

Application No: 19/2003M

Location: WARFORD HALL, WARFORD HALL DRIVE, GREAT WARFORD, CHESHIRE, SK9 7TP

Proposal: Change of use from dwelling house with B1 Business to C1 Spa Hotel and associated two storey rear extension and pool to accommodate high quality guest facilities.

Applicant: Mr & Mrs Ward

Expiry Date: 21-Feb-2020

**SUMMARY:**

The application proposal is to change the use of Warford Hall to a luxury, boutique spa retreat.

The proposals map identifies the application site as being located in the Green Belt.

The application proposals include both the re-use of building(s) and extension or alteration of a building.

The proposals have limited impact on the openness of the Green Belt in this location.

Re-use of the building and proposed extension (25%) not inappropriate in the Green Belt.

It is considered that this less intensive proposal would have an acceptable level of impact on the amenity of residential properties that surround the site in terms of by noise and disturbance, not only from the use itself but also generated traffic movements.

There is no danger to highway safety.

The application proposals conserve and enhance biodiversity.

The proposals would provide an economic benefit, promoting the rural economy and would secure the long term future of Warford Hall.

**RECOMMENDATION:**

**APPROVE subject to conditions**

## **REASON FOR REFERRAL**

This application has been called-in to Northern Planning Committee by Councillor Charlotte Leach on 6 July 2019 for the following reasons:-

*"I am calling the application in on behalf of Great Warford Parish Council and a number of local residents who have a number of concerns including the traffic impact and the potential increase in noise at the site."*

## **DESCRIPTION OF SITE AND CONTEXT**

The site lies in open countryside to the south west of Alderley Edge. It is situated off Merryman's Lane via a private drive (Warford Hall Drive) which serves a number of residential properties and a farm. The site is located within the Green Belt as identified in the Macclesfield Borough Local Plan. There are also a number of trees on the site protected by Tree Preservation Order.

The building is set within landscaped grounds of 2.33 ha (5.76 acres). Existing hardstanding provides 68 car parking spaces. The Hall was constructed in the late 19th Century and originally designed as a private dwelling house. It is two-storey with brick and stone elevations and slated roofs.

The public view of Warford Hall is across parkland from Merryman's Lane. The site is screened on all sides by established Rhododendrons and very large trees which are by and large subject to TPOs. The building is attractive and is of local interest, although not listed. It forms part of a group of buildings, most of which previously formed the 'Mary Dendy Hospital', which is now occupied as a private residence.

## **DETAILS OF PROPOSAL**

The application proposal is to change the use of Warford Hall from a dwelling with ancillary offices to a luxury, boutique spa retreat.

There would be overnight guest accommodation made available in association with this use and the Hall and associated outbuildings will be refurbished and extended to provide a total of 16 bedrooms. A new spa facility will form part of the new extension works which is similar in scale to the extension granted under 15/2496M.

The applicants have stated that a maximum of 30 guests could stay overnight and utilise the spa facilities. In addition a limited number of pre-booked day-spa guests will also be accommodated. The applicants have also stated this is expected to number 15 with the facilities available.

The application does not include any proposals to host group parties, weddings or other similar special event functions on the site.

The existing provision of 68 car parking spaces would be remaining to cater for the proposed change of use and no further hardstanding will be created.

## **RELEVANT HISTORY**

Warford Hall has an extensive planning history. However, the following are the most recent and relevant to this current application proposal: -

- 15/4515M – Change of use from a dwelling and ancillary offices to dwelling with conference and banquet facilities – Refused, 8 July 2016. Appeal dismissed – 21 February 2017, under reference APP/R0660/W/16/3164512;
- 15/2496M – Extensions to dwelling comprising swimming pool building and glazed links – Approved, 6 August 2015;
- 11/3381M – Renewal of 08/2760P - Approved, 22 January 2012;
- 08/2760P – Two storey rear extension and single storey side extension – Approved, 12 March 2009; and
- 08/1297P – Certificate of lawful existing use / development lawful development certificate for 'use as dwelling – Approved, 22 May 2009.

A list of planning decisions for the site since 1974 was submitted with planning application and is available to view on the Council's Online Planning Register website.

## **POLICIES**

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of considering the current proposals, the development plan consists of the Cheshire East Local Plan Strategy (CELPS) and saved policies Macclesfield Borough Local Plan (MBLP).

### **Cheshire East Local Plan Strategy (CELPS)**

CELPS was adopted in July 2017 and sets out policies to guide development across the borough over the plan period to 2030. The relevant policies of the CELPS are summarised below:

MP 1	Presumption in favour of sustainable development;
PG 1	Overall Development Strategy;
PG 3	Green Belt;
SD 1	Sustainable Development in Cheshire East;
SD 2	Sustainable Development Principles;
SC 1	Leisure and Recreation;
SE 1	Design;
SE 2	Efficient Use of Land;
SE 4	The Landscape;

SE 5 Trees, Hedgerows and Woodland;  
SE 6 Green Infrastructure;  
SE 12 Pollution, Land Contamination and Land Stability;  
SE 13 Flood Risk and Water Management;  
CO 1 Sustainable Travel and Transport;  
CO 3 Digital Connections; and  
CO 4 Travel Plans and Transport Assessments.

### **Macclesfield Borough Local Plan saved policies (MBLP):**

Following the adoption of the Cheshire East Local Plan Strategy, a number of policies of the MBLP have been saved. The relevant saved policies are summarised below:

NE 11 Nature Conservation;  
GC 1 Green Belt – New Buildings;  
GC 8 Reuse of Rural Buildings – Employment and Tourism;  
RT 13 Promotion of Tourism;  
RT 17 Reuse of Rural Buildings;  
DC 1 Design and Amenity – New Build;  
DC 2 Design and Amenity – Extensions and Alterations;  
DC 3 Design and Amenity – Amenity;  
DC 6 Design and Amenity – Circulation and Access;  
DC 8 Design and Amenity – Landscaping;  
DC 9 Design and Amenity – Tree Protection; and  
DC 14 Design and Amenity – Noise.

### **Other Material Considerations:**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

**Neighbourhood plan: Not designated area**

### **CONSULTATIONS**

#### **Strategic Highways Manager:**

No objections subject to conditions relating to the provision of cycle parking and Electric Charging points.

#### **National Grid (Gas):**

No objections.

#### **United Utilities:**

No objections subject to conditions.

**Environmental Protection:** No objections subject to conditions and informatives.

### **VIEWS OF THE PARISH COUNCIL**

## **Great Warford Parish Council:**

- They are mindful of concerns raised by local residents in respect to the planning history of this site. As the site is in the Green Belt, protection should be afforded to the rural setting and the continued residential amenity of neighbouring residential properties;
- Also mindful of the Planning Inspector comments on the previous application where he found that that scheme did not satisfactorily demonstrate that the proposal would operate without causing substantial harm to the living conditions of occupiers of nearby dwellings.
- Accept that the proposed extension is similar in scale to that approved under planning application 15/2496M;
- Great Warford Parish Council does not raise any specific objection to the proposed extension subject to the Local Planning Authority being satisfied that there is no detrimental impact upon the openness of the Green Belt and the residential amenity of neighbouring properties;
- Great Warford Parish Council does not raise an objection to the principle of the provision of business opportunities within the rural area which can offer employment opportunities to local people;
- Great Warford Parish Council is not supportive of any activities which will negatively impact upon the residential amenity of local residents or the wider community; and
- Great Warford Parish Council have requested that, should permission be granted, the following conditions are applied to protect the residential amenity of local properties and impact upon the community: -
  1. No future or phased development beyond that specified within the application;
  2. Restricted to Class C1 of the Town and Country Planning (Use Classes) Order 1987 (as amended);
  3. No functions shall be carried out within the site that cannot be accommodated within the existing buildings;
  4. Specifies the hours of operation for each day of the week of the business/activity/use;
  5. That any permission prohibits deliveries outside of 08:00 and 17:00 nor at any time on Sundays, Bank or Public Holidays;
  6. Any noise generated within the premises granted permission or any temporary extension shall not exceed the ambient noise levels on the boundaries or the site;

## **OTHER REPRESENTATIONS**

### **Members of the Public:**

A total of 33 comments have been received from local residents or interested third parties (which can be viewed in full on the Council website) and their objections can be summarised as follows: -

- Concerns regarding minimal publicity and lack of consultations;
- Application should not be delegated;
- Inaccuracies on the submitted plans;
- The proposed development would create excessive traffic and noise in this quiet rural location;
- Detrimental impact on the residents of the Parish of Great Warford;
- The Application proposals should be refused on impact on residential amenity, as per the Planning Inspector's comments at the last appeal;
- Several venues already cater for these services;
- There is no independent validation of the economic benefits of this application;
- Concerns into future use and this application is an attempt to achieve a hotel;
- The venue will undoubtedly develop a late night drinking/party atmosphere that will be very disruptive to the local area;
- Unauthorised Clinic operating on site;
- Unauthorised use on site needs addressing first;
- The application has the potential to significantly and adversely affect those occupants of the properties in close proximity to Warford Hall;
- The future use of the proposed facility cannot be adequately restricted or managed and therefore to grant approval should be seen as unsafe at best;
- Concerns about how noise is managed when the business is in operation;
- The benefit to the community through employment does not qualify as a special circumstance which might permit sensitive greenbelt development;
- Any assessment should be made against the site current use of the hall as a dwelling, not historic commercial uses;
- Acoustic report does not deal with whole use of the site as a hotel;
- Warford Hall is a perfectly viable and marketable large country house with an appropriate value;
- Sympathise that Warford Hall has to have a future use and be financially viable it should not be at the detriment of those close neighbours who may find the enjoyment of their amenity significantly disrupted, especially at evening and night time;
- A planning application for a day time spa facility only might be a more acceptable option and could work for both the applicants and the village;
- A day time spa facility only might result in generating interest in the business opportunity that already exists for the pub in the village (now closed), which has a current approved planning application for restaurant and 8 room hotel and meeting room;
- The village does not require 2 hotels;
- The change of permitted use to evening/night time, will lead to increased noise and traffic for neighbouring houses and residents; and
- Concerns that evening and overnight use will expand into event activity (e.g hen parties) with the related noise and behaviour issues.

The objections are very detailed and can be viewed in full on the website.

A professional planning consultancy (*Eden Planning*) has been instructed by several local residents to review this application and have made the following representation:

- A Flood Risk Assessment should accompany the application proposed;
- No Bat Survey or Ecology Assessment was submitted with the application;

- The submitted Heritage Report did not provide any assessment of the impact of the proposal on the historic fabric of Warford Hall;
- Inaccuracies and clarity required within the application on the existing use and floor space and the net loss and gain thereof;
- Careful consideration of the cumulative impact on the Green Belt is required;
- Requirement for a noise survey;
- Concerns that the layout will encourage overnight guests to spill out from the bar area towards local residents; and
- Concerns towards the impact of existing residents due to noise and disturbance.

Alterations to the external design of the Spa element of the scheme were submitted in December 2019. These were subject to additional public consultation.

An additional 13 comments have been received from local residents and the 'Great Warford Residents Group' (which can be viewed in full on the Council website). A number of original concerns and objections were raised again but the following additional objections can be summarised as follows: -

- Amended plans need full re-assessing against all policies The character and look of the amended extension is very large and its appearance is not in keeping with local with large glazed areas shown on the proposed elevations;
- The whole of the first floor is also now shown as fully glazed;
- The amended plans include a part external swimming pool which could impact on residential amenity in terms of noise;
- The acoustic report is out of date;
- Amended plans need to be considered in relation to proposed bat mitigation; and
- Concerns over light impact from spa building and its affect on bats.

Any new or additional comments received from interested third parties will be reported to Members prior the Northern January 2020 Planning Committee.

## **APPLICANTS SUPPORTING INFORMATION**

The application has been supported by the following information:

- Flood Risk Assessment;
- Bat Survey;
- Acoustic Report;
- Arboricultural Assessment;
- Planning Statement;
- Marketing Report; and
- Historical Architectural Assessment.

## **OFFICER APPRAISAL**

The main issues are:

- Whether or not the proposed development would constitute inappropriate development in the Green Belt taking into account its effect on openness;
- The effect of the proposed development on the living conditions of occupiers of nearby dwellings, particularly in relation to noise and disturbance;
- If the proposal would be inappropriate development in the Green Belt, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development; and
- Other considerations, such as highway impact and design issues.

### **Principle of development:**

The proposals map identifies the application site as being located in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Policy PG3 “Green Belt” of the Cheshire East Local Plan Strategy (CELPS) and paragraph 146d) of National Planning Policy Framework (the Framework) state that *“the re-use of buildings, provided that the buildings are of permanent and substantial construction, are not inappropriate in the Green Belt”*. This is provided they preserve its openness and do not conflict with the purposes of including land within it.

Warford Hall is clearly a permanent and substantial building capable of re-use. It is also considered that the re-use of Warford Hall would not conflict with the purposes of including land within the Green Belt as described in Policy PG 3 (part 1) of the Cheshire East Local Plan Strategy.

Policy PG3 “Green Belt” of the Cheshire East Local Plan Strategy (CELPS) and paragraph 144c) of National Planning Policy Framework (the Framework) state that *“extension or alteration of a building are also not inappropriate in the Green Belt”* This is providing that it does not result in disproportionate additions over and above the size of the original building.

The application proposals includes both operational development, being the two storey rear extension and modern spa building, and the re-use of the existing building to support the proposed facilities. Both elements are relevant to the question of whether the proposed development would constitute inappropriate development in the Green Belt.

### Inappropriate development:

What constitutes materially larger is not defined in the Framework or the development plan policies as regards extension to buildings. Cheshire East Council has considered the interpretation of this policy on numerous occasions and a benchmark figure of a 30% increase seems to be considered acceptable. However, every application must be assessed on its own merits.

The application proposes a two storey extension to the Main Hall to provide bedroom accommodation. This would be linked to a glazed spa and gym in a modern design, which

itself will be attached to an existing part single/part 2 storey outbuilding which is itself linked by walls around a courtyard back to the main Warford Hall building.

It is accepted that the glazed spa and gym element proposed as part of this application is similar in size and volume to that approved under the planning permission 15/2496M for 'extensions to the dwelling comprising swimming pool building and glazed links'.

It is also accepted that the two storey extension element proposed as part of this application is similar in size and volume to that approved under the planning permission(s) 11/3381M and 08/2760P for 'two storey rear and single storey side extensions'.

These permission(s) have not been implemented and as the three years to commence the work has now passed, can no longer be built. Therefore whilst their position as a material 'fall-back' is diminished, the property retains its policy allowance of up to 30%.

Description	Original Building Gross External Area	Proposed Building Gross External Area
Basement - Barns	55 m <sup>2</sup>	55 m <sup>2</sup>
Basement - Main House	194 m <sup>2</sup>	194 m <sup>2</sup>
Ground Floor	1115 m <sup>2</sup>	1348 m <sup>2</sup>
First Floor	624 m <sup>2</sup>	907 m <sup>2</sup>
Second Floor	68 m <sup>2</sup>	68 m <sup>2</sup>
Total Buildings GEA m <sup>2</sup>	2056 m <sup>2</sup>	2572 m <sup>2</sup>
<b>Total Proposed Increase</b>		<b>516 m<sup>2</sup></b>
<b>Proposal as percentage increase</b>		<b>25.11%</b>

*\*The 'Original Building' is termed as a building as it existed in 1 July 1948. Figures shown are Gross External Area (GEA) measured in square meters.*

*\*\*The 'Proposed building' includes any alterations made since 1948 which are existing to be retained and are within 5m of the existing main house or barns external walls.*

The proposal would result in an increase in the floor space of the existing dwelling of about 25%. The height and cumulative volume of the extensions proposed would also be substantially less than the original building (1948). It is considered that these extensions proposed would not result in disproportionate additions over and above the size of the original building.

#### Openness of the Green Belt:

The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open, and the essential characteristics of Green Belts are their openness and their permanence. Openness in terms of the Green Belt has a spatial aspect as well as a visual aspect. It has also been established that it can include the effects of non-built elements such as vehicular parking on openness.

It is considered that the impact of the development on the openness of the Green Belt is limited by its location within a group of dwellings. The reuse of buildings within the Green Belt is also not inappropriate provided they preserve the openness of the Green Belt.

No new hardstanding or car parking is proposed. The effects on the visual aspects of openness would also be limited by the fact that the parking bays are dispersed around 2 sides of the building complex. No new parking areas are proposed. The coming and going of traffic would only have transient openness effects.

#### Conclusions on the principle of development:

Having regard to all these points, it is considered that the proposed development, as a whole, would constitute 'not inappropriate' development in the Green Belt as defined in the Framework, and Policy PG 3 in CELPS. Therefore it is acceptable in principle.

#### **Residential Amenity:**

Paragraph 180 of the Framework establishes in summary, that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development, and identify and protect areas of tranquillity which have remained relatively undisturbed from noise.

The Planning Practice Guidance, in line with the explanatory note of the noise policy statement for England, identifies factors which influence whether noise could be a concern such as the source and absolute level of the noise together with the time of day it occurs and for non-continuous sources of noise the number of noise events and the frequency and pattern of occurrence of the noise.

Key considerations include:-

- The potential for noise and disturbance from the operational use of the site;
- The potential for noise and disturbance as guests arrive and leave the premises; and
- Obtrusive lighting.

#### Operational Use:

Understandably, concerns were raised regarding the potential significant impacts on residential amenity through noise and disturbance due to the nature of the previous application. Indeed, these views were shared by the Planning Inspectorate in dismissing that appeal as the frequency and scale of the functions that were proposed could cause substantial harm to the living conditions of occupiers of nearby dwellings.

This application proposal seeks permission for a Spa Boutique Retreat, which is a materially different business model than the previous proposal for wedding venue, both in its nature, size and operation.

The applicants have clearly stated that there is no intention to host group parties, weddings or other similar special event functions on the site that would involve any loud outdoor music.

The proposed floor plans show 16 bedrooms for overnight guests. They show a dining room, lounge area(s), a small bar and a private dining area for cooking experiences. All of these areas are separate and not conducive to large gatherings or parties.

Due to the proposed use and layout shown, it is considered that the proposals would be in fact 'self policing' to maintain the quiet and peaceful nature of the business. In addition, by its very character, a 'luxury' Spa Boutique Retreat would necessitate a very high standard of customer care and therefore higher staff to guest ratio, which would also ensure the peaceful nature of the use.

The applicants have stated that overnight guests, will be taken on a pre-booked basis to a maximum number of 30 individuals. The applicants have stated that day guests will also only be taken on a pre-booked basis and to a maximum number of 30 individuals.

The central courtyard, which could be used for guests, would retain its landscaping with the existing water feature, therefore is also not conducive to large gatherings or parties.

#### Operational Hours and Management:

The applicant has stated that due to the different functions of the buildings on site, there will be considerable access restrictions in place to mitigate risk to both the business, customers and any disturbance that could be caused to neighbours. Opening hours are proposed to be within the below boundaries:

##### *Accommodation Opening times*

Check-in has been stated as from 13:00 and check out between 07:00 and 13:00 in order to stagger guest arrival and minimise impact to neighbours. This is considering the maximum number of 30 overnight guests. Guests will be able to leave freely and return at any time should they wish to make use of further local facilities however they are expected to remain on site for the majority of their stay.

##### *Wet Spa Opening times (includes pools)*

Monday – Friday 06:00 – 19:00  
Saturday 07:00 – 20:00  
Sunday 07:00 – 20:00

The applicant has also stated that the door separating the indoor/outdoor pool will be automatic so that it can be closed off during use to both minimise heat loss and control any potential noise leak. It will also be secured to prevent entry back into the building via this route out of hours.

##### *Treatment Opening Times (located in the barns)*

Any times outside of day guest hours will be for hotel residents only – who may also take treatments within their rooms so will further reduce the use in the barns buildings.

Monday to Friday 06:00 – 20:00  
Saturday 07:00 – 21:00  
Sunday 07:00 – 21:00

##### *Gym Opening Times*

Day Guests will have access to the Gym during their access hours of 10:00 -18:00 (10:00 – 17:00 on Sat/Sunday). The Gym will operate on a 24/7 basis for overnight guests only to access when required out of hours with its own access control separate from the ‘Wet Spa’ area. Lighting will be at a low, way finding, level when not occupied by guests. Any lighting activated by guests during night hours will be automated to turn off after a set amount of time. There will also be electric blinds to this area of glazing.

Distances to Neighbouring Properties:

Although Warford Hall is set within its own grounds, several dwellings are located in the vicinity, therefore an assessment of the distances to these properties has been undertaken. *All distances are measured in metres and are from the closest point of the buildings, be it Warford Hall, the Link, the Pool edge or Barns.*

North: Facing the front of Warford Hall	
Property:	Distance:
Warford Hall Lodge	246m
Ferndale	312m
Steeles House	247m
Park Cottages	226m
Houses on Warford Crescent	308m
Warford Place	245m

East: Warford Hall Drive	
Property:	Distance:
Ashby House	123m
Griffin House	161m
Greencote	201m
The Drive and Cloud End	over 235m

West: Warford Hall Drive	
Property:	Distance:
The Beeches	117m
Beeches Farm buildings	68m

South: Warford Hall Drive	
Property:	Distance:
Marion Books House	70m
Brooks Cottage	111m
Jutland Cottage	Over 111m
Woodside	138m
Dogwood Cottage	16m

It is considered that given these significant distances (aided by oblique relationship of the properties and significant boundary vegetation between them), this would substantially mitigate what noise levels there could be emanating from a Spa Retreat.

South West: Warford Hall Drive
--------------------------------

Property:	Distance:
Merryford	40m
Warford Oaks	47m

It is accepted that these two properties are the closest to the proposed use. They are also the closest to the proposed outside pool. That being said, given the significant woodland area between the properties, and opening hours and operation procedures described above, it is considered that there would be no significant loss of residential amenity to these two properties through noise and disturbance.

#### 'Comings' and 'Goings':

Whilst the application property is set within its own grounds, several dwellings are located close by including alongside Warford Hall Drive.

It is considered that this application is a less intensive proposal than that previously submitted as a wedding venue; the traffic movements and therefore impact of this proposal is much lower as a 16 bed Hotel & Spa.

Whilst it is accepted that there would be some impact upon residential amenity in terms of the traffic generated by the development, which has to pass close by several dwellings on its way to the main highway network, this is considered to be acceptable in terms of the previous and existing use of the property as an office.

#### Amenity Conditions:

Detailed discussions have been taking place with the Council's Environmental Health Section with regard to proposed conditions to protect residential amenity.

Previous proposed conditions for the 'wedding venue' application were very prescriptive, such as keeping all windows and doors closed at all times of noise generative activities, etc. However there are concerns about the enforceability of those styles of conditions. Conditions suggested controlling late-night functions conferences are also not required due to the proposed use.

A noise assessment was submitted with the application and addressed noise impact from plant and equipment. This can be conditioned. The opening hours of the Spa as described above can also be conditioned. Also a condition stating that there shall be no speakers or other amplification equipment or live music to be located outside can be conditioned.

Given the proposed low key use, the onus is upon the applicants, to demonstrate, that the introduction of the new sound sources, do not create a negative impact upon residential amenity or quality of life or shall not cause an increase in the ambient background noise level at the boundary of the nearest residential property.

This can be addressed by way of a 'Noise Management Plan'. This will serve a dual purpose, as it will be required of the applicants during the Premises Licence Application stage – for the prevention of public nuisance, whilst the planning process address residential amenity.

### Lighting:

The application site benefits from existing driveway lighting and lighting bollards in the parking areas. A condition is suggested to control the details of any additional external lighting, if required. This is for amenity and ecology reasons. The lighting of the gym and the pool can be included in the Noise Management Plan.

### Air Quality:

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area, for example, the impact of transport related emissions on Local Air Quality. As such it is considered appropriate to propose a planning condition on any approval to ensure that suitable infrastructure is provided to allow charging of electric vehicles in any new, modern, sustainable developments.

### Contaminated Land:

The Contaminated Land team have no objections to the above application. However, as the area has a history of hospital use, an informative has been suggested to be included on any decision notice to make the applicant aware of the Environmental Protection Regulations should any unforeseen contamination be encountered during construction.

### **Highways:**

#### Existing Access:

The Warford Hall Drive / Merryman's Lane junction is situated on a 90 degree bend, visibility along Merryman's Lane, in both directions of view, for drivers of vehicles exiting Warford Hall Drive to Merryman's Lane is good. Although forward visibility along Merryman's Lane for drivers of vehicles turning right into Warford Hall Drive is restricted by the bend, this has the benefit of serving as a traffic calming feature. It is understood that vehicle speeds in the immediate area are below the speed limit of 30mph.

#### Current and Historic Traffic Generation:

It is accepted that Warford Hall has had many uses in its history (including hospital and office uses), all would have had a potentially high amount of vehicle movements. The currently authorised use of the property, as evidenced by certificate of lawfulness of existing use 08/1297P, is as a single dwelling. This use, even with ancillary offices attached, can be expected to generate only limited amounts of vehicular movements.

#### Proposed Use Traffic Generation:

As members will be aware a previous proposal in 2015 sought permission for the use of the site as a wedding venue and conference centre. That proposed use, including events with up to 130 guests, could have been expected to generate considerable amounts of vehicle movements and car parking.

It is worthy of note that the Council did not object to that proposal on highway safety grounds. The Planning Inspectorate (albeit dismissing the appeal on other grounds) also concluded that the previous proposals could operate without causing harm to highway safety.

This current application proposal (Spa Retreat) would generate less vehicle movements and therefore would have a reduced material impact on highway safety than the previous (Wedding Venue) application.

The applications have stated that the proposed use (Spa Retreat) would generate the following vehicle (access and egress) movements: -

- Deliveries – 8 per week;
- Day Guests – 20 per day;
- Overnight Occupancy – 30 per day; and
- Staff – 15 per day (includes 4 on night shift).

The applications have stated that the current use (residential dwelling with ancillary offices) generates 16 deliveries per week and 20 staff movements a day.

This level of traffic generation (Spa Retreat) is therefore considered to be much more comparable to the current use of the site as 'residential dwelling with ancillary offices', rather than the previously proposed 'wedding venue' or indeed other historic uses.

#### Highway Safety and Access Agreements Conclusions:

The Council's Strategic Infrastructure Manger has assessed the application and has confirmed that this level of traffic generation is considered acceptable.

Given the limited level of traffic generation associated with the development proposals, it is unlikely that there would be a negative material impact on The Warford Hall Drive / Merryman's Lane junction or the immediate highway network.

#### Car Parking Provision:

Details submitted with the application proposals show that the site benefits from hardstanding and parking bays sufficient to accommodate up to 68 vehicles.

As stated above, no additional parking or parking areas are proposed.

It is considered that this parking provision is acceptable for the proposed use of the site based upon 30 staff and 16 bedrooms and 22 visitor spaces.

Conditions are suggested to ensure that this provision (include disability spaces) are laid out, drained and made available prior to first occupation.

It is also considered that there are sufficient existing facilities to cater for services and delivery vehicles without the need for the creation of additional hard standing areas.

Conditions are also suggested to allow for the provision of Electric car charging points, and for secure and covered cycle parking.

## **Design:**

The NPPF places significant emphasis on achieving high quality design. Paragraph 124 states that *“The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.”* This is taken forward in Policy SE 1 of CELPS, which states that *“development proposals should make a positive contribution to their surroundings”*.

The three key elements of the existing historic property are the main house, connecting walls and the joined barns.

The additional accommodation proposed (two-storey side extension) on the footprint of the current gym space was historically developed and connected to the ‘built fabric’ to the main house. As the proposed functional use also relates to the main house directly, this should remain as a sympathetic proposal in keeping with the existing main house.

The existing main house has numerous bay windows and projections on each face of the property. This is reflected in the spa proposal by a contemporary representation, in that boxes are proposed to sit within the kinked wall façade. The proportion of these will be in relation to the height of the containing wall as they are on the main house with its own glazed bay projections.

Facade of the spa proposal at first floor level is to comprise mainly of glazing with a minimal roof profile. This is to maintain openness and lightness to the upper structure which also enhances the readability of the kinked wall element at ground level. Clear glazing will dominate the upper level. The wall element is to be clad in a vertical hardwood timber which will silver over time. This design seeks to speak to the holistic, soft, calming nature of the spa function within the proposal and surrounding woodlands opposite.

The proposed metal parapet trims, capping door and window frames will be finished in a dark grey echoing the black and grey metalwork/slate elements on the existing surrounding property. In terms of the extension to the main house, all materials in brick, natural stone and timberwork are to be sourced to match the existing.

The Council’s Urban Design Section has been integral to the design evolution of the scheme, and to agree the architectural detailing of the proposal.

They are satisfied that the level of quality proposed within the detailing and the referencing of traditional within the contemporary addition is of high quality design and meets the requirements of National and Local Design Policy, in accordance with NPPF paragraph 124, 127 c, and 131 and Policy SE 1 of CELPS.

Conditions are suggested to ensure that detail within the design will bestow confidence that upon construction, a high quality building will be achieved.

## **Trees:**

An arboricultural statement was submitted to support the application proposals. This statement indicates one protected tree (*an A category Western Red Cedar*) will require removal to accommodate the development. A remnant of a former Yew hedge which is not protected will also require removal to facilitate the new build.

It is considered that the loss of this tree will not have a significant adverse impact upon the wider amenity of the area. As Warford Hall is not listed and the gardens are not identified as of historic interest in the Register of Historic Parks and Gardens, the tree is not considered to have any significant historic or conservation merit.

As part of the application proposals, three new high canopy maturing trees are proposed to be established to the south of the new extension. Conditions are suggested to secure this additional tree planting, together with a landscape scheme and measures to protect the other existing trees during construction.

It is considered that the tree replacement strategy meets the requirements of policies SE 5 of CELPS, saved policy DC 9 of the MBLP and is consistent with emerging policy ENV 6 of the draft SADPD and 'ecological net gain' as recommended by Natural England and the Revised NPPF (2019).

## **Ecology:**

During the determination of the application, a revised bat survey and mitigation proposals were submitted to support the scheme. Evidence of roosting bats was recorded within both the main hall building and the former coach house (now offices) during the survey. There is a maternity roost of one widespread bat species and a more minor roost of a second bat species present. The bats are likely to be using both buildings interchangeably, but most activity is associated with the former coach house.

In the absence of mitigation, the proposed development would pose the risk of killing or injuring any bats present and could potentially result in the loss of the roosts from coach house building. It is advised that if the roosts were lost this would have a *High* severity of impact on the local scale and a *Moderate* impact on the species concerned at the regional scale.

Bats were recorded entering both buildings at numerous points. Most roosting activity is taking place between the roof tiles and lining/ceiling. However, many of the identified bat access points are not located within parts of the building where external alterations are proposed as part of the proposed development.

The revised impact assessment and mitigation has therefore been formulated on the basis of the bat access points in the coach house being largely retained as part of the proposed development. There would however be some bat access points being unavoidable lost as a result of the proposed extensions. Therefore, the timing and supervision of the works is proposed as a means of reducing the risks of bats being killed or injured during the

construction phase. Replacement bat access points are proposed for the loss of bat accesses.

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

- (a) 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
- (b) no satisfactory alternative and
- (c) no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK has implemented the Directive in the Conservation (Natural Habitats etc) Regulations 2010 (as amended) which contain two layers of protection (i) a requirement on Local Planning Authorities (“LPAs”) to have regard to the Directive’s requirements above, and (ii) a licensing system administered by Natural England and supported by criminal sanctions.

Saved Macclesfield Borough Local Plan Policy NE 11 and Policy SE 3 of the Cheshire East Local Plan states that the Council will seek to conserve, enhance and interpret nature conservation interests. Development which would affect nature conservation interests will not normally be permitted.

The NPPF advises LPAs to conserve and enhance biodiversity: if significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts) or adequately mitigated, or as a last resort, compensated for, planning permission should be refused.

Natural England’s standing advice is that, if a (conditioned) development appears to fail the three tests in the Habitats Directive, then LPAs should consider whether Natural England is likely to grant a licence: if unlikely, then the LPA should refuse permission: if likely, then the LPA can conclude that no impediment to planning permission arises under the Directive and Regulations.

In this case, the Council’s Nature Conservation Officer has advised that the retention of the majority of the existing roosts, albeit in a modified form, is considered to be a preferred ‘suitable alternative’ under the Habitat Regulations and would have less of an impact upon bats than the previous proposals that would have resulted in the loss of all of the roosts within the Coach House and one bat access point in the Main Hall.

Conditions are suggested to ensure that the proposed mitigation and compensation is sufficient to maintain the favourable conservation status of the species of bats concerned.

### **Flood Risk:**

The entire site and surrounding area is within a Flood Zone 1. Following a review of the EA data maps, The Lead Local Flood Authority has confirmed that the site has a low fluvial and pluvial flooding probability.

However, given the size of the application boundary, a Flood Risk Assessment was submitted to support the application.

The Lead Local Flood Authority has no objections to the current application proposals. A condition is suggested to review of the site's current surface water drainage system to ensure the existing SuDS scheme in place be adapted to ensure no additional flood risk to transpire from development affecting the surrounding area.

United Utilities have no objection to the application proposals subject to the imposition of conditions relating to a separate foul and surface water system being provided, the details of a surface water system being submitted and a condition relating to the arrangements for emptying the swimming pool.

### **Other Considerations:**

#### Alleged Unauthorised Uses:

The Local Planning Authority is aware of the 'Skulpt' clinic operating on site and we have previously confirmed that it does not benefit from a Planning Permission. The Local Planning Authority have investigated this alleged breach of planning control and issued a Planning Contravention Notice. Further formal action has not been undertaken to date because this site is subject to this current live planning application that would, if successful, require the relocation of the said alleged use.

#### Sustainability Benefits:

Planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable.

#### Employment Benefits:

The applicants have stated that the current ancillary offices on site (*operating as Arista Design Limited*) generate 15 full time jobs. No information has been provided on current employee levels at the unauthorised clinic use on site.

The applicants have stated that the application proposals would generate 30 full time jobs. It is also reasonable to assume that the proposals will provide some additional support jobs in those companies which provide services for the spa business, but this is hard to quantify.

These would be important benefits, which would offset the proposed reduction of the applicants' current office use at the site. Given the applications submitted on site, it is accepted the applicants have been attempting to find another economically beneficial use of the site. Therefore, these benefits should not be under-estimated and are attribute significant weight.

### Securing the long-term future of Warford Hall:

The proposal would generate an income for the family and result in the re-use of a building which, whilst not listed, is of some heritage interest. It would enable any floor space vacated by the current ancillary office use to be re-used and the ceasing of any other unauthorised use.

A marketing report has been submitted by '*Jackson-Stops & Staff*' with the application. Whilst this is not current, it is not in dispute that the property (for sale as a single dwelling) would fall into the category of a 'one-off house' where the market is very limited. No updated evidence has been submitted detailing what recent endeavours have been made to market the site for other viable uses.

The building is not vacant at present and has other uses on site; therefore it is not clear that the appeal proposal is essential to securing its long term viable use. Therefore only limited weight is given to these benefits.

### Tourism Benefits:

The applicants have stated that due to the ever-growing demand for healthier travel and lifestyle means the luxury Spa market will continue to grow. A recent report by Global Spa Wellness indicates a 9% growth annually over the coming years, which is a 50% faster growth than regular tourism.

### Conclusion on Benefits:

In terms of the rural economy, it is considered that this proposal according with Policy EG 2 of CELPS in that it provides opportunities for local rural employment, it creates a rural based recreational uses and encourage the retention and conversion of existing buildings. It is considered that this bespoke use will not adversely affect the existing hotels in the area.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The site is within the Green Belt and outside any settlement limits, where there is a presumption against inappropriate development. In this case the proposed development is deemed to represent not inappropriate development and is not contrary to Green Belt Policies.

It is considered that this less intensive proposal, with the use of appropriate and workable conditions, would limit the impact of the use of the buildings to an acceptable level and thereby provide an acceptable impact on residential amenity.

There are no objections on highway safety grounds. It is considered that less intensive proposal would produce a lower level of traffic impact. There are no objections to the proposed development from the highway authority

The compromise proposal would satisfy the economic sustainability roles by providing employment in the locality and allow the reuse of the building with minimal impact on the local community.

It is therefore considered that the proposal accords with relevant Development Plan Policies and National Guidance. As such it is recommended the application be approved, subject to relevant conditions.

**RECOMMENDATION:**

**APPROVE** subject to following conditions;

1. Commencement of development (3 years)
2. Development in accord with approved plans
3. Hours of Operation (Spa)
4. Submission of a Noise Management Plan
5. No speakers or other amplification equipment or live music to be located outside
6. Compliance with the submitted noise report
7. Odour Control
8. External Lighting
9. Hours of Construction
10. Use of Pile Foundations
11. Dust Management Plan
12. Floor floating
13. Detailed submission of samples of building materials
14. Separate Surface and Foul Drainage
15. Surface Water Strategy (Incorporation of Sustainable Drainage)
16. Proposed Swimming Pool and Approach to Emptying
17. Ecology Bat Mitigation
18. Ecology Lighting Strategy
19. Protection of Nesting Birds
20. Ecology Breeding Birds
21. Tree Protection
22. Service/Drainage layout
23. Submission of Landscape Scheme
24. Landscaping (Implementation)
25. Electric vehicle points
26. Detail of Covered and Secure Cycle Parking

*In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Acting Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.*

