

Application No: 18/2213M

Location: THE MARL FIELD, ARLEY HALL, ARLEY PARK, ARLEY, CW9 6LZ

Proposal: New memorial walled garden, including ancillary landscaping, car park area and reception facilities.

Applicant: Ninian MacGregor, The Walled Garden Company

Expiry Date: 15-Aug-2018

Summary

This application proposes a large walled memorial garden and associated landscaping across a development area of 4.85 hectares within grade II* registered park and gardens and within the setting of numerous listed buildings. 4 quadrants would be provided within the garden (Spring, Summer, Winter, Autumn) which would be open to the public throughout the year. Each quadrant would be phased in over time. Formally laid footpaths would connect the gardens internally and externally towards the chapel and Arley Hall. Parking would be provided to the north east corner, accessed from Back Lane.

The proposal is identified as inappropriate development in the Green Belt, and one which would have a significant impact on its openness. Whilst the Gardens Trust have raised no objection and Historic England have supported the scheme, the Council's specialist officers in terms of heritage and landscape have identified some harm with the proposals namely through the loss of the open field in the setting of the Arley Estate and wider landscape. These concerns are recognised, and alongside the Green Belt harm there is significant weight against the development.

There are, however, considerations in favour of the proposal of considerable weight. The proposal will contribute to the wider benefit of the Arley Hall Estate, assisting in the preservation of nationally important heritage assets. If approved, financial contributions to the Arley Estate which would be tied to repairs in historic fabric of certain heritage assets including Arley Hall and Aesops Cottage. There are also tourism benefits due to the popularity of Arley Hall and its associated grounds, which is one of the finest collections of heritage assets in Cheshire East, and its attractiveness locally, regionally and nationally. The income from this development would also help the owners to sustain the estate as a collective which is of high importance due to the greater value of the estate as a cohesive unit. The ecological value of the site would be greater as a result of the proposal and the historic Lime avenue would be restored. All of these elements would be linked to protecting the heritage value of the estate and would provide public benefits through the accessibility of the gardens from the wider Arley grounds.

Whilst this application is very finely balanced, it is considered that the above benefits in combination do clearly outweigh the harm associated with this development. It is considered that very special circumstances in the Green Belt exist. The proposal would therefore comply with paragraphs 143/144 of the NPPF (2012). Subject to conditions and the completion of a s106 legal agreement it is recommended that planning permission be granted.

RECOMMENDATION

APPROVE subject to conditions and the completion of a S.106 agreement.

REASON FOR REFERRAL

This application is referred to Strategic Planning Board as the site area for the development is greater than 4 hectares.

PROPOSAL

This application seeks planning permission for the development of a walled memorial garden adjacent to Arley Hall.

| Development details | Proposed |
|-------------------------------|----------------------|
| <i>Site Area</i> | 4.85 hectares |
| <i>Wall height</i> | 3.46m |
| <i>Wall length(perimeter)</i> | 540m |
| <i>Area of walled gardens</i> | 1.74 hectares |
| <i>Parking spaces</i> | 22 (inc. 4 disabled) |

A new walled garden at Arley will be designed as a memorial garden where cremated remains will be kept in niches within the wall. The gardens will enable quiet contemplation for visitors and will also extend the experience of the existing gardens at Arley.

The design statement comments that the site has been chosen because of proximity to Arley Hall and “the negligible impacts on heritage assets, nature conservation interests, archaeology and trees.” (p. 11)

The site area of the gardens would be 4.1 acres. (1.71ha), contained by brick walls and divided into four seasonal gardens. The walls would be 3.46 metres high (with +/- 200mm variation) but because of site levels and proximity to the listed buildings, the south western corner would be dug 750mm into the existing ground levels (and raised by 200mm at the south east corner). Consequently, at its closest point to the listed buildings at the south western corner, the wall would be 2.7m high externally. At pre-application the height was proposed at 4m but has been reduced in response to comments received.

The wall design seeks to replicate that of the 18th century walled gardens, using traditional 65mm bricks, lime mortar, laid in garden wall bond. Stone copings are proposed as are details and features of the historic walled gardens, including buttressing piers at 8 metre centres, and gates and piers to reflect those in the historic walls.

In addition to the walled garden, a simple timber reception building is proposed along with vehicular access and parking for 22 cars. A bothy like structure is to be built onto the wall on the northern side to house a composting toilet and storage for plant and equipment. It is noted that the application form indicates 20 spaces, however a car park plan has been submitted indicating 22 spaces (including 4 disabled).

The gardens are to be designed by Tom Stuart-Smith, an eminent landscape architect and garden designer. The intention for the garden is “to be a place that is both serene, contemplative and quietly ceremonial” (Design statement p 16).

The outline design of the 4 seasonal gardens is set out in the Design Statement and the final garden design is indicative but the intention is that 2 gardens would include pavilions, whilst there would be a range of planting and water features of varying types. In each garden the wall would be largely screened by hedging set in from the wall to create spaces with simple seating but private from the main garden.

Four points of access are proposed into the gardens – two from the grove to the south, one from the east (car park) and one from the west, potentially from the reinstated Lime Avenue (the illustrative plan also shows a further access from the south west corner linking to the Avenue).

Around the outside of the wall, landscaping in the form of shrubs, trees and climbers is proposed to soften the external appearance of the walled garden.

Full consultation has been carried out on the plans submitted as part of this application. It is understood that the applicants have also undertaken a public consultation process prior to this applications submission.

SITE DESCRIPTION

The site comprises an informal grassed field, remnants of a lime avenue, and a small field-gated access to the north east corner along the Back Lane boundary. The field is identified as ‘The Marl Field’, situated North East of Arley Hall (the main focus of the Arley Estate). A mature native species hedge forms the boundary treatment between Back Lane and the Marl Field which is mostly substantial although gaps do exist. A mature hedge intersects the site (east to west) to the southern aspect (south of the identified Marl Field) with some informal footpaths beyond which provide access towards ‘The Grove’ woodland. Dairy Wood exists to the east which provides screening of the field from Home Farm. Land levels are relatively consistent across the site although gentle undulations are noted including down towards Back Lane.

The site is contained within grade II* registered park and gardens and the site within the setting of numerous listed buildings. Arley Hall and Park is one of the finest collections of heritage assets in Cheshire East. The grade II* registered park and garden, 19th century Arley Hall grade II* and the Salvin designed 19th century Chapel also grade II* lie at the heart of the estate, complimented by a number of other heritage assets, including the 16th century cruck barn (grade I) and the grade II, mid-19th century walled gardens.

The quality of the registered historic park and gardens is acknowledged on account of its exceptional design quality and intactness as a designed landscape dating mainly from the mid-18th century with a number of mid-19th century adaptations and important subsequent

additions and developments. It is associated with a number of eminent architects and landscape designers including Emes and Nesfield.

The Planning Statement indicates that the site is currently in occasional grazing use. It is noted that the application site is situated just outside of the Arley Conservation Area which exists to the south of the Marl Field

RELEVANT SITE HISTORY

None relevant.

LOCAL AND NATIONAL POLICY

Macclesfield Borough Local Plan (MBLP) (2004)

BE15 (Listed Buildings)
DC3 (Design & Amenity – Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC35 (Materials and Finishes)
DC37 (Landscaping)
DC38 (Space, Light and Privacy)
GC1 (Green Belt)
NE3 (Landscape Conservation)
NE11 (Nature Conservation)
RT8 (Access to Countryside)
RT13 (Tourism)

Cheshire East Local Plan Strategy (CELPS) (2010-2030)

EG1 (Economic Prosperity)
EG2 (Rural Economy)
EG4 (Tourism)
IN1 (Infrastructure)
PG1 (Overall Development Strategy)
PG3 (Green Belt)
SC3 (Health and Wellbeing)
SD1 (Sustainable Development in Cheshire East)
SD2 (Sustainable Development Principles)
SE1 (Design)
SE2 (Efficient Use of Land)
SE3 (Biodiversity and Geodiversity)
SE4 (The Landscape)
SE5 (Trees, Hedgerows and Woodland)
SE7 (The Historic Environment)
SE9 (Energy Efficient Development)

SE12 (Pollution, Land Contamination and Land Instability)
SE13 (Flood Risk and Water Management)

National Policy

The National Planning Policy Framework (NPPF) (2018) establishes a presumption in favour of sustainable development. Of particular relevance are the following sections and paragraphs:

Section 13: Protecting Green Belt land

Section 16: Conserving and enhancing the historic environment

The National Planning Practice Guidance (NPPG) (as updated online)

Supplementary Planning Documents

Cheshire East Borough Design Guide (adopted 2017)

CONSULTATIONS (External)

Historic England: *Supportive*

The creation of a new memorial garden is a sensitive way to diversify, would be a use consistent with the assets conservation and history, and could sustain and enhance the significance of the heritage asset.

The Gardens Trust: *Supportive*

The trust supports the need to financially sustain the estate and following consideration of the visual assessment and photomontages, raise no objection to the development. It is, however, recommended that the indicative tree planting is included in Phase 1 of the development. This would be crucial in reducing the visual impact, particularly in the later phases.

Aston by Budworth Parish Council: *Supportive*

“Aston by Budworth have no objection and support the above application”

REPRESENTATIONS

30x letters of representation received including a letter of support from the Tatton MP (Esther McVey). The representations are summarised as follows:

Support: 29x letters:

- Enhancement to Cheshire and Arley Hall
- High quality gardens
- Scheme of high importance
- Walled gardens at Arley Hall internationally renown
- Scheme will provide comfort to bereaved families and individuals

- Imaginative
- Contribution of Tom Stuart-Smith (Award winning gardener)
- Arley Hall requires diversification
- The scheme will complement the existing hall
- Ensures the survival of Arley Hall
- Beautify gardens
- Employment benefits
- Tourism benefits
- Local support
- Self funding required and other funding options could be less sensitive
- Horticultural interest
- Enhancement of field which is currently out of view
- No visual harm
- Maintain historic buildings
- Well received public consultation
- Historic England support
- Boost to the community
- Local / national importance
- This scheme is preferable to holding larger short term events which can cause environmental issues (congestion, noise)
- Limited impact on the Green Belt
- Reduces possibility of Arley Estate breaking up.

Comment: 1 x letters:

- Sceptical of the commercial viability
- Many in the area support the application but would not use it
- No advantage to area tourism
- The estate needs money to prevent the estate properties becoming dilapidated so any imitative however unlikely to succeed must be viewed positively.

APPRAISAL

Key Issues

- Green Belt
- Landscape
- Heritage
- Tourism
- Very special circumstances
- Sustainability

Green Belt

The site is contained within the Green Belt designation as outlined in the Macclesfield Borough Local Plan (2004). The Green Belt is afforded strong protection both locally (policy PG3 of the CELPS) and nationally through the NPPF. The most essential characteristics of the Green Belt is their openness and permanence with the thrust of planning policy to prevent urban sprawl by keeping land permanently open. New building in the Green Belt is

inappropriate development unless it meets one of the exceptions listed in paragraph 145 of the NPPF. The most relevant exception to this application is the following:

- “The provision of appropriate facilities (in connection with the existing use of land or a change of use) for outdoor sport, outdoor recreation cemeteries and burial grounds and allotments; as long as the facilities preserves the openness of the Green Belt and do not conflict with the purposes of including land within it.” (Para. 145, NPPF)

The facility and use itself, a walled memorial garden, is not necessarily inappropriate development in the Green Belt, but the caveat that it must preserve openness is crucial. The construction of 3.46m high brick walls for a perimeter of 540m cannot be considered to preserve the openness of the Green Belt. Openness is defined as “the absence of built development”. There is no built development on this field, and the proposal which would be prominent within the landscape would not preserve the Green Belts’ openness in this rural context. There would also be encroachment into the countryside, contrary to one of the purposes of including land in the Green Belt, The proposed development is therefore considered to be inappropriate development in the Green Belt.

The preceding paragraphs outline that “inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (para. 143). “Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. (para. 144).

The inappropriateness alone is harmful to the Green Belt which attracts substantial weight in decision making. Further to this, the built wall itself would have a significantly harmful impact on the openness of the green belt which is a fundamental characteristic, and would result in encroachment into the countryside. These matters carry significant weight against the proposal. As explored in later sections, there is also considered to be landscape harm and some heritage harm which in accordance with para. 144 contributes to the harmful aspect of this development alongside the Green Belt harm. A section on very special circumstances, set out later in the report considers whether or not there are considerations in favour that clearly outweigh the harm to the Green Belt and the additional harm identified.

Landscape impact

This proposal is for a new memorial walled garden within the Marl Field, which lies to the north east of Arley Hall. The proposed walled garden will cover an area of 1.68 hectares (4.1 acres) with walls 3.5m in height, with up to +/-200mm variations to allow for topography. The walled garden would be constructed from red brick and buff/pink sandstone and internally divided into four gardens. Associated with the walled garden is a car park for 22 cars, as well as a new access onto Back Lane, a reception building at the car park and a composting toilet and plant on the north wall of the walled garden.

The application includes a Landscape and Visual Assessment, this identifies the baseline landscape character information at the national level, NCA 61: Shropshire, Cheshire and Staffordshire Plain, and the district level, Cheshire Landscape Character Assessment Lower Farms and woods, specifically LFW3 Arley, as well as the local character of the Marl Field.

The Assessment includes an assessment of the sensitivity of landscape receptors to change resulting from the development of the walled garden. These are the National Character Area – minimal effect; District Character – minor effect; Cheshire Green belt – will not compromise; Arley Conservation Area – minor effect; Designated Assets – high. But while the assessment states that the designated assets (Registered Park and Garden of Special Historic Interest (Grade II*)) has a high sensitivity, (Sensitivity – High, Condition- High, Value – High), caveats this assessment with the opinion that the proposals will result in the loss of a small parcel of agricultural land which is more closely associated with Home Farm and is therefore of medium sensitivity, good condition and moderate to high value, resulting in a moderate to minor effect upon landscape character. Part of the justification for this is that the marl Field has agricultural value, but is not locally distinctive when compared to similar fields within the local landscape, and that when considered in isolation, the field does not have a remarkable sense of place or has an easily recognisable character’.

While the assessment identifies that the *‘Registered Park and Garden of Special Historic Interest designation washes over the site for (ibid) memorial walled garden. This is a landscape of high significance and Marl Field provides the agricultural setting to the more formal designed landscape surrounding Arley Hall’*(p.19), and that the *‘Marl Field was never intended to be part of the designed landscape, as it was hidden from view behind designed planting. Marl Field has a stronger association with Home Farm and its location, to the east of the Dairy suggests that it was a working field, supporting a dairy herd’*, it seeks to undervalue the sensitivity and designation that washes over the application site. The Marl Field has been part of the designated Registered Park and Garden of Special Historic Interest since 10 June 1985. It is also considered that the location of Dairy Wood and the historic location of the double lime avenue to the west of the Marl Field, and The Grove to the east, would provide a much closer relationship between Arley Hall and the Marl Field than the relationship between Home Farm and the Marl Field, as suggested in the assessment. Dairy Wood also provides a strong and effective visual barrier that prevents views of Home Farm.

The assessment identifies the visual baseline and identifies 6 viewpoints from a number of locations along Bridleway 27 Aston by Budworth (VP 1), Bridleway 1 Aston by Budworth (VP2), Footpath 36 Aston by Budworth (VP3), FP6 Aston by Budworth (VP4), Bridleway 1 Aston by Budworth/Back Lane and VP6 looking in a north easterly direction from within the Registered Park and Garden. Commentary including the visual receptor sensitivity is given for each. It is considered that the sensitivity for each of the viewpoints has been undervalued and that in reality the visual sensitivity of each of the 6 receptors chosen would be far more sensitive than the assessment indicates.

The submitted Heritage Assessment and Landscape and Visual Assessment both identify that the Arley Park is a designated Grade II* registered landscape, with the surviving landscape at Arley dating from the mid 18th to the mid 19th centuries and that *‘the landscape is of high national significance on account of its exceptional quality, the assemble of design features, the extent and degree of survival, the association with nationally significant architects (Latham, Salvin & Street) and landscape designers Emes and Nesfield’*. The Historic England description of Arley notes *‘The park, gently rolling in generally fairly level countryside, is bounded to the north by Back lane, but otherwise its boundaries follow field and wood edges’*. This latter description clearly indicates that the Marl Field was considered to be part of the park and that Back Lane, to the north, forms the boundary.

As part of the proposals it is intended to reinstate the double lime avenue with appropriate lime species or cultivars in the same positions as they were planted in the mid 18th century. The Heritage Assessment indicates that the double avenue is highly significant because of its design integrity with the east terrace, but that this is restricted to the avenue itself and perhaps some open field each side, as 'breathing space' for the avenue, with glimpsed views under the tree canopies (4.2.4). But while the Landscape and Visual Assessment states that the memorial garden will be located to the north east of the Marl Field, the Heritage Assessment causes some concern when it states, '*The proposed development site itself therefore can only be afforded a medium significance within the registered landscape (assuming the proposed development stays clear of the double lime avenue)*' (4.2.4).

While it may not be part of the Arley Conservation Area, nor are other extensive parts of the Arley Park. The Landscape Quality and Significance of a Grade II* site on the English Heritage Register of Parks and Gardens indicates that the park must be considered to be both of national importance and of exceptional historic interest and it is quite clear from the English Heritage citation that the whole of Arley Park, including the application site is deemed worthy of being considered Grade II*, yet the Landscape and Visual Assessment has undervalued the sensitivity of both the landscape and visual receptors and questioned the inclusion of the site within the designation. The Landscape Officer considers that the proposed development would be at complete variance with the landform, scale and pattern of the landscape, that it would permanently degrade, diminish and destroy the integrity of valued characteristics and their setting and that it would cause a high quality landscape to be permanently changed and its quality diminished.

The landscape impact as considered by the Council's Landscape Officer raises conflict with policy SE4 of the CELPS.

Conditions can be applied that would mitigate some of the landscape impact in the long term, but overall it is considered that the proposal will result in a harm to the landscape contrary to Local plan policy.

Heritage assessment

Summary of main issues

1. Consideration of impact upon heritage assets:
 - the setting of listed buildings
 - the Registered Historic Park and Garden
 - the character and setting of the Arley Conservation Area
- 2 Weighing heritage impact balanced against the public benefit arising from the development and how that is secured

The site and its context

The quality of the registered historic park and gardens is acknowledged on account of its exceptional design quality and intactness as a designed landscape dating mainly from the mid-18th century with a number of mid-19th century adaptations and important subsequent additions and developments. It is associated with a number of eminent architects and landscape designers including Emes and Nesfield.

The history of the park and gardens is set out in detail in the Heritage Statement; consequently there is no need to repeat that here, other than to stress the continued importance of the formal gardens to Arley, both as a visitor attractor but also in terms of the setting for this fine collection of historic buildings and as a centrepiece of the wider historic park.

The application site itself is located north east of the Hall (c. 150m) and Chapel (c. 100m) on land known in recent history as the Marl Field. Previously this has been known as the Nearer Marl Field (the Warburton Plan of 1744) and more latterly as Part of the Big Marl Field (1786 Plan), The Tithe Map and apportionment of 1846 continues to show this as Big Marl Field.

In all of these cases the derivation of the field name is not certain as to whether it was reference to soil conditioned land or as an area used to produce material for brick. However, it is evident from the various historic maps that this field was never intended to be formalised as gardens or parkland. Indeed, successive plans by Emmes and Nesfield sought to enclose the formal gardens from the Marl Field by the planting of the Grove, some dense planting in the SW corner of the Marl Field itself and more latterly, dense coniferous planting along the boundary between the house and the Marl Field (which is probably the Yew hedge present today).

The only designed landscape incursion into the Large Marl Field was the planting of a double avenue of Lime trees across the western section in the mid 19th century, stopping at an opening in the boundary on Back Lane, whilst a track was created further west, creating a pathway link to the new east terrace to the Hall from Back Lane. It is concurred with the heritage assessment that the Avenue is likely to have been a planned feature to capture a northerly view away from the eastern terrace rather than a formal walk or ride (however, there would have been incidental benefit and views from the avenue, over the marl field, for those walking up the avenue on foot). Today only modest remnants of the Lime Avenue remain with the stone lined Ha-ha at the edge of the Avenue with Back Lane.

The design and arrangement of the new house in the mid 19th century reinforced the exclusion of the application site from the formally laid out park/garden with its main orientation to the south, east and west toward the main areas of formally planned gardens and the more open, parkland approach from the south.

Back Lane was included on the 1786 Emes Plan and was constructed by the time of the Tithe map in 1846. Subsequently, in the latter 19th century the Grove was further extended to enclose the eastern boundary of the Marl Field up to Back Lane. Secondary aspects and views from Back Lane across the application site toward the Hall were created at that time, but intervening landscape now partly screens and reduces that visual association.

Inter-visibility between the site and the Hall and gardens has been reduced by the Yew Hedge, the densely planted edge of the Grove and other mature trees located between the chapel and the Yew Hedge. One element of the designed landscape within the historic park that shares a more direct relationship with the site is the northern Lime Avenue, which although severely diminished as a landscape feature, does benefit from the incidental views and openness derived from the relationship with the open character of the Marl Field.

Consequently, although it is generally agreed with the conclusions reached in the heritage assessment that the Marl Field (the site) holds less significance than other designed parts of the designated park and garden, the Marl Field does still hold a degree of significance in

terms of the setting of the Park and Garden and indeed in the setting of the listed buildings and the conservation area, contributing toward the openness of the setting north of the Hall and in intermittent southward views from Back Lane and in its relationship with the remnant North Avenue. The heritage assessment does not fully consider this or apply sufficient weight, particularly in relation to the incidental views across the land from Back Lane.

Evaluation of proposal

Firstly, it is stressed that there is support for the general proposition for diversification to enable the estate to better sustain itself. The financial information submitted highlights the precarious state of the Estate's finances for the following year and the forthcoming costs in relation to various heritage assets on the Estate. It also highlights potential alternative scenarios in terms of ways of sustaining the Estate, including enabling development and potentially selling off elements of the estate, both of which could be severely detrimental to the integrity and character of the Estate (including built heritage impacts).

As a general concept, the walled memorial garden is a form of diversification that fits with spirit and heritage of Arley, provided that a suitable location and scale of development can be achieved. However, where there will be detrimental impacts upon heritage assets or their settings, it is important in policy terms that the harm should be weighed against the public benefit. Consequently, it is important that a proportion of those benefits arising from the proposal directly benefiting the historic fabric of the estate to help sustain its significance.

The application contends that there will be little to no harm arising from the proposal. But it is considered that the impacts have not been fully considered. Although the Marl field is not a formal component of the historic park and garden, it has always been part of it, falling within the scheduled area. Its contribution is the open character to the northern edge of the historic park and garden, enabling glimpsed, sporadic views of Arley Hall from Back Lane and an open context for the Lime Avenue. This has been the situation for several hundred years.

Consequently, whilst the conclusions in the heritage statement and design statement are noted, it is considered that the impact upon the historic environment arising from the proposal is more significant than suggested. In heritage terms, there is insufficient consideration of the impact of the proposal on the open character of the Marl Field and incidental views from Back Lane toward Arley Hall across the site. The impact of the proximity of the walled garden to the Lime Avenue has also been down played. The Council would therefore disagree with the conclusions at 5.3 of the Heritage Statement that the proposal "*would at worst be minor*" and would be mitigated by proposed landscaping. The impact in heritage terms would be greater than minor, and the proposed mitigation landscaping would take time to establish, hence, there will be a greater degree of harm arising from the development than is being suggested.

Whether the development of the gardens will eventually enhance the landscape to such a degree that it would become positive in heritage terms, as alluded to in the submission, is difficult to determine, but in any event, that would take a considerable period of time to come to fruition.

Since the pre-application discussion, the area of the walled garden has more than doubled and now encroaches into the western half of the Marl Field, much closer toward the Lime Avenue. This will also make the site more noticeable in oblique views for the area of garden/park north west of the Chapel, albeit still substantially screened by the Yew hedge.

Utilising the site levels to reduce the perceived height of the south western section of the wall will help to mitigate some of its impact.

The originally proposed, smaller, walled garden would have had a more modest impact than this proposal, both in terms of views from Back Lane and proximity to the Lime Avenue. The impact of the submitted proposal will be mitigated to a degree by planting on the outside of the wall but, as with the other walled gardens, it would still appear as an imposing built feature where once there was open ground and it would take a good number of years for this landscaping to mature.

Change within an asset's setting or within the formal boundary of an historic landscape does not necessarily result in harm but, in this case, the proposal would lead to a degree of harmful impact, which is exacerbated by the scale of the proposal. Nevertheless, having regard to the significance of the Marl Field, that of the park in its entirety and the contribution this land makes to the setting of Arley Hall and Chapel and the Arley Conservation Area, the impact of the proposal would amount to less than substantial harm, and, the impact of that would lessen over time as the landscape around the walled garden matured. It would result however, in a permanent change in the openness of the Marl Field.

If the scheme were to be reduced to a scale closer to the original proposal however, then the impact on the historic park and setting of listed buildings would obviously be reduced, and where a negligible to neutral impact would be likely in the longer term.

Whilst it is acknowledged that the proposal would continue a long standing tradition of walled gardens at Arley, with the consequent overarching benefit derived from that, it is considered that to better balance against the level of harm arising from the larger walled garden proposed, then a more tangible and definitive conservation benefit than is presently proposed needs to be secured.

The document entitled "Note on Investment Required in Historic Assets at Arley" outlines the required costs to prevent estate heritage assets deteriorating, which amounts to nearly 1.5 million pounds (extracted below).

| Heritage Asset | Investment Required |
|-----------------------|---|
| Aesop's Cottages | £170,000 |
| The Firs | £1,000,000 |
| New Farm | £175,000 |
| Walled Garden Walls | £150,000 (additional to £100,000 already spent) |
| Total | £1,495,000 |

The Note also stresses that this isn't a comprehensive list and does not include window repairs. The accompanying heritage statement also makes reference to the potential for refurbishment of the east terrace and formal east garden although this isn't listed in the Note.

It also states: *"The Estate is open, if essential, to directly linking some of the investment in the historic fabric to the grant of planning consent, however, it is our view (and as Historic England has not requested this) that to do so would unnecessarily complicate the application and could delay the development such that it might not proceed at all. Further it is not essential in order for the development to be taken forward for approval"*

The applicant has now tabled a draft Heads of Terms for consideration which outlines a commitment to undertake the package of conservation repairs for Aesops Cottage and window repairs to the hall, to be undertaken within 3 and 5 years of the commencement of the walled garden. Also stated is a commitment of at least £100,000 to be spent by the landowners on suitable estate conservation works (to be approved in writing by the LPA) prior to commencement of the 4th quadrant. The heads of terms are in the form of Unilateral Undertaking on behalf of the estate, which requires scrutiny in legal terms to ensure it appropriately secures the specified public benefit.

With the benefit of such a legal agreement, and this being considered legally sound, it is considered that there would be sufficient public benefit to justify the less than substantial harm to the heritage asset.

Materials have been provided to the Local Authority including replicating the surface of the existing gravel paths through the site. Within the gardens themselves, Yorkstone paving will be incorporated which is considered appropriate within the gardens. These surfaces will be conditioned in accordance with the details submitted.

Information has been provided regarding Oak cladding to the building with slate/tiled roofing which is likely to be acceptable. Details have also been submitted regarding the car parking surface (hot rolled asphalt, and Staffordshire Pink with limestone), reinstatement of the lime avenue, and landscaping around the gardens and Back Lane boundary. A response is awaited from the Conservation Officer regarding these details and it is expected that this can be provided as an update to members prior to committee.

Views of Historic England

Historic England recognise the outstanding national interest of Arley Hall and the associated collection of heritage assets. The need for Arley Estate to diversify is recognised with income required to adapt to current markets and provide the necessary income to finance such resource-hungry complexes. It is naturally desirable that historic entities remain as cohesive units as their combined value is often much greater than the sum of their parts.

Historic England do consider that the creation of a memorial garden is a sensitive way to diversify, which could sustain and enhance the significance of the heritage asset. This alone attracts strong weight in favour of the application, and doesn't take into account the financial contributions towards historic fabric of the estate, secured through negotiations with the applicants.

Gardens of high quality have been continuously added to the grounds by members of this same family. The current application would continue this tradition and whilst located some distance from the existing focus of the formal pleasure gardens to the west, the context of the agricultural Marl Field is considered appropriate for the next phase in the expansion of Arley's gardens. Historic England raise no objection to the development, outlining that the proposal would be in a use consistent with the assets conservation, and would make a contribution to the local character, in accordance with paragraph 185 of the NPPF.

Views of the Gardens Trust

The Gardens Trust have also commented on the proposal. Their position is that the proposals would make a positive asset to the estate and local economy, and the need to financially sustain the estate is recognised. Whilst a statement of support from this statutory

consultee is not clear, the Gardens Trust have confirmed that they have no objection to the development subject to indicative tree planning being included in phase 1 of the development. This will be strictly conditioned that the external landscaping of the site (reinstatement of the lime avenue, and gapping up of the Back Lane boundary) shall be carried out concurrently with the commencement of the construction of the walled garden. External landscaping around each quadrant shall be carried out within the first available planting season following the construction of each quadrant.

Conclusions on heritage matters

In general terms there is support for the principle of finding a means to secure a more sustainable and diverse financial base for the management of the estate, based on the financial information it has provided. There is also support in general terms for a new walled garden in a location and of a scale that will help to sustain investment into the estate and more specifically into its historic fabric.

However, it is considered by the Councils Conservation Officer that the heritage impacts of the increased scale of the proposal at the Marl Field have been underestimated or downplayed in the supporting assessments. The impact on the setting of heritage assets and upon the remnant Lime Avenue is greater as a consequence of the increase in coverage. The mitigating external landscape will take a significant period of time to mature and therefore reduce the visual impact. Furthermore, the longstanding openness of the Marl Field will irrevocably be altered compromising the informal open setting to this side of Arley Hall and the Chapel. This does cause some less than substantial harm to the registered park and gardens in the setting of listed buildings.

To ensure compliance with paragraph 196 (NPPF), there needs to be direct and tangible public benefit in the form of investment into the historic fabric of the Arley estate to outweigh the harm to heritage interests.

The provisions set out in the Draft Heads of Terms for the Legal Agreement submitted recently by Rural Solutions are considered acceptable in principle. The aims of such an agreement are to secure benefits to the historic fabric of the estate.

Paragraph 196 states that where a development proposal will lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. It is considered that this test is met through the benefits to the direct and ongoing preservation of the wider Arley Hall Estate.

Tourism and Local Economy

Cheshire East's visitor economy is worth £895m per year; employing almost over 11,500 fte's. It is an important economic sector that contributes to jobs, growth and prosperity, both in its own right and in its contribution to Cheshire East's 'Quality of Place'. The ambition is focussed around continuing to maximise growth of the visitor economy, whilst ensuring greater prosperity across the widest number of communities that will lead to greater wellbeing for both residents and visitors. Tourism can be a force for good both in economic terms but also as an essential contributor to the excellent quality of life and place Cheshire East offers. This is a key factor not only in decisions to visit but also in decisions to settle and to invest.

A construction and economic survey has been submitted with the application. This suggests that the construction of the walled gardens in total would equate to 4 x £1.8m (£7.38m total). Local firms would be used in the construction and material supply process.

The Planning Statement suggests the scheme could benefit the local, regional and national economy by approximately £21m. It is unclear how this figure has been arrived at, and would likely depend on the success of the gardens and whether all 4 quadrants are eventually implemented.

Whilst there would be only 1 job generated as part of this application, it is understood that the development would secure existing jobs within the estate. The increase in local spending power, construction benefits and maintenance of a high quality memorial garden, would all result in moderate economic benefits. Any increase in visitors to Arley Hall would also likely provide some economic benefits (retail, restaurant, accommodation) to local and regional centres including Knutsford and Northwich.

A key priority set out within the Cheshire East Council Visitor Economy Strategy is to *'Encourage investment in quality tourism product and services in Cheshire East to the benefit of jobs and economic growth'*

This proposal aligns well with the objectives of the Strategy.

The proposed memorial walled garden at Arley Hall will be designed by Tom Stuart-Smith. He is an award winning garden designer involved in prestigious projects nationally and internationally.

The applicant contends that the fact that Tom Stuart-Smith will be designing the walled garden at Arley Hall will add another dimension to the development. It is argued that this will raise the profile nationally of Arley Hall and has the capability to attract visitors from far afield; thus adding to the visitor economy of Cheshire East.

Policy EG4 of the CELPS seeks to protect and enhance the unique features of Cheshire East that attract visitors to the area. The development of this walled garden in its own right would encourage visitors due to the quality of the development and the associated landscape design by Tom Stuart-Smith. The fact that this development is in such close proximity to Arley Hall which is a significant tourism attraction within Cheshire East would likely strengthen the appeal of Arley Estate as a place to visit. The gardens would be well connected to the estate through a number of laid footpaths and it is expected that paying visitors to the estate may be attracted further by the walled gardens. As noted by the Conservation Officer, there may be other methods to diversify on the estate to provide the required funding, including approaches which may be more harmful including for example residential development. This approach whilst presenting green belt and landscape issues, does at least secure the enhancement of the tourism aspect in a historic environment. It should also be noted that since 2009, visitor numbers to Cheshire East have increased by 35.8% and the associated economic activity by 64.6%. This development is considered likely to support this positive trend, specifically in rural tourism.

Further to this, financial contributions are required for the repairs to Arley Hall's windows, Aesops Cottage, and a further heritage project (to be agreed prior to commencement of the 3rd quadrant). These contributions will allow important repairs to be carried out to the historic fabric of the estate, which will help to secure the outstanding national and historic interest in the estate. Such improvements are closely related to the attractiveness of the Arley Estate as a place to visit and will help to secure its strong attraction to tourists both within Cheshire East and further afield.

Whilst there are considered to be tourism benefits, it is difficult to quantify. It is considered that some weight can be given to the potential direct tourism benefits as the proposal may improve the visitor experience of a trip to Arley Hall. Noting the limited uplift in highway movements arising from the proposed development, however, it is considered that this should be given no more than modest weight in the planning balance. It is considered, however, that the main benefits are in helping to sustain an existing important visitor attraction in Cheshire East and this is given significant weight in the planning balance.

The proposal would accord with CELPS policy EG4 and paragraph 83 of the NPPF.

Residential amenity

The walled garden would occupy a fairly isolated parcel of land within the Marl Field. Whilst screening would be provided around the perimeter, the 3.5m (approximate height) walls would likely still be visible from a number of residential properties. These include some to the south west, and Home Farm to the west. Whilst the wall would be visible, at 3.5m, it would not be overbearing nor would the development cause issues relating to losses in privacy or losses of light.

Whilst the field would be intensified in its use, the nature of the development is not likely to be particularly noise generative. The development would provide a place of memorial and visitors would likely be expected to refrain from making excessive noise. Nonetheless, the walls would provide some acoustic mitigation.

The development does not cause any significant amenity issues. The proposal would accord with policy DC3 of the Macclesfield Borough Local Plan (2004).

Highways

Access

The application proposes a new vehicular and pedestrian access to the site which leads off Back Lane, a private route within the Arley Estate. Visibility splays indicate that an appropriate splay of 43m is demonstrated within the submitted plans as being achievable, 2.4m back from the road edge onto the 30mph single-track lane. The application has identified that several passing bays are provided along the length of Back Lane which will allow passing vehicles to manoeuvre.

The site is connected to the wider area via footways and existing Public Rights of Way. The applicant also outlines that pedestrian and cycle access will be accommodated via a new formalised vehicular access which leads south from Back Lane into the on-site car park.

Parking

This proposed development falls under land use class Sui Generis Parking standards, and therefore there is no defined local parking standard for the proposed land use.

Notwithstanding this, the application indicates that 22 car parking spaces will be provided which will include designated disabled space. This is considered acceptable for the scale and nature of the proposed development, particularly noting the existing arrangements for accessing Arley Hall.

Network Capacity

The process undertaken for trip generation of the proposed development is reasonable. The applicant has indicated that the maximum number of additional daily trips to returning visitors would be five two-way trips per day. This would not have a material impact on the local highway network.

No objection has been received from the Councils Highways Officer whom is satisfied that the development would be acceptable in relation to highway safety, parking and trip generation. The proposal would thus accord with policies CO1, CO2 and Appendix 2 (CELPS, 2010-2030) and T5 (MBLP, 2004).

Flooding issues

The site is located within EA Flood Zone 1 meaning there is a “low probability of flooding”. Adequate drainage could be achieved on-site and areas of permeable surfacing can be ensured via landscaping condition. It is not expected that the development would significantly increase surface water flooding in this location. The proposals comply with SE13 (CELPS).

The Councils Flood Risk Officers have been consulted who have raised no objections. As an informative to any decision notice, the applicants will be made aware that if any alterations to ordinary watercourses are proposed, the applicant will be required to obtain formal consent under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority.

Ecology and Nature Conservation

The Councils Nature Conservation Officer has commented on the proposals raising no objection to the works. A nesting bird and hedgehog strategy has been submitted which has been considered acceptable. A condition attached to any grant of permission will secure its implementation. A condition will also be attached which seeks to safeguard nesting birds. This will require the developer to carry out a detailed survey to check for nesting birds prior to the removal of any vegetation or the demolition or conversion of buildings between 1st March and 31st August in any given year. Where nests are found, a 4m exclusion zone shall be left around the nest until breeding is complete. Completion of nesting must be confirmed by a suitably qualified person and a report submitted for approval by the LPA before any works continue within the exclusions zone.

Subject to the above conditions, the proposal would accord with policy NE11 (MBLP, 2004).

An Ecological calculations survey has also been submitted (Biodiversity Offsetting, ref. AWG/4788). Using DEFRA Matrics calculations, this identified a +200% enhancement for newly created habitat, and +199% for habitat connectivity as a result of the development. This supports a clear ecological benefit with the application.

Arboricultural impacts

The Councils Arboricultural Officer has considered that the trees which are to be removed (Low Value – Category C, and 4 x Moderate Value – Category B) are not worthy of formal protection under a Tree Preservation Order. The retained trees can be protected in accordance with current best practice. It is noted that some of the trees to the northern side will require pruning, but these are not indicated for removal and again, are not worthy of formal protection. One protected tree, identified as an aging Sycamore, exists to the northern side of the western boundary which is not outlined for removal.

The landscaping scheme, which will be conditioned, will ensure that adequate planting remains, or is established, to the front of the site to help integrate the development into the wider sylvan character of Victoria Road. Arboricultural conditions recommended are for the development to be carried out in accordance with the Arboricultural Development Statement (29th March 2018). Subject to this condition, the development would accord with policy DC9 (MBLP, 2004).

Environmental Health

Environmental Protection Officers have assessed the proposal. No issues are raised in respect of air quality, noise, contaminated land or construction matters.

Very Special Circumstances (VSC)

“Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances” (para. 143).

“Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations”. (para. 144).

Substantial weight is given to the harm as a result of inappropriateness. Significant weight is also given to the harm to the Green Belt as a result of the encroachment into the countryside and the reduction in openness of the site. Additional harm has also been identified through the harm to a designated landscape, in particular with visual harm in the short to medium term. Associated with this is the harm to the heritage asset, as the affected landscape forms part of the setting of Arley Hall, designated as part of the registered park and garden. This harm to heritage and landscape is also attributed significant weight.

Set against this harm is the wider benefit to the Arley Hall Estate. The development would greatly assist the safeguarding of the historic fabric and significance of Arley Estate, one of the finest collections of heritage assets in Cheshire East, whilst enhancing the experience to an existing well visited attraction in the Borough. The former lime avenue would also be

reinstated back to its former status and external landscaping would be conditioned to visually mitigate the presence of the wall. Whilst the development is harmful due to the aspects identified, the development will generate income to support Arley Hall through a project that is in keeping with the history of Estate through the creation of a new formal garden. The support and comments of Historic England are considered particularly important in this respect. The Gardens Trust similarly do not object and there is overwhelming support in the local community for this project. These factors all add to the weight given to the wider public benefits of this project. It is considered that very substantial weight can be applied to the considerations in favour of this development.

On balance, it is considered that the considerations in favour clearly outweigh the harm by inappropriateness and the other harm identified. As such it is considered that the very special circumstances required to justify this development in the Green Belt do exist.

In accordance with section 38(6) of the Planning and Compulsory Purchase Act 2004 the proposal should be determined in accordance with the Development Plan unless other material considerations indicate otherwise. As set out in the report the proposal raises some conflict with policies relating to the landscape and Green Belt (notably policy PG3 and SE4 of the CELPS). For the reasons given, very special circumstances are considered to exist and there are material considerations that warrant a departure from Development Plan policy. The development is considered to constitute sustainable development as defined in the NPPF.

Section 106

A section 106 agreement will accompany the application and is required to secure the following:

- Aesop's Cottage to be renovated in accordance with the 'Timber Frame Condition Survey Report (Appendix 2) within 3 years of commencement of development.
- The Arley Hall Window repairs detailed in Strutt & Parker's 'Arley Hall Window Schedule' (Appendix 1) shall be completed within 5 years of commencement of development.
- Prior to the commencement of development of the third and fourth quadrant of the walled memorial gardens, a programme of conservation works for the Arley Hall estate to the value of at least £100,000, in addition to the conservation projects referred to above, shall be submitted to and approved in writing by the LPA. The programme of works shall be implemented in accordance within the agreed timetable.

CIL Regulations

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

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fair and reasonably related in scale and kind to the development.

The funding of these projects is necessary to make the development acceptable in policy terms. As outlined in this report, there is both Green Belt harm, landscape harm and some heritage harm. Only with the above projects secured through funding, would very special circumstances be demonstrated which would outweigh the above harm.

Specifically, these projects would benefit the historic fabric of the estate and secure some significant repairs which help to support the maintenance and longevity of the estate. The contributions here would uphold the significance of some of these assets through substantiated works of which two (Aesops Cottage, and Arley Hall window repairs) are more pressing. The Local Planning Authority would reserve the right to approve any project for the other £100,000 at the time of the development of the 3rd garden.

Summary and Planning Balance

This application proposes a large walled memorial garden and associated landscaping across a development area of 4.85 hectares within grade II* registered park and gardens and within the setting of numerous listed buildings. 4 quadrants would be provided within the garden (Spring, Summer, Winter, Autumn) which would be open to the public throughout the year. Each quadrant would be phased in over time. Formally laid footpaths would connect the gardens internally and externally towards the chapel and Arley Hall. Parking would be provided to the north east corner, accessed from Back Lane.

The proposal is identified as inappropriate development in the Green Belt, and one which would have a significant impact on its openness. Whilst the Gardens Trust have raised no objection and Historic England have supported the scheme, the Council's specialist officers in terms of heritage and landscape have identified some harm with the proposals namely through the loss of the open field in the setting of the Arley Estate and wider landscape. These concerns are recognised, and alongside the Green Belt harm there is significant weight against the development.

There are, however, considerations in favour of the proposal of considerable weight. The proposal will contribute to the wider benefit of the Arley Hall Estate, assisting in the preservation of nationally important heritage assets. If approved, financial contributions to the Arley Estate which would be tied to repairs in historic fabric of certain heritage assets including Arley Hall and Aesops Cottage. There are also tourism benefits due to the popularity of Arley Hall and its associated grounds, which is one of the finest collections of heritage assets in Cheshire East, and its attractiveness locally, regionally and nationally. The income from this development would also help the owners to sustain the estate as a collective which is of high importance due to the greater value of the estate as a cohesive unit. The ecological value of the site would be greater as a result of the proposal and the historic Lime avenue would be restored. All of these elements would be linked to protecting the heritage value of the estate and would provide public benefits through the accessibility of the gardens from the wider Arley grounds.

Whilst this application is very finely balanced, it is considered that the above benefits in combination do clearly outweigh the harm associated with this development. It is considered that very special circumstances in the Green Belt exist. The proposal would therefore comply with paragraphs 143/144 of the NPPF (2012). Subject to conditions and the completion of a s106 legal agreement it is recommended that planning permission be granted

Members may note that should the Council move to approve the application, then a referral to the Secretary of State would be required as required under the Town and Country Planning Direction 2009. This is due to the significant impact on openness of the Green Belt by reason of the proposal's scale and location.

In the event of any changes being needed to the wording of the Committee's decision (such as to debate, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Planning and Enforcement Manager has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

Application for Full Planning

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

1. The development shall be carried out in accordance with the submitted plans and submitted statements
2. Development to commence within 3 years
3. The development shall be carried out in strict accordance with the submitted materials
4. Landscaping implementation (carried out within the first available planting season) from the commencement of works including the reinstatement of the lime avenue, gapping up of Back Lane boundary, and external landscaping around each developed garden.
5. Prior to the construction of any of the structures within the gardens, elevations and details of materials shall be submitted to the LPA and approved in writing
6. Prior to the removal of vegetation between 1st March and 31st March in any year, a detailed survey shall be carried out to check for nesting birds.
- 7.
8. Car park and access provided prior to first use of any one of the quadrants of the walled garden
9. Footpaths to be laid prior to first use of any of the quadrants of the walled garden.



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