

Application No: 15/5369C

Location: SOMERFORD BOOTH'S HALL, CHELFORD ROAD, SOMERFORD,  
CW12 2LY

Proposal: Full planning application proposing the conversion of the Grade II\* listed hall from offices to residential and demolition of the existing buildings and the erection of a residential development set in attractive landscaping and open space with associated access and car parking arrangements.

Applicant: P Hogarth

Expiry Date: 29-Feb-2016

## **SUMMARY**

Whilst the site is located within the Open Countryside as designed in the Development Plan, the site is presently host to some large vacant office / commercial buildings and therefore the proposal would make good use of a brownfield site in the countryside which is supported by the NPPF. The Council cannot at present demonstrate a 5 year supply of housing land and therefore provided that any adverse effects of the scheme do not significantly and demonstrably outweigh the benefits, the scheme would comprise of sustainable development.

The benefits in this case are:

- The development would provide benefits in terms of much needed housing provision in a relatively sustainable location. This is a social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide sufficient public open space facilities for proposed residents.
- The development would make effective use of a brownfield previously developed site.
- The proposal would remove the existing unsightly 20<sup>th</sup> Century additions to the Grade II\* Listed Hall and would thereby enhance the heritage asset.
- The proposal would secure the costly restoration of the heritage asset and provide it with a viable future use.
- The development would improve the appearance of the site which has been vacant since 2011 and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and the heritage asset and will make a positive contribution to it.

The development would have a neutral impact upon the following subject to mitigation:

- The impact on employment land would be neutral as the site is no longer suitable for employment purposes.
- The impact upon education infrastructure would be neutral as there is sufficient school provision in the area to support the proposals.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions
- There is not considered to be any significant drainage implications raised by this development.

- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the landscape by introducing a spread of development in the countryside
- 'Minor' impact on the Jodrell Bank Radio Telescope

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects (including the 'minor' impact on the Jodrell Bank Telescope) of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval.

#### **SUMMARY RECOMMENDATION**

**Approve subject to conditions and no objection being raised by Natural England and refer to University of Manchester to notify them of the Council's intended decision.**

## **PROPOSAL**

Full planning permission is sought for the conversion of the Grade II\* listed hall from offices to residential and demolition of the existing buildings and the erection of a residential development set in attractive landscaping and open space with associated access and car parking arrangements. The proposal would involve the demolition of the bungalows and other modern additions to the hall, conversion of the hall building to 3 dwellings and the erection of 24 dwellings within the curtilage. A parallel Listed Building Consent application is under consideration (15/5370C refers).

## **SITE DESCRIPTION**

Somerford Booths Hall is a Grade II\* listed building which originally dates back to 1612, but was substantially refurbished in the early 19<sup>th</sup> century and the exterior of the building stands very much as the 1817 redesign. The house was the seat of the Swettenham family until 1935 when the Hall passed into a different ownership. It remained as a private house until the 1960's. The property was then changed to commercial use and further large commercial office buildings were constructed on adjacent land in the 1960s. Further redevelopment of the site continued, including the provision of a large basement under the car park and a flat roofed extension linking the new commercial buildings to the original Hall.

During the course of the commercial use, three dwellings were created within the grounds of the hall, which were occupied initially by the owners of the commercial business and their family. These 1960's dwellings were connected to the original hall, impacting significantly on its setting and partly destroying the elevational detail of the west side of the Hall itself.

In the expansion of the commercial business a large office block was built adjacent to the hall and between the hall and the new block was a flat roofed extension linking the two buildings together.

The expansion of the housing development also occurred with the provision of an indoor swimming pool and games room associated with the three dwellings together with garaging facilities. The whole of this area was single storey and covered with further flat roofed links, creating further impact on the fabric and setting of the listed building.

During the use of the hall for commercial purposes, many of the internal features were destroyed, covered up or completely removed, particularly when structural work took place in the late 20<sup>th</sup> century to remove the internal roof detail and to provide storage and accommodation at second floor level. It was at this stage that the pitched roof detail of the original property was completely removed on the inside and replaced with a large flat roof taking the lines of the ridges of the original pitched roof. By doing this, much of the internal detail of the roof structure was removed and large areas of brickwork were created at second floor and the original roof line destroyed.

The commercial use of the site together with the occupation of the three residential units continued until 2011 when it was decided to curtail the commercial use back to the 1960's office development only and to place the hall and the three houses on the market.

The site is located within Open Countryside, an Area of Special County Value and Jodrell Bank Radio Telescope 'Outer' Consultation Zone as designated in the adopted Congleton Borough Local Plan First Review (2005).

## **RELEVANT HISTORY**

10/1274C - Conversion of Somerford Booths Hall to a Single Dwelling, Demolition of 3 Existing Bungalows and Replacement with 3 Detached Dwellings with Access, Car Parking, Landscaping and Associated Infrastructure – Approved 26-Jan-2011

10/1273C - Application for Listed Building Consent for Alterations to Somerford Booths Hall to Enable the Restoration and Change of Use Back to a Single Residential Dwelling – Approved 24-Nov-2010

07/0654/FUL 2007 - Conversion of Hall to single dwelling, demolition of 3 existing bungalows and replacement with 3 detached dwellings, access car parking, landscaping and infrastructure. – Withdrawn

07/0656/LBC 2007 - Demolition of 1960s and 1970s extensions and restoration of interior in connection with change of use to a private residence. – Withdrawn.

25674/4      1993   Fitting out of attic area as offices and staff facilities – Listed Building Consent Granted

17330/4      1986   Repairs generally to the entire hall both internally and externally – Listed Building Consent Granted

17329/3      1986   Extensions to cellar – planning permission approved.

17107/3      1985   Application for the use of offices of the remaining part of the accommodation – approved

17040/4      1985   Listed building consent for demolition of buildings to separate hall from existing bungalow accommodation – withdrawn

17039.3      1985   Conversion of Hall from offices into four private dwellings and construction of garages – withdrawn

16825/3      1985   To repair and renovate the hall and to divide to re organise into 12 dwellings - planning permission refused

## **NATIONAL & LOCAL POLICY**

### **National Policy**

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

Of particular relevance are paragraphs:

14   Presumption in favour of sustainable development.

50   Wide choice of quality homes

56-68   Requiring good design

69-78   Promoting healthy communities

143   Heritage Assets

### **Development Plan**

#### **Congleton Borough Local Plan**

NE11   Nature Conservation

PS8   Open Countryside

PS9   Area of Special County Value

PS10   Jodrell Bank Consultation Zone

GR1   New Development

GR2   Design

GR6   Amenity and Health

GR9   Parking provision and Accessibility

NR1   Trees and Woodlands

NR3   Habitats

BH2   Listed Buildings – demolition

BH3   Listed Buildings - conversion

BH4   Listed Buildings – effect of proposals

BH15   Conversion of Rural Buildings

BH16   Residential conversion of rural buildings

E10   Redevelopment of employment sites

H6 Residential development in the Open Countryside and Green Belt  
H13 Affordable and Low cost housing

### **Cheshire East Local Plan Strategy – Proposed Changes Version (CELPS)**

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG5 Open Countryside

PG6 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer contributions

EG1 Economic Prosperity

SC1 Leisure and Recreation

SC2 Outdoor sports facilities

SC3 Health and Well-being

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE9 Energy Efficient Development

SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management

CO1 Sustainable Travel and Transport

### **Other Material Considerations:**

National Planning Practice Guidance (NPPG)

Interim Planning Statement: Affordable Housing

Strategic Housing Market Assessment (SHMA)

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994

### **CONSULTATIONS (External to Planning)**

**ANSA** – No objection subject to the provision of 1100 square metres of Amenity Greenspace (AGS) and the provision of a Local Area for Play (LAP).

**Cheshire Archaeology Planning Advisory Service Cheshire Shared Services** – No objection subject to a condition to secure 'a programme of archaeological work'.

**Education** – No objections. No financial contributions required.

**Environment Agency (EA)** – No comments received.

**Environmental Protection** - No objection subject to conditions relating to contaminated land, pile foundations, dust control, and electric vehicle infrastructure.

**Head of Strategic Infrastructure (Highways – HIS)** – No objection subject to conditions requiring submission of a construction management plan.

**Historic England** – No objection provided that the application(s) is determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

**Natural England** – Comments awaited.

**Public Rights of Way (PROW)** – No objection.

**United Utilities** – No objections subject to conditions relating to foul and surface water drainage.

**University of Manchester (Jodrell Bank)** - Object - the impact from the additional potential contribution to the existing level of interference coming from that direction will be relatively minor. This is a general direction in which there is already significant development close to the telescope. The University of Manchester would ask the planning authority to take this in to account in reaching its decision on this development, noting that the cumulative impact of this and other developments is more significant than each development individually.

## **VIEWS OF THE PARISH COUNCIL**

**Hulme Walfield and Somerford Parish Council** - No objection

## **OTHER REPRESENTATIONS**

Letters of objection have been received from an adjoining land owner and their solicitor expressing concern about the extent of land owned by the applicant. The objector considers that the land ownership boundary is incorrect.

Officer Comment: The boundary between the land owners should run down the centre of the River Dane, however, as the river continually moves, the precise position cannot be established at this moment in time. For the avoidance of doubt, the applicant has reduced the site edged in red, to avoid any contention.

## **APPRAISAL**

The key issues to be considered in the determination of the application will be:

- Whether the proposal represents sustainable development
- Whether the proposal is acceptable in the Open Countryside
- The impact upon the character and appearance of the landscape
- Design and the impact on the heritage assets

- The impact on residential amenity
- The impact upon highway safety
- The impact upon nature conservation interests
- The impact on trees
- And the provision of affordable housing, education and public open space

The National Planning Policy Framework definition of sustainable development is:

*“Sustainable means ensuring that better lives for ourselves don’t mean worse lives for future generations. Development means growth. We must accommodate the new ways by which we will earn our living in a competitive world. We must house a rising population, which is living longer and wants to make new choices. We must respond to the changes that new technologies offer us. Our lives, and the places in which we live them, can be better, but they will certainly be worse if things stagnate. Sustainable development is about change for the better, and not only in our built environment”*

The NPPF determines that sustainable development includes three dimensions; economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

**a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community’s needs and support its health, social and cultural well-being;

**an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy

**an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;

These roles should not be undertaken in isolation, because they are mutually dependent.

## **SOCIAL SUSTAINABILITY**

### **Housing Land Supply**

The Council cannot currently demonstrate a five year supply of deliverable housing land for the purposes of determining planning applications.

Previous application reports have noted the progress that is being made with the Local Plan Strategy and how, through that process, the Council is seeking to establish a 5 year housing land supply. Six weeks of examination hearings took place during September and October 2016 which included the consideration of both the overall housing supply across the remainder of the Plan period and 5 year housing supply. The Council’s position at the examination hearings was



that, through the Plan, a 5 year housing supply can be achieved. However, in the absence of any indication yet by the Inspector as to whether he supports the Council's position, this cannot be given material weight in application decision-making.

The Council's ability to argue that it has a five year supply in the context of the emerging Local Plan Strategy is predicated on two things which differentiates it from the approach towards calculating five year supply for the purposes of current application decision making. Firstly the Council contended, taking proper account of the Plan strategy, that the shortfall in housing delivery since the start of the Plan period should be met, and justifiably so, over an eight year period rather than the five year period, which national planning guidance advocates where possible and, secondly, that the Local Plan Strategy 5 year housing supply can also, justifiably, include a contribution from proposed housing allocations that will form part of the adopted plan. These include sites proposed to be removed from the Green Belt around towns in the north of the Borough.

Looking ahead, if the Inspector does find that a 5 year supply has been demonstrated through the Local Plan Strategy, this will be material to the determination of relevant applications. Any such change in material circumstances will be reflected in relevant application reports. However, until that point, it remains the case that the Council cannot demonstrate a five year housing supply. This means that paragraphs 49 and 14 of the Framework are engaged.

## **Viability**

The applicants state that the development of the site cannot bear the cost of any planning obligations / financial contributions, which is evidenced by a financial viability appraisal. This has been independently assessed by an external viability consultant and confirmed as being reasonable.

The guidance contained within 'Planning for Growth' and National Planning Policy Framework (para 173) makes it clear that Councils will be expected to consider the impact of planning obligations on the viability and deliverability of development and that such issues amount to important considerations. The NPPF states that:

*"To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable."*

The Council's Financial Viability Consultant has confirmed that the figures contained within the Viability Appraisal are reasonable. The 18% figure for Gross Development Value (GDV) that would be generated by this proposal is within the accepted industry standard of 17.5% - 20%, a figure used within the majority of viability models and which is supported by the guidance published by the Homes and Community Agency.

Whilst it is clearly unfortunate that the development cannot bear the cost of any obligations in accordance with the usual policy requirements, part of the revenue generated by the proposed new build housing would be used to fund the costly restoration of the Grade II\* Listed Hall. Whilst it is important to note that the application is not being applied for as an 'enabling

development', it has been argued that the number of units sought are in order to improve the viability of the scheme so that the developer's return is reasonable enough to reflect the minimum enhancement a landowner would expect to release the land for development. The Council's consultant does however consider that an element of affordable housing provision may be able to be provided.

## **Affordable Housing**

The Interim Planning Statement on Affordable Housing (IPS) and Policy SC5 in the Local Plan Strategy Proposed Changes Version outline that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all sites of 15 dwellings or more or than 0.4 hectare in size.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment.

This site is located in the Somerford Booths Parish. For the purposes of the Strategic Housing Market Assessment Update 2013 (SHMA) the Somerford Booths Parish is included in the Congleton Rural sub-area. The site is also close to the boundary of Congleton town and Congleton sub-area (for SHMA purposes). In the SHMA the Congleton Rural sub-area shows a need for 11 new affordable homes per year between 2013/14 and 2017/18 (1 x 1 beds, 1 x 2 beds, 4 x 3 beds, 2 x 4+ beds and 2 x 2+ beds older persons accommodation). For the same time period Congleton sub-area shows a net need of 58 new affordable per year (27 x 1 beds, 10 x 3 beds, 46 x 4+ beds and 37 x 1 beds older persons accommodation). The SHMA identified an oversupply of 49 x 2 beds and 12 x 2+ beds older persons accommodation.

During the course of the application, the numbers of dwellings have been reduced down from 33 to 27 units with a net increase of 23. The applicant has put a viability case forward to demonstrate that the site cannot bear the cost of affordable housing provision. This has been independently appraised by a viability expert and confirmed as being the case taking into account Vacant Buildings Credit (VBC).

The NPPG also provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace.

In this case, the floorspace of the existing buildings is 4814 square metres and the proposed floorspace is 4983 square metres, an increase of 169 square metres. The affordable housing contribution can therefore only be sought from the additional 169sqm as a proportion of what would normally be required. 30% of 169 is 50 square metres, which is less than 1 dwelling, and therefore there is no affordable housing requirement for this development.

## **Public Open Space**

According to the Council's Supplementary Planning Guidance, developments of 7 or more family dwellings will generate a requirement for public open space and children's play space.

The necessary level of off-site provision is calculated by assessing the existing provision within an 800 metre radius against the population demand existing and arising from the new development. Given that the site is located approximately 1.7 miles from the built up edge of Congleton, it would not be feasible for the scheme to provide off-site provision. As such, the scheme proposes on site provision.

The Council's Greenspaces Officer has confirmed that this development would need to provide 1100 square metres of new Amenity Greenspace (AGS) based on the housing schedule. The proposed development identifies wildlife grassland, woodland and unimproved grassland. As the site is located over 2000 metres away from the nearest AGS then it is essential that 1,100sqm is set aside for AGS to enable children to play informal games on, picnic etc.

As this development is under the 49 dwelling trigger for formal equipped play requirement, on site provision is not required however a Local Area for Play (LAP) with a minimum of 100 square metres ideally located adjacent to the AGS and in accordance with standards is required. It is clear that the proposed development exceeds the required level of provision owing to its location within the existing park and gardens of the hall. As such, subject to conditions, the proposal is found to be acceptable in this regard. The open space would be maintained by a management company which would be acceptable for this development.

## **Education**

The proposed development of 27 dwellings will generate 5 primary aged pupils and 4 secondary aged pupils. However, the Council's Education Department have confirmed that there would be no requirement for contributions towards school places as a result of this proposal.

## **Jodrell Bank**

As the application site falls within the 'outer zone' of the Jodrell Bank Radio Telescope Consultation Zone, it is subject to Policy PS10 of the Local Plan. Policy PS10 advises that for such sites, development will not be permitted which can be shown to impair the efficiency of the Jodrell Bank Radio Telescope. It is proposed that Policy PS10 will be replaced by Policy SE14 within the emerging Cheshire East Local Plan Strategy – Submission Version. The principles of this policy broadly reflect those of Policy PS10.

Equipment commonly used at residential dwellings causes radio frequency interference that can impair the efficient operation of the radio telescopes at Jodrell Bank.

Jodrell Bank Observatory now opposes development across a significant part of the consultation zone as a matter of principle, in order to protect the efficiency of the Jodrell Bank radio telescope's ability to receive radio emissions from space with a minimum of interference from electrical equipment. However, Jodrell Bank recognises that the impact will vary between each development.

In this case, it is important to note that the application site comprises predominantly office floorspace (some 3367 square metres floorspace), which already has the potential to generate similar impacts to the proposed residential use. Further, the proposed dwellings would be sited within the 'outer consultation zone' where Jodrell Bank has confirmed that the impact of this development on the workings of the telescope will only be 'minor'. On this basis, and having regard to the scale of the current lawful use of the site, it is not considered that a refusal could be sustained as the impact on the workings of the telescope would not be significant. It is important to note that these conclusions have been drawn having regard to the recent decision to dismiss an appeal in Goostrey based on the impact on the telescope (appeal ref; APP/R0660/W/15/3129954 refers). In accordance with its statutory duty, the Council will notify the University of Manchester of its intended decision.

## **ENVIRONMENTAL SUSTAINABILITY**

### **Open Countryside**

The site lies in the open countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

However, one of the NPPF's 12 key principles is to '*encourage the effective use of land by reusing land that has been previously developed*'. This is reiterated in para 111 of the NPPF. This states that Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (Brownfield land), provided that it is not of high environmental value. This proposal seeks to redevelop an existing brownfield site previously used for commercial / office uses.

Paragraph 215 of the NPPF states that "*due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)*". Policies PS8 and H6 do not contain the exception as laid down in paragraph 111 and as such, in this case the NPPF takes precedence.

In this case, there would be benefit derived from developing this redundant brownfield site.

### **Loss of Employment**

Also of relevance is Local Plan Policy E10. Policy E10 states that '*proposals for the change of use or redevelopment of an existing employment site or premises to non-employment uses will not be permitted unless it can be shown that the site is no longer suitable for employment uses or there would be a substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.*' The policy further states that in determining whether the site is no longer suitable for employment uses, account will be taken of its location; adequacy of employment site supply in the area; attempts to sell or let the premises; and the need for the proposed change of use.

The cessation of the commercial / office uses, and the applicant's assertion that the buildings are no longer fit for purpose and have reached the end of their economic life, indicate that there is a potential case for the site no longer being suitable for employment uses. The buildings are of an age and configuration that would not lend themselves well to modern commercial / office uses and therefore re-use. In addition, there is no clear evidence to support the development of employment floorspace in this area (office) on anything but the smallest scale. The locational disadvantages of this site as an employment location are such that any new development will serve a predominantly local market.

The applicant also asserts that there would be significant planning benefits arising from the removal of the existing unsightly buildings and the redevelopment of the site which would facilitate the costly restoration of the Grade II\* hall. It is considered that this would serve as an important benefit of the scheme and therefore coupled with the fact that the site is no longer in demand for employment re-use, it is considered that there is no longer a need for employment floorspace of this scale at this site and as such, the proposal would comply with Policy E10.

### **Locational Sustainability**

Another of the core principles of the NPPF is that Local Planning Authorities should:

*“proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*

With respect to sustainability, the site is located approximately 1.7 miles to the north of the built up edge of Congleton. Whilst it does not meet all of the distances specified within the former North West Regional Development Agency's Sustainability toolkit, owing to its position close to Congleton, the site would benefit from the key services and amenities offered within this key service centre. Thus, whilst the site is not as sustainably located as a site that more centrally positioned, it does not perform badly.

Owing to the relatively small-scale nature of the proposals, and the fact that it is accessible, it is not considered that a refusal could be sustained on these grounds. These negative must be balanced against the lawful use of the site as offices, which has the propensity to generate many more vehicle movements than that generated by 27 dwellings and also the benefits of restoring the heritage asset, which will be discussed in more detail later in this report.

### **Landscape**

Somerford Booth Hall is set in landscaped grounds to the east of Chelford Road. It stands on raised ground to the north of the River Dane with grounds sloping down to the south. The original building has been modified and within the grounds there are a number of later developments including a large office building, associated car parking areas, garages, a domestic bungalow and a tennis court. A stable block lies to the south of the site, set apart from the main group of buildings and adjacent to a gated driveway forming the southern of

three access points. The remaining access point includes a driveway to the north off Hallgreen Lane and a central access leading to the bungalow off Chelford Road.

The landscaped grounds close to the listed building include areas of woodland, parkland with parkland trees, specimen trees and formal gardens. Whilst there have been modifications, important historic landscape elements including a ha-ha, a walled garden, carriageways and ponds remain. The wider site extends to open agricultural land and woodland.

The site is located in open countryside and is identified as being in an Area of Special County Value for Landscape and a Park and Garden of Historic Interest in the Local Plan.

The submitted landscape commentary identifies the site as being in National Landscape Character Area NCA 61 the Shropshire, Cheshire and Staffordshire Plain, and HFW1 Gawsworth character area of the Higher Farms and Woods Type. Although the land close to the river and surrounding the stable block is in the Upper Dane character area of the River Valleys landscape character type (R5).

Notwithstanding the opportunity to remove existing unsympathetic development and the potential for a landscape scheme to be undertaken as part of the proposed development, the proposals are a concern in landscape terms. The scale of the proposed development will necessitate encroachment of built form and enclosed private gardens onto previously undeveloped land, which form part of the parkland setting of Somerford Booths Hall.

Whilst it is acknowledged that the overall volume of buildings will be reduced, and due to the form of the dwellings, their heights will be kept relatively low, they are much more spread across the site than the existing development. The visual impact will therefore be greater in landscape terms. However, balanced against this must be the benefits of removing the existing unsightly development from the countryside and delivering a better designed development which would give the site and the listed hall and its setting the better prospect of being managed and maintained in the future. Details relating to wider landscape harm could be mitigated by submission of a details landscape scheme.

Landscape conditions, including boundary treatments, levels, and a landscape and habitat management plan including long-term design objectives, management responsibilities and maintenance schedules for all areas that are not within residential curtilages are recommended.

## **Trees**

There is extensive tree cover on the site with trees and woodland on the banks of the River Dane, a belt of trees/ woodland along the western boundary adjacent to Chelford Road, trees in proximity to the Hall and existing buildings and trees forming part of the parkland setting. Trees on the western side of the site and Bunnister Wood to the south east are protected by the Congleton Rural District Council (Valley of the Dane) TPO 1954.

The application is supported by an Arboriculture Implications Study (AIS) and Arboricultural Method Statement (AMS). The AIS covers the area of the site closest to the hall, essentially the area east of Chelford Road, and enclosed by the northern and southern access

driveways. The Study identifies 41 individual trees, 14 groups of trees, 2 areas of woodland and 5 lengths of hedgerow.

The AIS and AMS reports reference a proposed wall to be constructed in tree crown spreads as the rear garden boundary to the courtyard plots. The landscape layout plans appear to show a hedge and estate railing on the same line which would result in less harm to trees and avoid special construction measures required for the wall. The landscape commentary report suggests a hedge and post and rail fence. Should the development be deemed acceptable overall, if trees are to be retained, the Council's Tree Officer does not consider a wall would be appropriate in this position. However, this can be adequately dealt with by condition.

Following discussions between the agent and the Council's Tree Officer, the amendments to the scheme has improved the social relationship between specific specimens and proposed development to an acceptable standard.

Some of the existing hard surfacing to be removed encroaches over tree root protection areas in several locations and new hard surfacing is proposed in others. Existing hard surfacing will need to be removed with care and special construction techniques will need to be employed for new surfacing. Whilst there are some details in relation to the latter in the AMS, methodology need to be provided for the former. This can be secured by condition. Thus, subject to conditions, the impact of the proposed development on trees is deemed to be acceptable.

## **Ecology**

The proposed development falls within Natural England's Impact Risk Zone for the River Dane SSSI. Natural England have been consulted but their comments are awaited. The Council's Nature Conservation Officer (NCO) has advised in respect of the following ecological / biodiversity considerations.

Local Wildlife Sites - The River Dane (Radnor Bridge to Congleton) Local Wildlife Site is located to the south of Somerford Booths Hall and falls within the red line of the application. There does not however appear to be any development proposed within this part of the site and so the proposals are unlikely to affect this Local Wildlife Site.

Other Protected Species - No evidence of other protected species was recorded on the site during the submitted survey however a significant sett is located in the broad locality. As the status of other protected species on a site can change within a short time scale it is advised that if planning consent is granted a condition should be attached requiring an updated survey to be undertaken and a report submitted to the LPA prior to the commencement of development.

Breeding Birds - The proposal would be acceptable subject to conditions requiring the submission of a bird nesting survey should the development be carried out during the bird breeding survey and also for a scheme to secure features for breeding birds including house sparrow.

Unimproved grassland, ponds and broad leaved woodland - These areas of habitat are of substantial nature conservation value and are worthy of retention as part of the proposed development. These grasslands and woodlands are however potentially undervalued by the

submitted Ecological Appraisal. However, as the habitats are shown as being retained this is not a significant issue.

The landscaping plan submitted with the application does however appear to show some tree planting within the area of unimproved grassland. To ensure that the nature conservation value of the unimproved grassland is recognised and protected it is advised that the area of unimproved grassland as shown on the submitted Phase One plan should be annotated on the submitted landscape plan and tree planting removed from this area. The unimproved grasslands should then be subject to on-going management as part of a habitat and landscape management plan secured by condition if planning consent is granted. In terms of the management of the existing woodland the removal of Rhododendron would be particularly beneficial.

Ponds - The onsite pond is assessed by the submitted assessment as being of 'site' ecological value. As ponds are a Local Biodiversity Action Plan Priority Habitat, The Council's NCO has advised that this is an underestimation of the ponds nature conservation value. However, as the pond will be retained as part of the proposed development the valuation of the pond's nature conservation value does not cause concern.

Bats - The latest surveys have identified two bat roosts on site. A significant maternity roost of notable nature conservation value was recorded within the office buildings proposed for demolition. This roost is assessed by the submitted ecological assessment as being of Local Ecological value. This may potentially undervalue the roost which considering the size of the bat colony present, this roost should be regarded as being of District value. The hall building, which is proposed for alterations and renovations, supports minor roosts of two relatively common bat species. In the absence of mitigation the demolition of the office buildings would result in a significant adverse impact upon bats through the loss of a notable roost and the risk of a significant number of bats being killed or injured during the demolition.

Alterations and renovations to the main hall building have the potential to result in the loss or alteration of the bat roosts present and pose a risk of killing or injuring any bats present when the work was completed.

In order to mitigate the adverse impacts of the proposed development upon bats the applicant is proposing to provide a 'bat barn' as part of the proposals together with a number of bat boxes attached to the proposed buildings and existing trees. In order to minimise the risk of bats being killed or injured during the development the applicant's consultant has provided details of the proposed timing and supervision of the works.

An Ecological Appraisal undertaken at this site in 2008 also identified significant bat roosts associated with a tree on site. The latest ecological assessment states that 10 trees would be lost as a result of the proposals but no updated surveys of the trees on site have been undertaken. However, the tree previously supporting a Noctule bat roost would not be lost as a result of the development proposals according to the submitted landscape masterplan.

Great Crested Newts - This protected species has been recorded at a number of ponds within 250m of the proposed development. The proposed development poses the risk of killing or injuring any newts present within the works footprint when the development is implemented.



The habitat affected by the proposals is however of relatively low quality in respect of amphibians.

In order to mitigate the risks of great crested newts being killed or injured during the construction phase the applicant is proposing to remove and exclude great crested newts from the footprint of the development using stand best practice methodologies under the terms of a Natural England license.

The loss of terrestrial habitat associated with the development is to be compensated for through the creation of rough grassland habitats and log piles to provide additional opportunities for shelter and hibernation.

The Council's NCO has advised that these proposals are broadly acceptable, however the applicant should provide a plan showing the details of the areas to be set aside as great crested newt habitat. This could possibly be shown on the landscape master plan.

Mitigation proposals should include a strategy for fencing off the identified GCN breeding ponds to restrict public access. This could be dealt with through the habitat management plan prepared for the site which should be secured by condition if planning permission is granted.

### Habitats Regulations

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

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

It should be noted that since European Protected Species have been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative, (ii) that the development is of overriding public interest, and (iii) the favorable conservation status of the species will be maintained. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

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

### *Alternatives*

The office building to be demolished is no longer suitable for the use it was originally intended for. It has reached its useful economic life. It is likely that for any viable re-development of the site to take place, the building would need to be amended / removed. Consequently, there are no known alternatives.

#### *Overriding public Interest*

Restoring the Grade II\* listed heritage asset is considered to be of overriding public interest. The proposed development will allow for the costly restoration of the hall to take place.

#### *Mitigation*

The submitted reports recommend the provision of a bat barn as a means of compensating for the loss of the roosts and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present when the works are completed. Further, the tree specimen that was shown to support roosting bats in a previous survey carried out in 2008 will be retained. Conditions relating to the development being carried out with the proposed mitigation measures, and the submission of details of any lighting are recommended.

The nature conservation officer advises that if planning consent is granted the proposed mitigation/compensation is broadly acceptable and is likely to maintain the favourable conservation status of the species concerned.

In order to address the risk of great crested newts being killed or injured during the construction phase the applicant is proposing to remove and exclude amphibians from the footprint of the proposed development using standard best practice methodologies under the terms of a Natural England license.

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

#### **Highways**

The Head of Strategic Infrastructure (HSI) has commented that the site has three existing vehicle accesses off Chelford Road which is subject to the national speed limit. Due to constraints owing to the geometry of the road in the vicinity of the site, vehicle speeds are likely to be considerably lower than 60mph.

A TRICS assessment has been carried out to compare the trips that would be generated by the existing land use and by the proposal. This assessment shows that the proposal will result in less vehicle trips being generated compared to what is already there. The proposal will therefore not impact detrimentally on the local highway network.

Access visibility splays onto Chelford Road have not been shown but given that the proposal will generate fewer trips than what the existing site could potentially have generated in the past or could do so in the future, and that there have been no accidents indicating no existing safety concerns, the accesses are considered acceptable.

Swept paths have been provided which show that refuge vehicles can manoeuvre within the site. Car parking provision is sufficient.

No objection is raised by the HSI subject to a condition that a construction management plan be submitted and approved which details construction and contractor vehicle parking locations, material loading/unloading locations, and wheel wash facilities. No highway safety issues are therefore raised and the proposal complies with policy GR9 of the Local Plan.

### **Design and Conservation Matters (Impact on Heritage Assets)**

The proposals involve the refurbishment and conversion of the hall to provide 3 dwellings, each with its own independent entrance and situated across 3 floors. The dwellings will all have 4 or 5 bedrooms situated on the upper floors with a lounge and kitchen/dining room situated on the ground floor. Each dwelling will have a separate garage together with dedicated parking spaces. The units will have private gardens.

The new build proposals involve the construction of 14 new dwellings arranged in terraces around a central courtyard. The dwellings will be a mix of two-storey 4 bed units and 2.5 storey 5 bed units. There will also be a block of 3 terraced houses constructed immediately to the west of the main hall. The dwellings will be two-storeys and be either 3 or 4 bed. Elsewhere in the immediate vicinity of the hall there will be a further 3 detached dwellings which will be either 4 or 5 bed. Each of the dwellings will have a garage. Situated above the main two storey garage block a 2 bed room flat will also be created.

The development proposals also involve the creation of a 5 bedroom bungalow formed around the northern wall of the walled garden, which will benefit from having the walled garden as its private garden. Immediately to the south of the walled garden on the former tennis courts there will be a 1.5 storey, 5 bed detached house. These two dwellings will be of a more contemporary design. The final part of the proposals is the construction of a new 2 storey 3 bed detached house on the site of the former stables at the southern entrance to the site.

The proposed new build units themselves have been designed to introduce a hierarchy of building types 'derived from an historic estate', in an attempt to reflect staff housing/lodges and agricultural buildings. The majority of the units are clustered around a courtyard arrangement. This has resulted in a proposal which reflects development that can be found at country estates and is considered to be acceptable in this rural location owing to the poor 20<sup>th</sup> Century development that it would replace.

The proposed garage blocks for the various units are of modest scale and take the form of simple agricultural sheds and the smaller dwelling units have been designed with reference to estate and farm workers' cottages. The walled garden unit has been designed with a simple contemporary aesthetic which would respect the historic garden wall and the second unit removed so as to allow the walled garden to remain open reducing pressure to subdivide it and lose its character and integrity.

Following negotiations with the applicant, the scheme has been amended to reduce the overall number of units following concerns regarding the quantum of development and its likely impact on the setting of the hall and the wider landscape. This has resulted in a less regimented layout and has shifted the closest units a bit further from the western side of the hall so that it can maintain its dominance as approaching from the formal drive. The proposed

new build dwellings will be accommodated to the west and north-west of the hall where the majority of built form is currently located. This will allow the views to the east and west of the hall to remain uninterrupted.

Whilst there remain a high number of units on the site, which will still result in a domesticated setting of the hall, the quantum of development has been shown to be required to help fund the restoration of the hall. The existing 20<sup>th</sup> Century additions to the hall are not ideal and have caused significant harm to the setting of the hall. Considering that these large scale unsightly additions to the western side of the hall would be removed as part of the proposals, on balance, it is considered that the harm to the heritage asset and its setting would be 'less than substantial' as confirmed by the Council's Conservation Officer (para 134 NPPF).

This harm needs to be balanced against the public benefits of the scheme as required by paragraph 134. As already stated, there are benefits to the Hall as a result of the scheme, via removing the harmful 20<sup>th</sup> century additions and restoring the hall. Further, the proposal to convert and subdivide the hall into 3 dwellings would assist in securing a viable use for the building thereby safeguarding the future of the heritage asset. Careful attention will need to be given to providing as successful conversion.

With respect to the conversion specifically, there are a number of conditions around materials which will need to be addressed. Phasing of works to ensure archaeology is addressed and also repairs secured to the Hall as soon as possible. Following negotiations with the applicant, it has been agreed that the works to the hall must be completed by 50% occupation of the new build units. Further conditions requiring a structural survey with a schedule of works to ensure and conditions to secure high quality materials that are in keeping with the setting these dwellings will sit within and landscaping materials.

### **Residential Amenity**

The nearest neighbouring dwelling is Dairyhouse Farm, on the opposite side of Chelford Road. Distances in excess of 35m will be maintained to both of these dwellings. The latter is also screened by the dense planting along the road frontage. It is not considered therefore that there will be any adverse impact on light or privacy to any existing neighbouring dwellings.

With regard to the scheme itself, the recommended minimum distance of 21.3m between principal elevations and 13.7m between principal and flank elevations, as set out in the Council's SPD, will be maintained between the proposed dwellings. Similar distances will be achieved between the proposed dwellings and the original hall. Garden areas, in excess of the recommended 65 square metres will be created for all the new dwellings and consequently they will benefit from an adequate standard of amenity. No further amenity issues are therefore raised.

### **Air Quality**

Having regard to the relative scale of the proposal and the existing lawful use of the site, no significant air quality concerns are raised. Environmental Protection have recommended a condition for electric car charging points to be provided, in the interests of air quality and to

encourage the uptake of sustainable transport options for future occupants of modern housing.

## **ECONOMIC SUSTAINABILITY**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to the area, particularly the nearest town of Congleton, including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

## **PLANNING BALANCE**

Whilst the site is located within the Open Countryside as designed in the Development Plan, the site is presently host to some large vacant office / commercial buildings and therefore the proposal would make good use of a brownfield site in the countryside which is supported by the NPPF. The Council cannot at present demonstrate a 5 year supply of housing land and therefore provided that any adverse effects of the scheme do not significantly and demonstrably outweigh the benefits, the scheme would comprise of sustainable development.

The benefits in this case are:

- The development would provide benefits in terms of much needed housing provision in a relatively sustainable location. This is a social benefit of the proposal.
- The proposal would help in the Councils delivery of 5 year housing land supply, which cannot currently be identified.
- The development would provide sufficient public open space facilities for proposed residents.
- The development would make effective use of a brownfield previously developed site.
- The proposal would remove the existing unsightly 20<sup>th</sup> C additions to the Grade II\* Listed Hall and would thereby enhance the heritage asset.
- The proposal would secure the costly restoration of the heritage asset and provide it with a viable future use.
- The development would improve the appearance of the site which has been vacant since 2011 and has fallen into disrepair.
- The development as a whole adopts a design approach that relates well to the site and the heritage asset and will make a positive contribution to it.

The development would have a neutral impact upon the following subject to mitigation:

- The impact on employment land would be neutral as the site is no longer suitable for employment purposes.
- The impact upon education infrastructure would be neutral as there is sufficient school provision in the area to support the proposals.
- The impact upon protected species/ecology is considered to be neutral subject to the imposition of conditions
- There is not considered to be any significant drainage implications raised by this development.

- The impact upon trees is considered to be neutral.
- The impact upon the residential amenity, noise, air quality and contaminated land could be mitigated through the imposition of planning conditions.
- Highway impact would be broadly neutral due to the scale of the development

The adverse impacts of the development would be:

- The harm to the landscape by introducing a spread of development in the countryside
- 'Minor' impact on the Jodrell Bank Radio Telescope

On the basis of the above, it is considered that the proposal represents sustainable development and paragraph 14 is engaged. Furthermore, applying the tests within paragraph 14 it is considered that the adverse effects of the scheme are significantly and demonstrably outweighed by the benefits. Accordingly the application is recommended for approval.

## **SUMMARY RECOMMENDATION**

**Approve subject to conditions and no objection being raised by Natural England and refer to University of Manchester to notify them of the Council's intended decision.**

## **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Standard Time Limit (3 Years)**
- 2. Accordance with approved and amended plans**
- 3. Submission of materials**
- 4. No alterations to original roof structure**
- 5. Rainwater goods to be cast metal**
- 6. Sample panel of lime render to be submitted**
- 7. Detailed drawings of windows and doors**
- 8. Doors and windows to be timber and painted**
- 9. Any decorative treatment of rendered surfaces of the Hall shall be agreed with the LPA before works commence**
- 10. Any repairs to garden wall to be agreed prior to works commencing**
- 11. Detailed schedule of works to listed building to be submitted**
- 12. Programme of archaeological work to be submitted**
- 13. Detailed scheme / schedule of works to the listed hall**
- 14. Structural survey to be submitted**
- 15. Rooflights to be conservation style**
- 16. Removal of permitted development rights for gates, walls, fences, extensions and outbuildings**
- 17. Full restoration of the hall to be carried out before first occupation of 50% of the proposed dwellings**
- 18. The proposed development to proceed in accordance with the recommendations made within submitted ecological assessments including bat mitigation and great crested newt mitigation**
- 19. Prior to any commencement of works between 1<sup>st</sup> March and 31<sup>st</sup> August in any year, a detailed survey is to be undertaken for nesting birds**

- 20. Detailed proposals for the incorporation of features into the scheme suitably for use by breeding birds including house sparrow.**
- 21. Updated badger survey to be submitted**
- 22. Habitat Management and Landscape Management Plan to be submitted including long-term design objectives, management responsibilities and maintenance schedules for all areas that are not within residential curtilages. To include removal of Rhododendron**
- 23. Tree protection**
- 24. Implementation of Tree protection**
- 25. Updated Arboricultural Method Statement to be submitted for removal of existing hard standing**
- 26. Landscaping scheme to be submitted**
- 27. Implementation of landscaping**
- 28. Details of boundary treatments to be submitted**
- 29. Specification details for any areas of hard surfacing within tree root protection zones (to be no dig construction).**
- 30. Accordance with submitted flood risk assessment**
- 31. Details of levels to be submitted**
- 32. Scheme of electromagnetic screening measures to be incorporated into new build dwellings**
- 33. Scheme of Public Open Space to be submitted including the provision of 1100 square metres of Amenity Greenspace (AGS) and the provision of a Local Area for Play (LAP)**
- 34. Site to be drained on a separate system with foul water draining to the public sewer and surface water draining in the most sustainable way.**
- 35. Contaminated land report to be submitted**
- 36. Scheme for pile foundations to be submitted (if required)**
- 37. Scheme for dust control during demolition / construction to be submitted**
- 38. Construction Management Plan to be submitted**
- 39. Electric vehicle infrastructure to be installed in each new build property**

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

