

PPG13 – Transport gives advice in respect to tourism and leisure development which generate large amounts of traffic. At the appeal on a site in North Rode, which was determined in December 2007, the Planning Inspector considered that 32 timber clad caravans were a low traffic generator.

Local Planning Policy

The Macclesfield Borough Local Plan (2004) has no saved policies in respect of the provision of static caravans. Policy RT13 encourages the provision of new tourist attractions. Policy RT16 allows the development of new touring caravan sites in the open countryside so long as there is no harm to the character of the area, the road network is appropriate and infrastructure is made available.

As with the previously refused scheme (10/0076M), in the context of the above policies, it is considered that as the site constitutes a previously developed site, which is very well built upon and in part is very untidy, it is considered that although the proposal is different in character to the existing use as a nursery, there will be further harm to the character of the area. With a suitable landscaping scheme, it is thought that the development will result in an enhancement to the area.

Members are reminded that the Planning Inspector for the site in North Rode concluded that that site was appropriate for tourism purposes. Given the relatively close proximity of that site to the proposed site and opportunities for tourism in the wider area, it is considered that a similar view in relation to tourism should be reached for this application site.

In addition, in relation to the most recent of appeals for the site at North Rode, the Inspector considered that the proposals would not harm the character and appearance of the surrounding area. The Inspector also considered the issue of flooding. In that case the Inspector considered all the information put before him, however, he noted that the Environment Agency had not lodged and objection to the proposals or submitted evidence at the Hearing with regard to this. The Inspector agreed with officers on matters relating to the flooding of neighbouring land that that this was a private matter between the appellants and adjoining landowners. The Inspector considered it appropriate to impose a condition which required the prior approval of the drainage arrangements for the proposed developments.

CONSIDERATION OF THE PROPOSALS

Impact on the character and appearance of the area

The proposal involves the demolition of approximately 3250m² of built form on the site. The footprint of the proposed lodges is approximately 1920m². The removal of the existing buildings and subsequent introduction of the lodges will represent a significant reduction in the scale, quantity and massing of the built form on a site which is located within an attractive, high quality landscape. The reduction in built form and landscape enhancements are considered to improve the visual amenities of the site.

The site is generally flat, however a raised mound currently exists to the east of the site. The slightly elevated area within the north east corner is to be lowered by approximately 1-1.5m, in order to lower this area to a level which is similar to that of the rest of the site.

A landscape assessment has been submitted with the application, which states that the scheme has been designed to ensure that the resulting proposals are sympathetic to the nature of the site and character of the surrounding landscape. The proposals have not been designed to completely screen the development, however, the implementation of the landscape proposals will result in a vast improvement to the screening of the site, and improve the visual integration of the site into its surroundings.

The landscape proposals for the west boundary (with the A536) include the retention of the existing hedgerow and trees and implementation of a wide landscape buffer which incorporates a mix of selected standard trees and bare root trees and shrubs.

The bund to the north east corner of the site is currently lacking in vegetation. The landscape proposals include similar native species mix of trees and shrubs, but with a higher proportion of larger stock selected standard and feathered trees.

The southern boundary of the site is to be planted with a native hedgerow. On the previously refused application this hedge was to be positioned on the south side of a 1.8m high close boarded fence. This fence is not now shown on the submitted landscape plans, therefore, the applicants agent has been requested to confirm that it is still proposed to erect this fence to protect the neighbours amenity.

Within the site itself, the lodges would be separated by native hedgerows and areas of native tree and shrub planting. A significant quantity of semi-mature trees would be introduced from the outset, which will be visually prominent from the day they are planted.

The Council's Landscape Officer has appraised the submission and considers that this application has taken into account the comments made on the previous application.

Density

The concerns raised previously related to the density of the development, which has now been reduced and the advice to keep the central area open for recreation has also been taken.

Planting

The native planting concept and mixes proposed are appropriate for this location.

Site layout

The outer boundaries of the scheme have been considered and the structure planting offers screening for the site. The views of The Cloud will be exceptional.

Implementation of the scheme

The timber buildings may not be constructed together. Therefore, a phased approach to planting should be adopted. It would be recommended that the peripheral and structure planting is planted prior to completion of the development in the appropriate planting season.

Visual Impact Assessment

The residents of Malypole Farm, as identified will have 'clear views of the site buildings'. It was noted in the previous application that the new development may provide a better neighbour solution than the current arrangement of buildings on site. This proposal goes even further, in that the lodge which was previously proposed adjacent to Malypole has been removed from the scheme.

Number of car spaces

The previous scheme only provided for one car space per lodge and it was questioned whether this would be sufficient, for visitors. This proposal now provides for two cars per lodge which is viewed as a significant improvement, and will allow for a far more organised approach to where cars park on site.

The landscape officer raises no objections subject to detailed conditions which will ensure successful implementation of the landscaping proposals and the appropriate use of bound gravel in the parking areas, and in addition, details of the entrance gates and piers will also be required.

Trees

It is noted that approximately 22 out of the 70 young trees which are positioned on the lower section of banking, along the eastern boundary of the site, will be lost. All the other trees would be retained. It is considered that the loss of these trees will be mitigated by the implementation of a significant landscape scheme and as such, no objections are raised by the Arboricultural Officer.

Highways

The existing site has two entrances/exits onto Congleton Road and the existing car park comprises of approximately 49 spaces. The site is located on a straight stretch of carriageway, which is flanked by wide grass verges, and therefore, the visibility is considered to be good. The Strategic Highways Engineer raises no objections to the proposal. The access to the north would be closed off and verge/hedge reinstated.

Design

The units would be designed around a one way circular access road, and each lodge would have two parking spaces. The lodges would be constructed from timber and have clay roof tiles, which would have the appearance of natural slate. The use of large areas of glazing would create light and open spaces linking the outside to the inside. It is considered that the design of the lodges would be acceptable. The removal of the 3 lodges from the centre of the site and lodge to the southwestern corner, improves the whole scheme by providing a much improved recreation space. The improvements to the layout

are now considered of a high enough standard for good tourism accommodation in the area.

Waste

Each lodge would have its own bin storage area with timber screening. Appropriate measures would be taken to remove this waste from the site on a regular basis.

Amenity

Maleypole Farm is the only property which has an immediate boundary with the application site. It is suggested in the agents Planning, Design and Access Statement, that discussions have been held between the owner of Maleypole Farm and the applicant to address concerns they may have. The neighbour clearly objects to the proposal on the grounds of the relationship between the lodges closest to her property, boundary screening, landscaping to the front of the development, access to the septic tank which serves their neighbours property and drainage.

The existing use of the site generates substantial activity from both staff and customers, who visit the nursery, shop and coffee shop. The existing built form of the farm shop and coffee shop abuts the physical boundary between Hollands Nurseries and Maley Pole Farm. The removal of the existing structure along the length of this boundary, would improve the visual relationship with Maley Pole Farm. The distance between the side elevation of Maley Pole Farm and the nearest lodge would be approximately 16m. This relationship has been improved as the lodge which was proposed directly to the north of Maleypole Farm has been removed from the scheme. It is considered that there will be an improvement to the outlook from Maley Pole Farm and the proposed boundary screening will be an enhancement to the existing situation from a visual perspective.

The comments from the neighbour in relation to noise, smells and fumes are noted. However, it is considered that given the relationship between the proposed lodges closest to the boundary of Maley Pole Farm, orientation of the lodges and proposed landscaping features, it is considered that the potential impact of the lodges would not be sufficient enough to harm the residential amenity of the residents at Maley Pole Farm sufficiently to justify a refusal of planning permission. It is considered that it is prudent to attach a levels condition (should permission be granted) which would ensure that any lodge users would not be able to see over the boundary fence. It should also be noted that the relationship between the three lodges adjacent to Maley Pole Farm was judged to be acceptable by the Council when the previous application (10/0076M) was considered.

The lodges would be occupied for 10 months and would be closed in January and February.

It is considered that the impact on the neighbouring property will be acceptable. It is considered that the proposal complies with policy DC3 of the local Plan.

Ecology

The Nature Conservation Officer considers that the proposal will not result in any significant adverse ecological impacts. The application is supported by an acceptable ecological assessment. No significant protected species issues have been identified and no habitats of substantial importance were recorded during the survey. The embankments to the east of the site have some limited ecological value and these appear to be retained as part of the development.

A small area of plantation woodland was recorded during the survey that includes Black Poplar (a local BAP species and hence a material consideration). The plantation appears to be retained as part of the development.

It is noted that native species planting is proposed as part of the development. This is supported and will contribute towards enhancing the sites nature conservation value.

A condition is recommended to prevent any disturbance of birds during the breeding season

Sustainability

There is a bus stop immediately outside the site, which provides access to Congleton and Macclesfield. Gawsworth and Eaton lie approximately 2.5kms away from the site. Access to the site could therefore be by public transport, cycling and walking.

It is also noted that the Good Practice Guide on Tourism indicates that there may be occasions where tourism developments are sought in locations difficult to access by sustainable modes of transport and that where these were small scale and the traffic generated likely to be fairly limited, then additional traffic movements are unlikely to be a reason for refusal for otherwise suitable tourism developments.

Other considerations

Three other issues are thought relevant of note which relate to matters of lack of need for such tourist accommodation, flood risk and drainage.

Need/Prematurity

Officers are mindful of the approved scheme(s) which allow for a total of 55 chalets, which have been allowed on appeal in North Rode, and the questions surrounding need for caravan lodge accommodation which were raised during a more recent application to extend that facility.

Members are reminded of the following: - that relevant tourism documents applicable to this area all serve to promote tourism within the Borough. 'Tourism Matters' produced by Macclesfield Borough Council in 2002 identifies the demographic of older ABC1s of 45 years plus, relatively well educated and with interests in walking, historic properties and gardens as one

of the principal market sectors in the Borough. This grouping has a high propensity to take short breaks, and the applicant has indicated that it is this demographic that is showing interest in the site. Similarly, 'Growing our Visitor Economy – A refreshed framework for Cheshire and Warrington to 2015' (March 2008) highlights the "lazy outdoors countryside experience, perfect for recharging the batteries after a busy week at work". The proposed development serves to increase the choice available to visitors and the severe constraints of Green Belt policy are likely to prevent a saturation of such sites, particularly across the northern half of the Borough.

Neither local nor national policy requires applicants to demonstrate a need for tourist accommodation as part of their submission. In the absence of other identified harm to matters of public interest, little weight can therefore be afforded to this issue. The Inspector who dealt with the appeal in North Rode adopted a similar position with regard to the "need" issue. In such a policy vacuum he took the view of letting the market determine.

Flood risk

A flood risk assessment has been submitted. It concludes that the lodges would be located within flood zone 1 and therefore can be constructed without the risk of flooding, and the proposed development would not contribute to any additional flooding as the existing and proposed drainage heads southwards. A sewage treatment plant is proposed within the site. Surface water runoff would be through a system of flow control and attenuation to minimise the impact of the development on the local land drainage and open water course systems. The applicant will use SUD's principles in the design of the drainage system. The Environment Agency has raised no objections to the proposal and considers that conditions can suitably address the issue of surface water run-off.

Drainage

The drainage system would be directed from the east of the proposed site (the new location of the treatment plant), south eastwards across an adjacent agricultural field. Indicative plans have been submitted with the application to show this. It is considered that any potential drainage/flooding issues which would relate to neighbouring land would be a private matter between the applicants and the adjoining landowners. However, as with the North Rode appeal(s), a condition which requires the prior approval of the drainage arrangements for the proposed developments is considered to be the appropriate approach to address this issue.

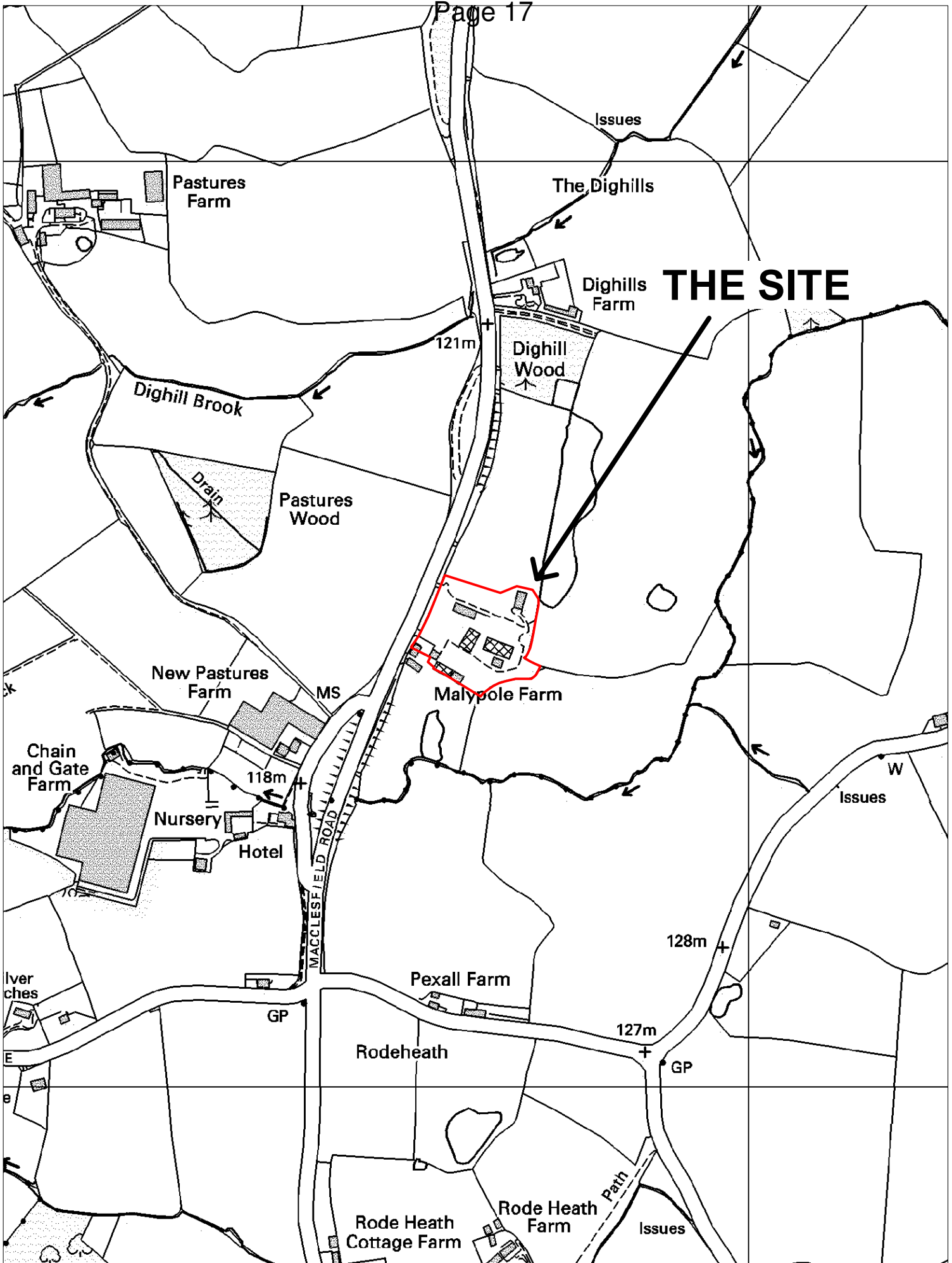
CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the proposed development will have an impact on the visual amenity of the area; however, this would not be an unduly harmful impact and will not harm the character of the area, due to the extent of proposed landscaping / mitigation scheme, which will minimise the visual impact of the development.

The comments from the neighbour from Maley Pole Farm in relation to amenity have been addressed in the above report. The neighbour is also concerned about the visual impact of the scheme from the highway. It is considered that the landscape proposals are acceptable. The loss of Unit 21 and access to the septic tank which serves Maley Pole farm is a private matter between the developer and occupier of Maley Pole Farm. In addition, the details submitted with regard to drainage are considered to be acceptable as it should not lead to flooding in the area. Any potential overflow into the pond of the neighbouring property is also a private matter outside the remit of the Local Planning Authority.

It is considered that the improvements to the layout by decreasing the number of lodges from 25 (to eventually 23, which were actually refused) to 20 for this proposal, and resultant increase in the recreational area in the centre of the site improve the quality of the site. In addition, the increase of parking spaces from one per lodge to two, and provision of 3 visitor parking spaces, should minimise the possibility of visitors' cars being parked in an ad hoc fashion throughout the development. The drainage issues have also been addressed, as reasonably possible at the planning stage by condition.

It is considered that the proposed development will not harm the visual amenity of the area, as a substantial number of buildings will be removed, to be replaced with low level lodges, and the site will be comprehensively landscaped. The revised proposals are considered to overcome the previous reasons for refusal and the proposal now complies with the relevant policies of the Development Plan.



10/1711M - HOLLANDS NURSERY, CONGLETON ROAD, GAWSWORTH
N.G.R. - 387,710 - 367 500

Reproduced from the Ordnance Survey map with the permission of HMSO.
© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Borough Council, licence no. 100018585 2007..

#

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A04AP - Development in accord with revised plans (numbered)
3. A01LS - Landscaping - submission of details
4. A01TR - Tree retention
5. A02TR - Tree protection
6. A06TR - Levels survey
7. A08MC - Lighting details to be approved
8. A02NC - Implementation of ecological report
9. A06NC - Protection for breeding birds
10. A01HP - Provision of car parking
11. A12HA - Closure of access
12. A08HA - Gates set back from footway/carriageway
13. The caravans shall be occupied for holiday purposes only/not be a main place of residence
14. The owners/operators shall maintain an up to date register of names of all occupiers of the caravans
15. No caravan on the site shall be occupied between 1st January and 1 March in any year
16. Submission and approval of surfacing materials
17. Submission and approval of a refuse / recycling scheme
18. Submission and approval of full Gas Survey (as recommended by the Phase 1 study)
19. Submission of a scheme to limit the surface water run-off generated by the proposed development
20. Details of foul and surface water drainage to be submitted.
21. Phase II contaminated land investigation to be carried out.

Application No: 10/1900M

Location: OVER TABLEY HALL FARM, OLD HALL LANE, TABLEY, WA16 0PW

Proposal: Reinstatement of Original Wing to Eastern Elevation of Old Hall and Conversion of Old Hall to Three Dwellings, Part Converted Agricultural Building to 4 Dwellings and Agricultural Building to Three Dwellings (Resubmission of 10/0569M)

For West Register (Realisations) Ltd

Registered 14-May-2010

Policy Item No

Grid Reference 371940 379819

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a s106 agreement for phasing and commuted sum towards outdoor recreation

MAIN ISSUES

- Compliance with Green Belt policy
- Design & historic integrity/setting of the listed building
- Amenity
- Highways
- Ecology
- Landscape
- Archaeology
- Noise, air quality and contaminated land

Date Report Prepared: 16th July 2010

REASON FOR REPORT

The proposed development comprises a small-scale major development as it constitutes 10 dwellinghouses. It is also considered to be a departure to planning policy as it would result in the construction of new dwellinghouses in the Green Belt.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached former farmhouse that is Grade II Listed and appears on the Borough Council's 'Buildings at Risk' register. The building was last used as stables and the majority of the interior has been removed to facilitate this use. A number of modern agricultural buildings have been removed from the site, except for the steel frame of one building and another that has been part-converted into 2no. single storey dwellings. To the east of the site is a traditional brick-built agricultural barn that has been converted into 8no. dwellings. This building does not form part of the application site but is also in the ownership of the applicant. Approximately 60 metres to the north of the application site is Over Tabley Hall; a Grade II Listed building that was recently sold and is now separate from the remainder

of the site. The site is accessed from Old Hall Lane to the south and is in close proximity to Junction 19 of the M6.

DETAILS OF PROPOSAL

Full planning permission is sought for the conversion of the existing listed building into 2no. dwellinghouses; the reinstatement of a former two-storey wing to the listed building to contain 1no. dwellinghouse; the erection of 4no. dwellinghouses in place of the part-converted agricultural building; the erection of 3no. dwellinghouses in place of the steel frame; and the erection of 2no. car barns, a detached double garage and a bin store.

A separate application for the works to the Listed Building (10/0578M) appears elsewhere on the agenda.

RELEVANT HISTORY

The application site has a long planning history that is outlined below. To summarise, a number of planning applications and listed building consents were withdrawn or refused before permission was approved for the redevelopment of the wider site in 2003 (this included the application site, Over Tabley Hall to the north and the existing converted brick built barn to the east). This application was commenced on site with the conversion of the traditional barn into 8no. dwellings, the part-conversion/construction of 2no. dwellings known as the 'Eco-House', the erection of a sub-station and works to the drainage system. However, the applicant considers that the pre-commencement conditions were not formally discharged and therefore the works undertaken were unlawful. The company who was implementing the previous planning approval then went into administration.

The listed building to the north (Over Tabley Hall) and a large portion of the shared amenity space within a walled garden were subsequently sold and are in separate ownership from the applicant. The remainder of the site (the existing converted brick built barn, the part-converted 'Eco-House' and the listed building known as 'The Manor House') are currently owned by the applicant. The new owner has recently gained retrospective consent to regularise the works to the 8no. dwellinghouses within the converted brick built barn and these are currently being marketed for let. This application therefore seeks permission to redevelop the remainder of the site.

This application is a resubmission of an earlier application that was recently withdrawn due to insufficient information.

Planning History

01/2488P (FULL) & 01/2489P (LBC)

Part demolition, extensions and alterations to main house to form 4 apartments; conversion, part demolition, extensions and alterations of farm buildings to form 15 cottages; conversion of farm building (the original dwellinghouse) into one dwelling; demolition of various assorted farm

buildings; reconstruction of chapel as dwellinghouse; erection of 2 garaging/stabling blocks and other associated works.

Both withdrawn 03/01/2002

02/1232P (FULL) & 02/1233P (LBC)

Conversion of and extension of main house to form 4 houses; conversion of detached farm building into single dwelling; conversion and extension of outbuildings into 14 cottages plus 1 dwelling within roof space over carport

Both withdrawn 30/07/2002

02/2305P (LBC) & 02/2306P (FULL)

Demolition to rear and extensions to main house to create 4 dwellings; rebuild chapel to create 1 dwelling; conversion and extension of detached farm building (Little Manor House) to 1 dwelling; conversion and extensions of outbuildings to 14 cottages and 1 dwelling within roof space over carport.

Both refused 03/02/2003

Appeal APP/C0630/E/03/1113304 withdrawn 22/10/2003

03/1693P (FULL) & 03/1694P (LBC)

Alterations and extensions to Over Tabley Hall (in 2 dwellinghouses) to provide 4 dwelling units and erection of garage block. Alteration and re-use of detached farm building (former Manor House) to provide 1 dwellinghouse and erection of garage. Alterations and re-use of farm buildings to provide 12 dwelling units and provision of associated car parking and the construction of re-routed farm access road.

LBC Approved with conditions 30/07/2003

FULL Approved with conditions 15/08/2003

04/3088P (LBC) & 04/3089P (FULL)

Amendment of planning permission 03/1693P/Listed Building Consent 03/1694P for conversion of barn to dwelling to allow alterations including reinstatement of two-storey extension

Both approved with conditions 08/02/2005

09/3235M (FULL) & 09/3227M (LBC)

Regularise conversion of farmhouse to 8 dwellings, proposed outdoor amenity space and selective pruning of TPO'd trees (retrospective)

Both approved with conditions 02/12/2009

10/0578M (LBC) & 10/0569M (FULL)

Reinstatement of original wing to eastern elevation of Old Hall and conversion to 3 dwellings, part converted agricultural building to 4 dwellings and agricultural building to 3 dwellings.

Both withdrawn 18th May 2010

POLICIES

Local Plan Policy

NE11 Nature Conservation

BE1 Design Guidance

BE2 Historic Fabric

BE15	Buildings of Architectural and Historic Importance
BE16	Affecting the Setting of Listed Building
BE18	Alteration and Extension of Listed Buildings
BE19	The Change of Use of Listed Buildings
BE21	Archaeology
GC1	New Buildings
GC8	Re-use of Buildings
GC9	Re-use of Buildings for Residential Purposes
DC1	New Build
DC2	Extensions & Alterations
DC3	Amenity
DC6	Circulation and Access
DC8	Requirements for Landscaping
DC37	Landscaping
DC38	Space, Light and Privacy
H1	Phasing Policy
H2	Environmental Quality in Housing Developments
H5	Windfall Housing Sites

Other Material Considerations

PPS1	Delivering Sustainable Development
PPG2	Green Belts
PPS3	Housing
PPS5	Planning for the Historic Environment
PPS23	Pollution Control
PPG24	Noise
PPS25	Development and Flood Risk

Supplementary Planning Guidance on s106 (Planning) Agreements

English Heritage's Policy Statement Practical Guide to Assessment titled 'Enabling Development and the Conservation of Heritage Assets'

CONSIDERATIONS (External to Planning)

Strategic Highways Manager: No objection

Environmental Health (Noise): No objection subject to the recommendations contained in the report being conditioned.

Environmental Health (Air Quality): No objection

Environmental Health (Contamination): No objection subject to a condition requiring the submission of a phase II contamination report.

Building Control: The Structural Engineer considers the submitted structural information to be acceptable and therefore raises no objection subject to the Method Statement being conditioned.

Leisure: Request that the applicant enters into a s106 agreement for a commuted sum towards off-site public open space provision.

Environment Agency: No objection

Highways Agency: No objection

Linesearch (Gas Pipeline): Not in a zone of interest

Archaeology: No objection subject to a condition for archaeological investigation

English Heritage: Do not wish to comment on the application and advise that the decision should be made in accordance with national and local policies and with expert conservation advice.

VIEWS OF THE PARISH / TOWN COUNCIL

Tabley Parish Council - Consider this application to be inappropriate due to the outstanding conditions and furthermore consider the proposal too large for the size of dwellings. They strongly object to this application.

The Parish Council would comment that they understand that part of the conditions on the previous permission was that the original was to be returned to its original form (i.e. a single dwelling) and not made into multiple dwellings. They understand that English Heritage were involved with the original changes and would suggest further contact with English Heritage to clarify the situation.

OTHER REPRESENTATIONS

Three letters of representation have been received, one from a neighbouring property and two from Planning Consultants that have written on behalf of the same neighbour. The neighbour objects to the proposed development on the grounds that the level of congestion from so many houses will be too great for the narrow access roads; that the tenanted barns have started to cause issues with access due to the lack of passing places along the access roads; it would constitute an overdevelopment of the site; the conversion of the listed building does not properly consider its historical importance and does not allow the original features to be retained; the listed building should only be converted into one dwelling, not three; and concern regarding the potential to overlook his property that would result in a loss of privacy.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement, a Flood Risk Assessment, a Phase I Environmental Desk Study Report, a Planning and Heritage Statement, an Archaeological Building Assessment, a Structural Method Statement and accompanying Schedule of Repairs drawing; Air Quality Report; an Assessment of Environmental Impact of Noise report; and an Ecological Assessment were submitted with the planning application. Full copies are available to view on the application file.

The applicant has addressed each of the six criteria of Policy HE11 of PPS5 within the additional information submitted and makes the following observations:

- 1) The Conservation Officer raises no objection to the proposed development and therefore it will not harm the significance of the heritage asset or its setting.
- 2) The proposed development will reinstate the listed building as three private dwellings thereby securing the building's ongoing management as a heritage asset.
- 3) The listed building was formally used as a farmhouse. The subdivision of the existing building into two dwellings and the reinstatement of the restored historic wing is sympathetic to its original use as a dwelling. The proposals will also secure the long term future use of the listed building.
- 4) The listed building is currently on the 'at risk' register, is in a poor state of repair, and has suffered neglect over many years. There is a clear inherent need to undertake the proposed works to secure the building and ensure it does not deteriorate further.
- 5) There are no sources of funding available to support the redevelopment of the listed building. An element of enabling development is therefore the only way forward to generate the income required to renovate the listed building.
- 6) A development appraisal has been submitted that demonstrates that the proposed development is the minimum necessary to secure the future conservation of the listed building.

The applicant has also provided other supporting information following the Planning Officer's queries regarding the previously withdrawn scheme. These have been summarised as follows:

- The conversion of the listed building into one, two or three residential dwellings would make a loss. Therefore other development is required to make up the shortfall.
- Whilst the steel-framed barn could be converted into one or two rather than three units, estate agents (Stuart Rushton & Company and Bridgfords) have confirmed that it is unlikely that a buyer would want to purchase a large detached or semi-detached house in this location in close proximity to both the M6 and other dwellings and therefore the saleable price required is unlikely to be achieved. The estate agents have advised that 3 smaller units covering the same footprint would be the most saleable and would offer the best return.
- The existing 'Eco-Home' cannot be utilised in its current form as due to the non-standard construction a mortgage cannot be raised on it and there is no warranty. The cost of repairing the existing building to bring it up to standard would cost more than demolishing the existing structure and replacing it. The same issues regarding the size of the dwellings, the associated sales values and demand for such properties outlined above is also applicable in this instance.
- Whilst a buyer was found for Over Tabley Hall to the north and work is currently being undertaken to convert it into a large single dwellinghouse, this property is sited further away from the M6, is set in

its own historic walled grounds, is a good example of Strawberry Hill Gothic architecture, and has numerous original features of historic significance. This property is not comparable to the listed building at the application site as the building comprises a traditional farmhouse with few original internal features that is currently in a state of disrepair. The estate agents have described the sale of Over Tabley Hall as a 'white elephant'.

- The valuations for the proposed dwellings have been confirmed by a two different estate agents.
- Evidence has been provided that schemes with smaller numbers of properties have been investigated before the proposed scheme was finalised.
- The previous application made no reference to the income that is currently being generated from letting the residential units contained in the adjacent converted barn, even though it is also within the applicant's ownership. This has now been rectified and the associated costs and values of the adjacent units have been included within the financial reports.
- The applicant states that the development as proposed would result in a profit of 6% (significantly below the level of profit that developers would usually require to fund/develop a residential scheme) and therefore demonstrates that the number of units proposed is the smallest number required to make the scheme financially viable.
- The applicant, West Register (Realisations) Limited is a wholly owned subsidiary of the Royal Bank of Scotland. They purchased the site from the receivers 12 months ago for £1,850,000 after it was marketed by Eddisons with few expressions of interest.
- There are no national funders for private redevelopments of houses that are listed or on an 'at risk' register. With respect to charitable or public authorities, Local Authorities can help developers seek funding for the removal of buildings from the 'at risk' register, however the building has been on the register for a significant period of time and the applicant is unaware of any assistance being offered from the Local Authority, local preservation or heritage societies. As such, it is assumed that no funding is available.
- The previously approved scheme is not commercially viable.

OFFICER APPRAISAL

Design

Listed Building – 'Old Hall'

The works to the listed building would include the repair and conversion of the existing building into 2no. 3-bedroom dwellinghouses. A two-storey extension would be erected to the southern elevation of the existing building and would contain a further 4-bedroom dwellinghouse.

The works to the existing building would result in the demolition of an existing open-sided structure that is attached to the northern elevation of the building. The applicant states that this is likely to have been a cart-shed that was erected at a similar time to when the building was converted from a farmhouse to stables. Little attempt was made to bond this structure to the original building and its removal would result in the original, more attractive, elevation being revealed. The Conservation Officer does not raise an objection to its demolition.

The proposed conversion works to the listed building would utilise the existing/original openings; 3no. original windows would be reinstated, thereby improving the appearance of the listed building. Additional windows would comprise the insertion of 2no. rooflights within the southern elevation. An existing single storey lean-to would be extended by one metre and used as a garage for one of the proposed dwellinghouses. The extension is required in order for the garage to be deep enough to accommodate a vehicle.

A proposed two-storey extension would be attached to the southern elevation of the listed building. The applicant states that the extension would restore the original form of the listed building by reinstating a wing that has since been demolished. The buttresses of the wing are still visible on the existing building. The applicant states that historical Ordnance Survey measurements were taken in order to determine the dimensions of the wing and to influence the scale of the extension.

Previous applications for a similar extension to the property were approved by the former Macclesfield Borough Council under applications 04/3088P (LBC) and 04/3089P (Full), although the extension was to provide additional accommodation for one dwellinghouse rather than providing a dwellinghouse in its own right. Whilst these permissions were not commenced and have now expired, the principle of reinstating a wing in this position has previously been accepted by the Local Planning Authority. The proposed extension would be 1.5m deeper than that previously approved, however the Conservation Officer has not raised any concern.

Whilst the Conservation Officer has some reservations about the subdivision of the listed building, the building is currently on the Local Planning Authority's local list of 'At Risk' buildings, its condition is poor, and a scheme needs to be approved in order to preserve the surviving fabric and prevent it from deteriorating further. The structure is quite fragile and it is approaching the point at which outright failures could begin to occur. The Conservation Officer raises no objection to the proposed conversion and extension to, the listed building and recommends that approval is granted subject to conditions.

A neighbour has expressed concern regarding the suitability of the works and considers that they would be detrimental to the historic integrity of the building. These concerns have been taken into consideration, however the Conservation Officer raises no objection to the proposed scheme subject to conditions and the design of the extension and alterations is considered to complement the character and appearance of the existing listed building.

New Build Dwellinghouses

Seven new dwellinghouses are proposed at the application site that would be contained within a terrace of four dwellings and a terrace of three dwellings. The 4no. dwellinghouses would be erected on a similar footprint as the existing part-converted 'Eco-House'. They would comprise 1½ storeys to the front elevation and two-storeys to the rear elevation and each dwelling would have two bedrooms. The 3no. dwellinghouses would be erected on a similar footprint as the existing steel frame. They would comprise two-storeys in height and each dwelling would comprise three bedrooms. Both blocks of terraces would comprise a traditional design and would be built of brick and slate. Imitation buttresses would be erected to mimic those on the existing listed building. The design of the buildings would be akin to two rows of terrace properties. Whilst a modern, contemporary design would be more preferable so as to contrast with the existing buildings, the design of the proposed blocks of dwellings is not considered significantly detrimental so as to warrant refusing the application.

Design of the Overall Scheme

The proposed scheme would result in the site being occupied by 10no. dwellinghouses, a detached garage, two car barns and a bin store. Whilst the number of dwellinghouses would increase on this part of the site from the previously approved scheme, the proposed buildings and extension to the listed building would utilise similar footprints and therefore the dwellinghouse-to-open-space ratio would be similar. The proposed dwellinghouses are therefore not considered to result in an overdevelopment of the site.

A revised site plan has been submitted to address the previous concerns regarding the siting of the proposed outbuildings and the level of hardstanding. Whilst this is considered a slight improvement on the initial scheme, further modifications could enhance the scheme further. This has been discussed with the agent and a revised scheme is currently awaited.

Notwithstanding the outcome of a revised site plan, it is considered that permitted development rights should be removed by condition for Classes A-E of Part 1 (covering extensions, alterations and outbuildings) and for Class A of Part 2 (covering gates, walls and fences). This would enable the Local Planning Authority to retain control of any future development on the site and to prevent its appearance being urbanised.

Amenity

Over Tabley Hall is located to the north of the application site. It is located more than 65 metres from the nearest building on the application site (the existing listed building) and a former walled garden/orchard owned by Over Tabley Hall separates them. The owner of Over Tabley Hall has raised concerns that the proposed development would affect his amenity/privacy. Whilst the degree and perception of overlooking would increase from the redevelopment of the site, the listed building closest to the neighbouring property would have a separation distance that is nearly triple what is considered acceptable under Policy DC38. All seven additional properties

would be sited further away from Over Tabley Hall than the existing listed building. For these reasons it is not considered that the proposed redevelopment of the site would be detrimental to the amenity of Over Tabley Hall.

In respect of the dwellinghouses proposed on the application site and their relationship to each other they would comply with the separation distances outlined in Policy DC38.

The proposed 'Eco-House' rebuild would be sited to the west of the existing converted barn (that is also owned by the applicant). The building would occupy the same footprint as the existing building but it would comprise 4no. 1½-2 storeys dwellinghouses rather than 2no. single storey dwellinghouses. The separation distance between the two buildings is 15 metres (minimum) and as the windows within the barn have a dual-aspect/are secondary windows it is considered that they would comply with the separation distances outlined in Policy DC38. However, in order to maintain a high level of privacy between the different units it is considered that the rooflights in the front eastern elevation should be conditioned to be positioned a minimum of 1.7 metres above the internal floor level to prevent overlooking.

Subject to the proposed condition and for the reasons outlined above it is considered that the proposed dwellings would not be detrimental to neighbouring amenity.

Highways

The application site, together with the adjacent converted barn and Over Tabley Hall, are served by two driveways that utilise a single access off Old Hall Lane. 22 parking spaces, either within the proposed garages or as surface parking, would be provided for the 10 dwellinghouses. This is considered to be an acceptable level of parking.

The neighbouring property has raised concern that the existing driveways and access onto Old Hall Road is unacceptable and that he is currently experiencing problems due to the lack of a passing place. The previously approved application for 17 dwellinghouses across the site was considered acceptable in highway terms and no passing places were considered to be required. Whilst the number of dwellinghouses would increase to 19 across the whole site, this is not considered to lead to a significant increase in the number of vehicles using the driveways/access to warrant a change in the previously approved scheme. The conditions that the Strategic Highways Manager imposed regarding visibility splays, surfacing, refuse/emergency vehicle turning areas were imposed on the recently approved application to regularise the conversion of the barns to 8no. dwellings. For these reasons, the Strategic Highways Manager raises no objection and does not recommend any conditions. Whilst the concerns of the neighbour have been taken into consideration, for the reasons outlined above, no objection is raised on highway grounds.

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, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:

- No satisfactory alternative; and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- A licensing system administered by Natural England; and
- A requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements.

Local Plan Policy NE11 of the Macclesfield Borough Local Plan 2004 states that the Borough Council will seek to conserve, enhance and interpret nature conservation interests and that development that would adversely affect nature conservation interests will not normally be permitted.

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

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

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

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

The applicant submitted an Ecological Assessment with the planning application. The assessment identifies that there are a number of potential and actual ecological issues associated with the proposed development.

Reptiles

The submitted ecological assessment recommends a survey is undertaken to confirm the presence/absence of reptiles at the site. Additional information has been subsequently provided by a suitably qualified Ecologist who has stated that there is only a small area of potential habitat on site and the surveys undertaken have confirmed this. The Nature Conservation Officer is therefore satisfied that reptiles are unlikely to be present at the site or affected by the proposed development.

Bats

A bat roost has been recorded at the listed Manor House. The roost supports three species of bats, two common species and one rarer species; however it appears unlikely that the roost is used by large numbers of bats and therefore does not represent a roost of major significance. The proposed development would result in the conversion and extension of the existing listed building into 3no. dwellinghouses. The roofspace would also be converted into living accommodation and therefore no loft/attic space would be available to retain the roost within the building.

Suitable mitigation proposals have been submitted to minimise the risk of bats being killed or injured during the construction phase. In addition, a replacement bat roost is proposed above the proposed garage block and its size has been increased through discussions with the Nature Conservation Officer. The applicant states that the new roost would result in beneficial consequences for the bats as it would offer roosting space with greater potential over the existing structure as it would be less airy and light.

As an alternative to providing a replacement roost above the garage block the preferred alternative would be to retain the bat roost in its current location within the listed Manor House. The feasibility of this option as a 'suitable alternative' must be investigated.

The applicant has stated that the level of accommodation/number of bedrooms proposed is required in order to make the scheme economically viable. The roost currently occupies the upper two floors of the listed building with access observed through the open first floor window. In order to convert the existing building into dwellinghouses, the roost and access point would have to be removed. To make the living space adequate, significant internal alterations are required including providing a new ceiling which would reduce the current interior space significantly, resulting in potentially insufficient space within any remaining void for bats. The provision of an artificial loft void within the car barn is over and above the guidelines for a bat roost of low importance. If the development was not to come forward, the building would fall into a state of disrepair and ultimately may result in the loss of the existing bat roost through deterioration and the current opportunities becoming unfavourable. As such, it is not considered that there is a satisfactory alternative to the proposals put forward and the works to the listed building are in the public interest.

Hedgerow

There is a single hedgerow present on site. This feature provides bat foraging and commuting habitat. As bats are a BAP priority species and hedgerows are also a BAP priority habitat and hence a material consideration, the Nature Conservation Officer recommends that the hedgerow be retained and managed as part of the proposed development. The applicant has confirmed that the hedge will be retained and shall be subject to a continued management scheme.

Breeding Birds

The site offers some limited potential for breeding birds. Subject to conditions regarding a survey to be undertaken if works commence within a particular time frame and the incorporation of features for nesting birds, no objection is raised.

Landscaping

A landscaping scheme was submitted with the planning application. The Landscape Officer has raised concerns regarding the proposed layout because it would result in a poor use of space, outbuildings that are sited too far from existing buildings and an excessive amount of new access roads, footpaths and hard standings which would be inappropriate in this rural Green Belt setting. Information regarding boundary treatments and footpaths to the bin store was also not sufficient. The Conservation Officer has also raised a number of concerns regarding the proposed boundary treatments and considers that they would compromise the setting of the listed building. There is scope however to improve the layout and overcome this objection. A revised landscaping scheme/site plan has been requested and is currently awaited.

Environmental Conditions

The application site is located in close proximity to the M6, Junction 19 of the M6 and the A556. Due to comments raised by the Environmental Health Division regarding the previously withdrawn application, a Noise Survey and an Air Quality Survey have been submitted. The results of the Air Quality survey are considered acceptable and no further information is required in this respect. Further information was requested in respect of noise insulation measures to the proposed dwellinghouses. This information was submitted and the Environmental Health Division considers the report to be acceptable subject to the measures proposed being subject to a condition.

The application site has a history of use as a farm and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. A Phase I Environmental Desk Study Report was submitted with the planning application that recommends that an intrusive investigation is submitted. The Contaminated Land Officer therefore recommends that a condition is attached that requires the submission of a Phase II report.

Archaeology

The Cheshire Historic Environment Record notes that an estate centre has been present at Over Tabley since at least the late 13th century (CHER 1226).

The earliest standing remains, however, date to the 17th century and consist of the Manor House/Old Hall which, under the current proposals, it is intended to be extended and converted into three dwellings.

Earlier proposals for the development of the site included elements of the wider farm complex which are not included in the present scheme (the present Over Tabley Hall to the north and the farm conversion to the east) but the desk-based assessment which was prepared by the University of Manchester Archaeological Unit in connection with these proposals is still valid and elements of it have been included in support of the present application. In particular, the study highlights the importance of the Old Hall and recommends that any proposals for below-ground works affecting the building (extensions, services, new floors) should be subject to a programme of archaeological observation in order to identify and record any archaeological deposits present. The Borough Council's Archaeology Planning Advisory Service therefore recommends that a condition is attached for a programme of archaeological work to be undertaken at the site.

Green Belt

Inappropriate Development in the Green Belt?

Whilst the description of development states that the existing agricultural buildings are to be converted, the existing 'Eco-House' is to be demolished and rebuilt and the existing barn comprises an open-sided steel frame. The proposed dwellings would therefore comprise new buildings rather than the conversion of an existing building. In total 8no. new dwellinghouses would be built on the site (including the extension to the listed building). Policy GC1 of the Local Plan outlines a number of examples when new buildings would be considered acceptable within the Green Belt. The proposed dwellinghouses do not comply with any of the criteria outlined in this policy and therefore are considered to comprise inappropriate development in the Green Belt. The applicant concurs with this view at paragraphs 6.8 and 6.9 of their Planning and Heritage Statement.

Any Other Harm?

The proposed development would comprise the conversion of the listed building into 2no. dwellinghouses; a two-storey extension to the existing listed building would form an additional dwellinghouse; the existing steel frame would be replaced by 3no. two-storey dwellinghouses; and the existing single storey 'Eco-House' would be demolished and replaced with 4no. 1½ - 2 storey dwellinghouses. The works would also include the erection of a double garage, 2no. open-sided car barns, a bin store and works associated with the sub-division of the garden curtilages.

The 3no. and 4no. blocks of dwellinghouses would be sited in a similar location to the steel frame and the part-completed building comprising 2no. dwellings (the 'Eco-House'). Whilst the proposed buildings would utilise similar footprints, their heights have increased, resulting in an increase in their scale and bulk. The existing steel frame is open-sided with no walls or roof and therefore its replacement with 3no. dwellinghouses would be significantly

different to the existing structure. The changes to both these structures are considered to significantly affect the openness of the Green Belt.

The proposed two-storey extension to the listed building would equate to an increase of approximately a third of the size of the original building. The extension would project away from the existing building to form a T-shape. It is considered that the siting and scale of the proposed extension would have a detrimental affect on the openness of the Green Belt.

In addition to the proposed dwellings, a number of detached garages/car barn buildings and a bin store are proposed and the land would be subdivided into individual residential curtilages. In earlier planning applications that were refused or withdrawn for the wider site (including Over Tabley Hall and the adjacent converted barn), the number of detached outbuildings and the subdivision of the land into residential curtilages was considered to detract from the character and appearance of the countryside. These schemes comprised fewer outbuildings than what is currently proposed and the scheme that was approved contained only one small detached double garage and bin store on this portion of the site. The number of residential curtilages has also increased from the scheme that was previously approved, resulting in an increase in the number of boundary treatments and garden paraphernalia.

The siting of these outbuildings and the level of hard landscaping has been revised since the previously withdrawn scheme and whilst this is considered to be a slight improvement, further revisions have been requested and are currently awaited. Notwithstanding this, it is considered that the number, scale and siting of the proposed outbuildings together with the number of proposed curtilages would have a detrimental affect on the openness of the Green Belt. PPG2 states that openness is the most important attribute of the Green Belt and that the visual amenity of the Green Belt should not be injured.

For the reasons outlined above it is considered that the scale and bulk of the proposed dwellings compared to the buildings they would replace together with the proposed extension to the existing listed building, other outbuildings and division of residential curtilages would be detrimental to the openness of the Green Belt, leading to an erosion of the rural appearance of the site, to the detriment of the site's character.

PPG2 outlines five purposes for including land in Green Belts. Whilst the proposed development would result in additional dwellinghouses being erected on the site, the houses would occupy similar footprints to the former agricultural buildings; would be sited within the previous farm complex; and would result in the reinstatement of a former wing. Also, it is noted that the previously approved scheme did not raise any concern in this matter. It is therefore not considered that the proposed development would result in encroachment in the Green Belt or be contrary to the purposes of including land in it.

Also, the application site is not considered to be in a sustainable location for new housing development. It is not located in close proximity to shops, schools or public transport links. The occupiers of the dwellings would be highly reliant on the motor car and therefore the number of vehicles parking at the site would cumulatively add to the erosion of openness of the site.

Very Special Circumstances

PPG2: Green Belts states that inappropriate development is, by definition, harmful to the Green Belt. It is for the applicant to show why permission should be granted. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Members are advised that the 'other harm' identified should be afforded significant weight.

The applicant has put forward a number of very special circumstances within their Planning and Heritage Statement that I will discuss in turn.

1) Removal of the Listed Building from the 'At Risk' Register

The listed building ('The Manor House') is currently on the Borough Council's 'At Risk' register. By developing the site, the listed building would be repaired, renovated and brought back into use and would be removed from the register.

The applicant has submitted financial information with the planning application to demonstrate that the cost of repairing the existing listed building and converting it into one, two or even three dwellinghouses would exceed the likely sale price for the property(s). The scheme would therefore be unviable. In order to fund the repair and renovation of the listed building additional dwellinghouses would need to be built. This is known as enabling development.

Enabling development is development that is contrary to established planning policy – national or local – but which is occasionally permitted because it brings public benefits that have been demonstrated clearly to outweigh the harm that would be caused. Enabling development can be used for a variety of types of development but in this instance is being used to secure the future of a heritage asset. Unlike most planning applications financial issues are central to determining proposals for enabling development.

The policy consideration for enabling development is Policy HE11 of PPS5. This policy states:

'Local Planning Authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan or from national policies, taking into account whether:

1. *It will materially harm the significance of the heritage asset or its setting;*
2. *It will avoid detrimental fragmentation of management of the heritage asset;*
3. *It will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation;*
4. *It is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid;*
5. *There is a source of funding that might support the heritage asset without the need for enabling development;*
6. *The level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.'*

The English Heritage guidance states that it *'would not be reasonable for any Planning Authority to grant consent unless it was satisfied that the need had been demonstrated through the submission of a fully-argued case by the applicant, and rigorous testing by the authority'*. The recently submitted applications were withdrawn as it was not considered that the applicant had provided sufficient information to demonstrate that the level of enabling development proposed was the minimum required to fund the restoration of the listed building and insufficient evidence had been provided to support some of their claims. The applicant has therefore resubmitted the application and provided additional information regarding these aspects of the development.

In terms of enabling development, the proposed development needs to comply with the points listed in Policy HE11 in PPS5. Taking each in turn, it is considered that:

1. The proposed works to the listed building will result in it being removed from the 'at risk' register and would save the building from further deterioration. The Conservation Officer has raised some concern regarding the proposed boundary treatments and how these would affect the setting of the listed building, however this is a matter that is currently being amended and if required, can be dealt with by way of a condition. It is therefore not considered that the proposed development would materially harm the significance of the heritage asset or its setting.
2. The Conservation Officer whilst having some concerns regarding the subdivision of the listed building into three separate dwellings considers the proposed works to be acceptable given the significant need to repair and renovate the building due to its current condition. Whilst the listed building could effectively be sold to three different parties, it is not considered that this would involve 'detrimental fragmentation.'

3. The listed building is currently on the 'at risk' register and is in a state of disrepair that if not rectified soon could result in the loss of the listed building. The proposed works would secure the long-term future of the heritage asset and its use would return to its original use as a dwellinghouse and therefore would be sympathetic to its conservation.
4. The scheme put forward would resolve the inherent needs of the heritage asset by removing it from the 'at risk' register. Whilst the viability of the scheme will depend to some extent on the circumstances of the applicant; officers are satisfied that there is an inherent need to safeguard the listed building which would be achieved through this scheme.
5. The applicant has demonstrated that no source of funding is available to restore the listed building. Given the current economic climate and no information to counter this claim, the Local Planning Authority agrees with this assessment.
6. The applicant has provided financial information with the planning application that shows that the proposed scheme would be financially viable. It would generate a profit of 6% which is lower than what would usually be required by a developer. It is therefore considered that the number of dwellings proposed is the minimum required to fund the works to the listed building. Whilst the previously approved scheme comprised a lower number of units this proved to be unviable and therefore the number of units has had to be increased. Whilst the number of dwellings has increased (the density), the footprint of the dwellinghouses remains the same as the previously approved scheme and therefore is akin to the previous level of development. The design and type of the proposed development is considered acceptable and is not considered to be detrimental to the setting of the listed building.

It is considered that the applicant has provided sufficient information to support the proposed scheme and the Local Planning Authority does not have any information to counter these claims. It is therefore considered that, on balance, the proposed development would comply with Policy HE11 of PPS5.

2) Planning History of the Site

A previous planning application was granted in 2003 for the conversion of the listed building into one dwellinghouse and for the 'conversion' of two existing modern agricultural buildings into four dwellinghouses (two within each building). Whilst the works were described as 'conversion' the amount of rebuilding required resulted in the modern agricultural buildings effectively being demolished and re-built. Whilst this would constitute inappropriate development in the Green Belt, it was considered that very special circumstances had been demonstrated as the replacement buildings would utilise the same footprint, height and massing and would use modern materials that were akin to those used on the agricultural buildings. It was

considered that the replacement buildings would have no greater impact on the openness of the Green Belt than the buildings they were replacing. Due to this planning approval, it is considered that the principle of residential development on the site has been accepted.

Members should note that the 2003 approval was for the wider redevelopment of the site and therefore also included Over Tabley Hall to the north and the now converted barn to the east. The permission was implemented and the works to convert the adjacent barn were undertaken along with the construction of the 'Eco-House'. This would usually result in the previous permission being extant and therefore the remaining works could be undertaken at any time in the future. However the applicant does not consider that the pre-commencement conditions were formally discharged and therefore considers that the current works at the site are unlawful (a subsequent application for the adjacent barn has recently been approved to regularise this part of the development). Whilst this is the applicant's opinion, the Local Planning Authority considers that the pre-commencement conditions were complied with and therefore Members should be aware of the fall-back position (that the previous scheme could still be implemented even though this is an unlikely prospect given the issues surrounding the 'Eco-House' and the financial viability of doing so).

Whilst the principle of residential development on the site is considered to be acceptable and there have been no changes to Green Belt policy since the 2003 application was approved, the proposed scheme differs from the previous planning approval. Whilst the proposed dwellinghouses would utilise the same footprints as the previous approval, their height and massing would be larger than the previously approved buildings; the number of dwellings on the application site would increase from 5 to 10; more outbuildings are proposed; the land would be sub-divided into more residential curtilages; and therefore the cumulative impact of the scheme is considered to be significantly more detrimental. Also, the extension to the listed building is similar to that which was previously approved under applications 04/3089P and 04/3088P, however its footprint is marginally larger.

The steel-framed shell formerly comprised a modern agricultural building at the time when the previous application was approved. It was considered that the applicant had demonstrated very special circumstances in the previously approved application as the replacement building would have the same impact on the openness of the Green Belt and would not cause any additional harm. The building now comprises an open-sided steel frame with no walls or roof. The starting point for a replacement building has therefore changed and it is now considered that the proposed building would have a greater impact on the openness of the Green Belt than the existing structure.

3) Improvement in the Appearance of the Site

The part-converted 'Eco-House' is considered to detract from the visual appearance of the listed building as it is of poor architectural quality and is out-of-keeping with the adjacent traditional brick built buildings. The applicant considers that the design of the proposed replacement building would be

more in keeping with the surrounding buildings and states that Planning Inspectors have previously considered the removal/rebuilding of an eyesore to constitute very special circumstances.

In conclusion, it is considered that all three considerations put forward by the applicant comprise a material consideration which must be weighed against the identified harm to the Green Belt and other harm. Whilst less weight would be attached to the 2003 application due to the likelihood of it being completed, it is considered that the enabling development argument holds significant weight. It is considered that the applicant has provided sufficient information to justify the level of new build proposed and has overcome the concerns raised with the previously withdrawn scheme. Whilst the proposed development would cause harm to the openness of the Green Belt, it is considered that on-balance this is outweighed by the public benefits that the proposed development would provide in preserving the historic asset on site and removing it from the 'at risk' register. For these reasons, it is considered that on-balance the very special circumstances put forward by the applicant hold sufficient weight to outweigh the harm caused to the Green Belt and therefore would comply with Policy GC1 of the Local Plan, Policy HE11 of PPS5 and PPG2: Green Belts.

Heads of Terms

The proposed development comprises 10no. dwellinghouses and therefore exceeds the threshold for a financial contribution to be paid towards public open space. The Leisure Department have taken into consideration the fact that the application involves enabling development and have removed the three dwellings within the listed building from the calculations. For the remaining 7 dwellinghouses a commuted sum for public open space would be £21,000 and the commuted sum for recreation/outdoor sports would be £7,000, giving a total commuted sum of £28,000. The commuted sums would be used to provide off-site facilities within Knutsford.

The English Heritage Guidance Document states that *'where a decision has been taken that proposals for enabling development are acceptable in principle, it is essential that the benefits of the proposal are properly secured. In short, legally enforceable arrangements must be put in place to ensure that the commercial element of the development cannot be carried out or used without the heritage benefits on which the scheme has been predicated materialising.'* Given how the site was previously developed with the listed building remaining untouched, it is considered essential that the applicant enters into a s106 agreement to phase the development so that the works to the listed building are implemented.

Should Members be minded to approve the application, then the applicant will be required to enter into a s106 agreement for both off-site leisure facilities and for the phasing of the development prior to the decision being formally determined.

Members should note that the applicant has confirmed to the Local Planning Authority that he would be willing to enter into such an agreement.

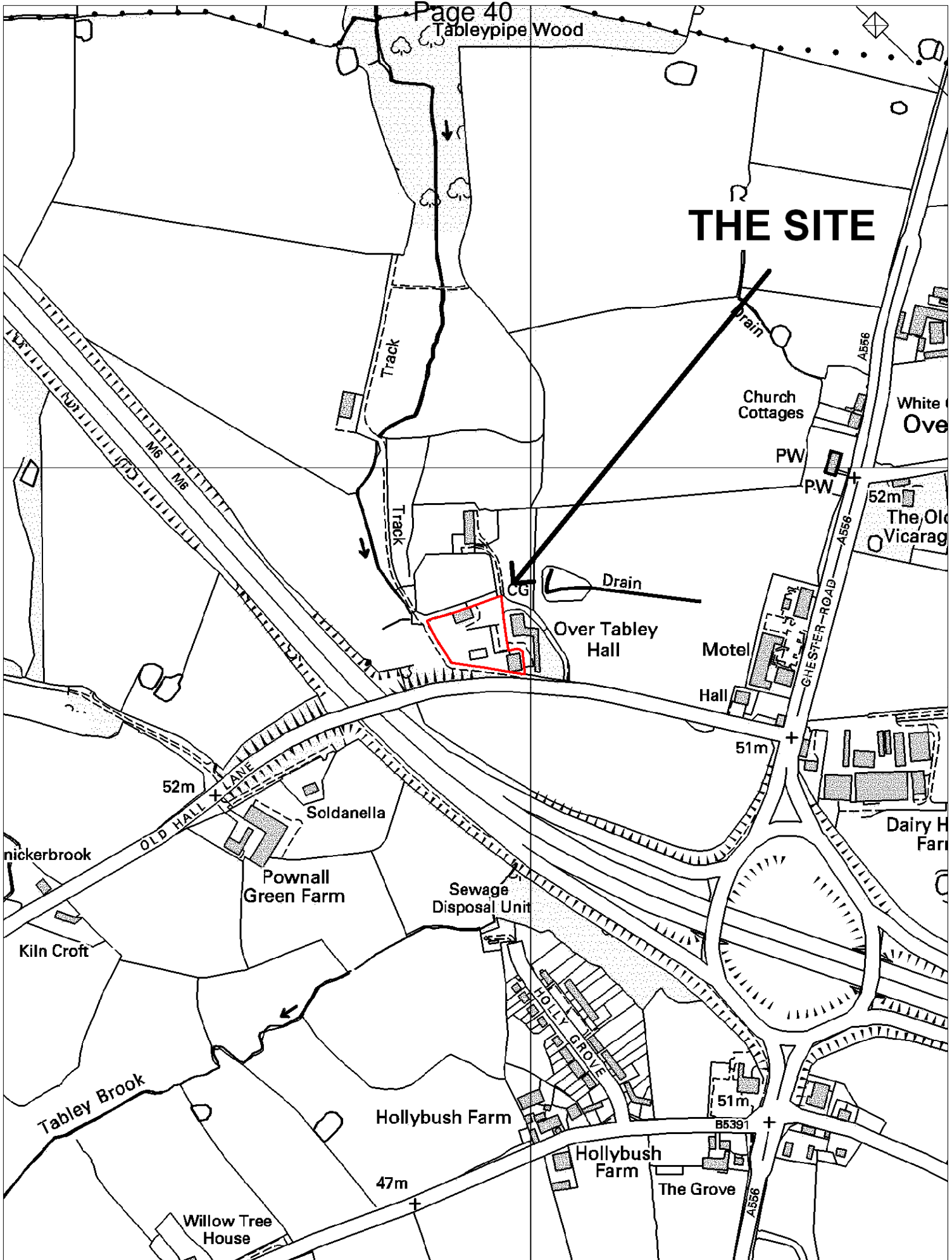
CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development comprises inappropriate development in the Green Belt. Additional harm has also been identified which should be afforded a significant weight. However it is considered that other considerations exist in this case that clearly outweigh the harm to the Green Belt and as such Very Special Circumstances exist to justify a departure from Green Belt policy. The design of the proposed buildings together with the extension to the listed building are considered acceptable and it is not considered that the proposed development would have a significantly detrimental affect on neighbouring amenity, protected species, the character or appearance of the listed building, surrounding area or highway safety. For the reasons outlined above it is considered that the application be recommended for approval subject to a s106 legal agreement and conditions.

SUBJECT TO

- The submission of an appropriate landscaping scheme/site plan.
- Completion of a s.106 legal agreement

THE SITE



10/1900M - OVER TABLEY HALL FARM OLD HALL LANE TABLEY

N.G.R.; - 371.944-379.818

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009..



Scale 1:10000

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A12LS - Landscaping to include details of boundary treatment
6. A01GR - Removal of permitted development rights Classes A-E,
Part 1
7. A01GR_1 - Removal of permitted development rights Class A, Part 2
8. A17MC - Decontamination of land
9. A06HP - Use of garage / carport
- 10.A10EX - Rainwater goods
- 11.A25GR - Obscure glazing requirement
- 12.A01AP - Development in accord with approved plans
- 13.Works to be undertaken in accordance with the Noise Report
- 14.Programme of Archaeological Work
- 15.Works to be undertaken in accordance with submitted Method
Statement and schedule of repairs
- 16.Roof lights set flush
- 17.External doors fabricated in timber

This page is intentionally left blank

Application No: 10/1899M
Location: OVER TABLEY HALL FARM, OLD HALL LANE, TABLEY, WA16 0PW
Proposal: Reinstatement of Original Wing to Eastern Elevation of Old Hall and Conversion of Old Hall to Three Dwellings, Part Converted Agricultural Building to 4 Dwellings and Agricultural Building to Three Dwellings- Resubmission of 10/0578M (LBC)
For West Register (Realisations) Ltd
Registered 14-May-2010
Policy Item No
Grid Reference 371940 379819

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Impact on the character and appearance of the Grade II Listed Building.

Date Report Prepared: 16th July 2010

REASON FOR REPORT

A full planning application for a development of 10 dwellings at the application site appears elsewhere on the agenda. This application relates to the works to the Listed Building on the site and therefore should be read in conjunction with the planning application and determined at the same time.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a detached former farmhouse that is Grade II Listed and is on the Borough Council's 'Buildings at Risk' register. The building was last used as stables and the majority of the interior has been removed to facilitate this use. The surrounding area comprises another Grade II Listed Building (Over Tabley Hall), a curtilage listed brick built barn that has recently been converted into 8no. dwellings and an agricultural building that has been part-converted into 2no. single storey dwellings. The site is accessed from Old Hall Lane to the south and is in close proximity to Junction 19 of the M6.

DETAILS OF PROPOSAL

Listed Building Consent is sought for the demolition of a single storey lean-to, the reinstatement of an original two-storey wing to the southern elevation of the listed building, and the conversion of both the listed building and the proposed extension into 3no. dwellinghouses and a double garage.

RELEVANT HISTORY

The application site has a long planning history that is outlined below. To summarise, a number of planning applications and listed building consents were either withdrawn or refused before permission was approved for the redevelopment of the wider site in 2003 (that included the application site, as well as Over Tabley Hall to the north and the traditional brick built barn to the east). The consent related to the conversion of the Listed Building into a single dwellinghouse. A subsequent application was approved for the

reinstatement of a two-storey extension to the southern elevation of the Listed Building. All these applications have subsequently expired. This application is a resubmission of a recently withdrawn application for a similar scheme.

Planning History

01/2488P (FULL) & 01/2489P (LBC)

Part demolition, extensions and alterations to main house to form 4 apartments; conversion, part demolition, extensions and alterations of farm buildings to form 15 cottages; conversion of farm building (the original dwellinghouse) into one dwelling; demolition of various assorted farm buildings; reconstruction of chapel as dwellinghouse; erection of 2 garaging/stabling blocks and other associated works.

Both withdrawn 03/01/2002

02/1232P (FULL) & 02/1233P (LBC)

Conversion of and extension of main house to form 4 houses; conversion of detached farm building into single dwelling; conversion and extension of outbuildings into 14 cottages plus 1 dwelling within roof space over carport

Both withdrawn 30/07/2002

02/2305P (LBC) & 02/2306P (FULL)

Demolition to rear and extensions to main house to create 4 dwellings; rebuild chapel to create 1 dwelling; conversion and extension of detached farm building (Little Manor House) to 1 dwelling; conversion and extensions of outbuildings to 14 cottages and 1 dwelling within roof space over carport.

Both refused 03/02/2003

Appeal APP/C0630/E/03/1113304 withdrawn 22/10/2003

03/1693P (FULL) & 03/1694P (LBC)

Alterations and extensions to Over Tabley Hall (in 2 dwellinghouses) to provide 4 dwelling units and erection of garage block. Alteration and re-use of detached farm building (former Manor House) to provide 1 dwellinghouse and erection of garage. Alterations and re-use of farm buildings to provide 12 dwelling units and provision of associated car parking and the construction of re-routed farm access road.

LBC Approved with conditions 30/07/2003

FULL Approved with conditions 15/08/2003

04/3088P (LBC) & 04/3089P (FULL)

Amendment of planning permission 03/1693P/Listed Building Consent 03/1694P for conversion of barn to dwelling to allow alterations including reinstatement of two-storey extension

Both approved with conditions 08/02/2005

09/3235M (FULL) & 09/3227M (LBC)

Regularise conversion of farmhouse to 8 dwellings, proposed outdoor amenity space and selective pruning of TPO'd trees (retrospective)

Both approved with conditions 02/12/2009

10/0578M (LBC) & 10/0569M (FULL)

Reinstatement of original wing to eastern elevation of Old Hall and conversion to 3 dwellings, part converted agricultural building to 4 dwellings and agricultural building to 3 dwellings.

Both withdrawn 18th May 2010

POLICIES

Local Plan Policy

BE1	Design Guidance
BE2	Historic Fabric
BE15	Buildings of Architectural and Historic Importance
BE18	Alteration and Extension of Listed Buildings
BE19	The Change of Use of Listed Buildings
DC1	New Build
DC2	Extensions & Alterations

Other Material Considerations

PPS5	Planning for the Historic Environment
------	---------------------------------------

CONSIDERATIONS (External to Planning)

English Heritage: Advise that the decision should be made in accordance with national and local policies and with expert conservation advice.

VIEWS OF THE PARISH / TOWN COUNCIL

Tabley Parish Council - Consider this application to be inappropriate due to the outstanding conditions and furthermore consider the proposal too large for the size of dwellings. They strongly object to this application.

The Parish Council would comment that they understand that part of the conditions on the previous permission was that the original was to be returned to its original form (i.e. a single dwelling) and not made into multiple dwellings. They understand that English Heritage were involved with the original changes and would suggest further contact with English Heritage to clarify the situation.

OTHER REPRESENTATIONS

Three letters of representation have been received, one from a neighbouring property and the other two from Planning Consultants that have written on behalf of the same neighbour. The neighbour objects to the proposed development on the grounds that the conversion of the Listed Building does not properly consider its historical importance; does not allow the original features to be retained; and considers that the Listed Building should only be converted into one dwelling, not three.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement, a Planning and Heritage Statement, Structural Method Statement and an Archaeological Building Assessment were submitted with the planning application. Full copies are available to view on the application file.

OFFICER APPRAISAL

The works to the listed building would include the repair and conversion of the existing building into 2no. 3-bedroom dwellinghouses. A two-storey extension would be erected to the southern elevation of the existing building and would contain a further 4-bedroom dwellinghouse.

The works to the existing building would result in the demolition of an existing open-sided structure that is attached to the northern elevation of the building. The applicant states that this is likely to have been a cart-shed that was erected at a similar time to when the building was converted from a farmhouse to stables. Little attempt was made to bond this structure to the original building and its removal would result in the original, more

attractive, elevation being revealed. The Conservation Officer does not raise an objection to its removal.

The proposed conversion works to the listed building would utilise the existing/original openings; 3no. original windows would be reinstated, thereby improving the appearance of the listed building. Additional windows would comprise the insertion of 2no. rooflights within the southern elevation. An existing single storey lean-to would be extended by one metre and used as a garage for one of the proposed dwellinghouses. The extension is required in order for the garage to be deep enough to accommodate a vehicle.

A proposed two-storey extension would be attached to the southern elevation of the listed building. The applicant states that the extension would restore the original form of the listed building by reinstating a wing that has since been demolished. The buttresses of the wing are still visible on the existing building. The applicant states that historical Ordnance Survey measurements were taken in order to determine the dimensions of the wing and to influence the scale of the extension.

Previous applications for a similar extension to the property were approved by the former Macclesfield Borough Council under applications 04/3088P (LBC) and 04/3089P (Full), although the extension was to provide additional accommodation for one dwellinghouse rather than providing a dwellinghouse in its own right. Whilst these permissions were not commenced and have now expired, the principle of reinstating a wing in this position has previously been accepted by the Local Planning Authority. The proposed extension would be 1.5m deeper than that previously approved however the Conservation Officer has not raised any concern.

Whilst the Conservation Officer has some reservations about the subdivision of the listed building, the building is currently on the Local Planning Authority's local list of buildings at risk, its condition is poor, and a scheme needs to be approved in order to preserve the surviving fabric and prevent it from deteriorating further. The structure is quite fragile and it is approaching the point at which outright failures could begin to occur. The Conservation Officer raises no objection to the proposed conversion and extension to, the listed building and recommends that approval is granted subject to conditions.

A neighbour has expressed concern regarding the suitability of the works and considers that they would be detrimental to the historic integrity of the building. These concerns have been taken into consideration, however the Conservation Officer raises no objection to the proposed scheme subject to conditions and the design of the extension and alterations is considered to complement the character and appearance of the existing listed building.

The Parish Council has raised a number of concerns regarding the proposed development, particularly that English Heritage should be consulted as part of the application process. English Heritage were consulted and they stated that they did not wish to comment on the application and simply stated that the decision should be made in accordance with national and local policies and with expert conservation advice.

A Structural Method Statement and a Schedule of Repairs drawing were submitted with the application and indicate how the conversion works would be undertaken to ensure that the Listed Building would not be compromised. The Borough Council's Structural Engineer has examined the information and has concluded that although the statement is brief, in general, it lays out the structural requirements for the repairs and alterations to be carried out whilst ensuring that the structural stability of the building is maintained. It is therefore recommended that a condition is attached requiring the works to be undertaken in

accordance with both the Method Statement and the Schedule of Repairs drawing in order to safeguard the listed building.

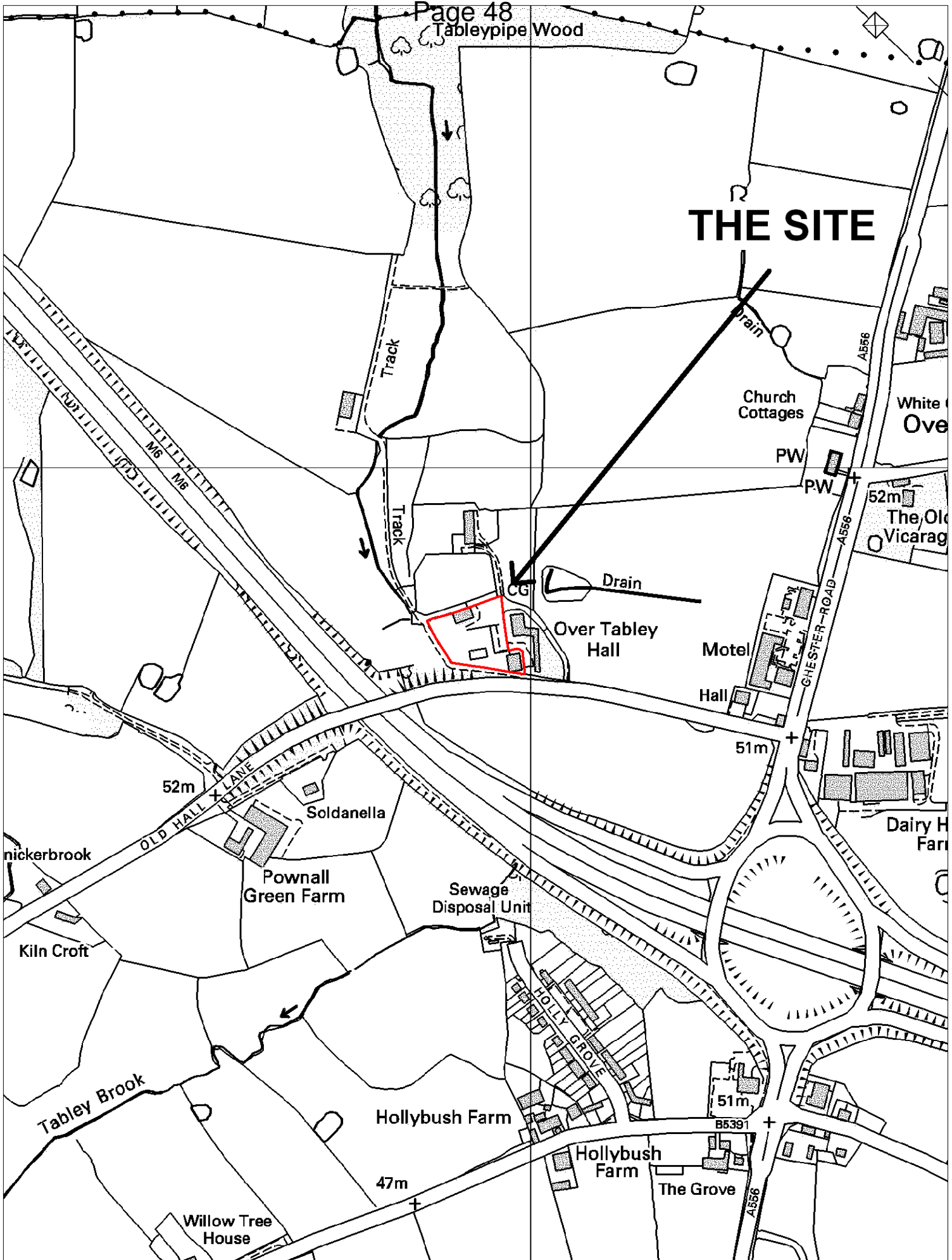
OTHER CONSIDERATIONS

The elevational drawings submitted with the application have been labelled incorrectly in terms of their facing direction (i.e. north west). Revised drawings have been requested to rectify this issue.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Whilst the concerns of both a neighbouring property and the Parish Council have been taken into consideration, the proposed works to the Grade II Listed Building are not considered to be detrimental to the historic character or appearance of the building. The proposed extension would reinstate a former wing of the building and this has been previously considered acceptable by the Local Planning Authority. It is therefore considered that the works would comply with the relevant policies in the Local Plan and a recommendation of approval is made subject to conditions.

THE SITE



10/1899M - OVER TABLEY HALL FARM OLD HALL LANE TABLEY

N.G.R.; - 371.944-379.818

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009..



Scale 1:10000

Application for **Listed Building Consent**

RECOMMENDATION : Approve subject to following conditions

1. A03CA - Standard Time Limit
2. A03EX - Materials to match existing
3. A07EX - Sample panel of brickwork to be made available
4. A11EX - Details to be approved of eaves treatment
5. A10EX - Rainwater goods
6. A20EX - Submission of details of windows
7. A01AP - Development in accord with approved plans
8. Localised rebuilding to be done in English Garden Wall Bond
9. Mortar to be agreed with Local Planning Authority
10. Raking out of brickwork joints to be by hand
11. Roof lights set flush
12. Schedule of quoin stones
13. Schedule of window surrounds and mullions
14. Stone renewals to be in natural stone
15. External doors fabricated in timber
16. Decorative or preservative treatment of external timber to be agreed
17. Works to be undertaken in accordance with submitted Method Statement and schedule of repairs

