

APPENDIX

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL PLANNING APPLICATIONS COMMITTEE

7 December 2017

Application No:	SMD/2017/0252 and SMD/2017/0253	
Location	Caverswall Castle	
Proposal	Change of Use of Grade 1 listed castle to permit C1 hotel use; meeting/lecture venue and film set location; demolition of swimming pool building; creation of a car park and alteration and extension of the existing outbuilding to provide covered parking and an estate workshop with stores in connection with the proposed use Listed Building consent for removal of existing swimming pool and alterations and extension to outbuilding	
Applicant	Mr Robin MacDonald	
Agent	Astill Planning Consultants Ltd.	
Parish/ward	Caverswall	Date registered 12/05/17
If you have a question about this report please contact: Ben Haywood ben.haywood@staffsmoorlands.gov.uk . 01538 395400 Ext 4924		

REFERRAL

This is a locally controversial site with significant planning and enforcement history

1. SUMMARY OF RECOMMENDATION

APPROVE subject to Section 106 Agreement and conditions

2. BACKGROUND TO THE APPLICATION

2.1 The background to this application is that in September 2016 planning permission was granted for a well being retreat with guest accommodation (SMD/2015/0683). The application was presented and accepted by the Council as a low intensity use of the castle, the scale and nature of which was controlled through conditions imposed on the application and also through a Unilateral Undertaking. The latter also secured the use of profit from the venture being directed to the repair of the Castle to mitigate the harm identified to the Green Belt and setting of the Listed building. Primarily the use was restricted by its very nature (said to be tranquil, monastic, pre booked structured stays based on healthy body and mind) and scale/intensity (use for 48 weeks of the year, minimum 2 nights stay, maximum 34, no day visitors, no external events)

2.2 The applicant states in his Planning and Heritage Impact Statement (PHIS) that to allow greater flexibility and attract guests to the Castle, which in turn will support its upkeep, the current application seeks a relaxation of the previous controls put in place. This application therefore seeks consent for the following main elements:-

- a) Restricted hotel use
- b) Conference/meeting venue
- c) Demolition of swimming pool
- d) Alterations and extension of existing outbuilding to provide covered parking and an estate workshop (this element also requires Listed building consent)
- e) Creation of a car park

3. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

3.1 The application site comprises the Grade I Listed Building Caverswall Castle, which is an impressive, moated castle located towards the south-west of the village of Caverswall. It is the only non ecclesiastic Grade 1 Listed building in the District. The site is located just outside of the settlement boundary of Caverswall on land designated as Green Belt. The application site also lies within the Caverswall Conservation Area. Access to the site can currently be gained from both the west and east via existing entrances. Residential development borders the eastern boundary of the site, whilst to the north, west and south lie open fields.

4. DESCRIPTION OF THE PROPOSAL

4.1 There are two applications for consideration in this report. Firstly a Planning application (SMD/2017/0252) for the change of use of the Castle to hotel, conference and film location set and operational development associated with alterations and extension to the outbuilding and creation of a car park. Secondly there is a corresponding Listed Building consent application (SMD/2017/0253) for removal of the existing swimming pool building and alterations and extension to the outbuilding, a curtilage Listed building.

4.2 The application is accompanied by a Design and Access Statement, Draft Heads of Terms for a Legal Agreement and a Planning and Heritage Statement. Members are encouraged to read these documents and study the submitted plans prior to the meeting.

The applicant has submitted Heads of Terms for a Legal Agreement, key elements of which are as follows:-

Hotel use –this use would be all year round with no minimum stay nor any requirement for pre booking. It would be restricted to a maximum of 36 staying guests at any one time and could include ‘block bookings’. It proposes that there would be no day visitors, no wedding ceremonies/receptions and no functions/events not associated with the hotel use. The restaurant and wine bar would, it says would be for the sole use of guests staying at the hotel.

Meeting/Conference use – would be only for guests staying overnight at the premises and subject to a maximum of 36. No restriction on hours of operation are offered

Management Plan – to cover such matters as guest arrival and departure, supplier/delivery vehicles etc

Repairs Report – to identify repairs and allocate a percentage of the annual profits to identified repairs

5. AMENDMENTS TO THE APPLICATION

5.1 During the processing of the application there have been several amendments to the application as set out, two of which have necessitated further formal consultation as follows:-

31st August 2017

5.2 The plans initially submitted were those used to support the previous well being application. They had not been revised to relate to the current proposal. Revised plans were requested and subsequently received showing how the building is to be used internally. It was also confirmed by the applicant that swimming pool building was to be retained unlike the previous application and that no alterations/extensions to the outbuilding were proposed. An updated car parking layout was provided to reflect this, Drawing no. A 1318- 05. The description was also amended in response to Officer's concerns that it was too vague and did not reflect the proposal as described in the supporting documentation. A 14 day re consultation was carried out on these amendments.

20th October 2017

5.3 In an e-mail dated 28th September the applicant confirmed that he wished to revert to the previously approved car park scheme and previously approved proposals for the swimming pool building and outbuilding. In other words the proposal was now to remove the swimming pool building and alter and extend the outbuilding to provide an estate workshop and covered parking. A further revision was proposed to the description to include these items and also remove reference to well being retreat.

5.4 A 14 day re consultation was carried out on these amendments

5.5 On the 12th October the applicant also agreed to remove Film location from the application description and more recently has agreed to limit guests to the hotel and conference to 36 given that the floor plans show 18 bedrooms.

6. RELEVANT PLANNING HISTORY

SMD/2015/0683	Change of use to residential and well being retreat centre with guest hotel accommodation and associated parking, demolition of existing swimming pool enclosure and alteration and extension of the existing outbuilding to provide estate workshop and garaging for three cars in connection with the proposed use. Approved with Unilateral Undertaking
SMD/2015/0671	Listed building consent for alterations/extension to outbuilding. Approved
SMD/2014/0083	Change of use to residential and well being retreat centre with guest accommodation and associated parking, demolition of existing swimming pool enclosure and replacement with a covered parking area. Refused
SMD/2013/0446/7	Change of use of country house to well being retreat with guest bedrooms and rehabilitated annex area with swimming pool and treatment rooms. Withdrawn.
SMD/2012/0352	Opening up of 3 former door openings to reconnect the castle into one. Approved.

09/00667/FUL	Change of use from residential to residential with guest accommodation, wedding events, functions and formation of new car park. Refused. Dismissed on appeal.
09/00635/FUL	Main entrance/courtyard gates and replacement gates to the northern boundary. Approved.
09/00637/LBC	Internal and external alterations. Approved.
08/01273/FUL	Change of use for events and functions venue with guest accommodation and associated car parking. Withdrawn.
08/01530/LBC	Internal and external alterations. Withdrawn.
07/01395/FUL	Change of Use from dwelling/bed and breakfast to wedding venue and alteration to existing swimming pool facility. Withdrawn.
07/01397/LBC	Internal and External alterations. Withdrawn.
07/00459/FUL	Change of use to provide civil ceremonies and associated functions, including alterations and formation of car park. Withdrawn.
07/00460/LBC	Internal and External alterations. Withdrawn.
06/00825/FUL	Change of use from residential to holiday accommodation. Withdrawn.
04/00307/FUL	Conversion of Moat House to Apartments. Withdrawn
04/00308/LBC	Conversion of Moat House to Apartments. Withdrawn
SM98/0178/FUL	Change of Use of land and formation of fishing ponds and ancillary car park. Withdrawn.
SM95/0131/FUL	Renewal of SM90/0502 (Creation of fishing ponds). Approved.
SM94/0424/LBC	Three turrets and gatehouse alterations. Approved.
SM91/0774/FUL	Change of Use to Health Farm. Refused.
SM90-0816/FUL	Change of use to five bedroom hotel and restaurant (110 covers). Refused.
SM90/0502/FUL	Creation of fishing ponds, vehicular access and associated car parking. Approved.
SM89/001214/FUL	Construction of fishing ponds and vehicular access and accommodation works. Refused

In addition to the above there are two enforcement notices in place on this site.

7. PLANNING POLICIES RELEVANT TO THE DECISION

7.1 The Development Plan comprises of:

- Saved Local Plan Proposals Map / Settlement Boundaries (adopted 1998).
- Core Strategy Development Plan Document (adopted March 2014)

Staffordshire Moorlands Local Plan (1998)

7.2 Development boundaries within the 1998 Adopted Local Plan are still in force until such time as they are reviewed and adopted through the site allocations process. Following consultation last year a Preferred Options Site Allocation DPD is currently out for consultation.

Adopted Staffordshire Moorlands Core Strategy DPD (26th March 2014)

7.3 The following Core Strategy policies are relevant to the application:-

- SS1 Development Principles
- SS1a Presumption in Favour of Sustainable Development
- SD1 Sustainable Use of Resources
- SD3 Carbon-saving Measures in Development
- SD4 Pollution and Flood Risk
- SS6C Rural area strategy
- DC1 Design Considerations
- DC2 Heritage
- C1 Creating Sustainable Communities
- NE1 Biodiversity and Geological Resources
- T1 Development and Sustainable Transport
- T2 Other Sustainable Transport Measures

National Planning Policy NPPF

National Planning Policy Guidance

8. CONSULTATIONS CARRIED OUT

Press Notice expiry date:

Site Notice expiry date:

Local residents have been notified by letter.

364 letters of support including from the Blythe Bridge, Forsbrook and Dilhorne Historical Society raising the following matters:-

- Should be allowed to pay its way
- It is essential this building is preserved and developed
- The Council have for years put obstacles in the way of making it an economic proposition
- Without funds this building will fall into disrepair
- Property needs to be enjoyed by a wide variety of people
- Uses proposed do not affect the structure, look or ambience of the property
- Will be great for the local economy
- Will bring much revenue to the area
- Will save the building and provide memories for those who get married here
- Deterioration of the building needs to stop
- This area is in need of this type of venue

12 letters of objection raising the following issues:-

- This is a big jump up from the permission granted

- Will result in large increase in traffic on unsuitable roads
- This proposal has no thought for those living in the immediate vicinity
- Weddings and other events had a devastating detrimental impact on surrounding residential properties.
- The drainage is unsuitable for commercial use
- It would be impossible to control noise from parties held by guests – stag and hen nights for example.
- The applicant has used social media to stimulate support from some people who do not live any where near the Castle and are ill formed of the circumstances of this case
- The Well being use has not even started even though it was given to be the solution to a sustainable income for the Castle
- The site has had repeated applications refused over the years.
- These proposals are only to enhance the sale of the property

Consultee	Comment	Officer response
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Parish Council	<p>Support the application but wish to make the following comments. Caverswall is lucky to have a Grade I Listed Castle in the village and we do not want to fall into disrepair, however any use of the Castle needs to be done whereby it does not have a negative impact on the village and its residents and therefore we would like to make the following comments regarding this application.</p> <ol style="list-style-type: none"> 1. Consideration needs to be given to limit the number of guests to the Castle at any one time. If there is no restriction on the number of guests then we could find a situation when large numbers descend on the Castle at any one time. 2. Consideration should also be given to the frequency and type of events permitted. 3. The number of times per year that the Castle can be used for film set locations will also have to be considered and to the type of filming done. 4. We understand that the Castle is currently up for sale on several property sites and is being marketed as being suitable for many activities/events – some of these are currently restricted under Enforcement issues. We need to ensure that such things as quad biking, clay pigeon shooting etc are not permitted within the grounds and these activities would be detrimental to the quiet village of Caverswall. 5. Due consideration must be given to protect the welfare of neighbours 	
Local Highways Authority	No objection	

Conservation
Officer

There are no proposed physical changes to the principal Listed Building. Conservation issues relate to the outbuildings and proposed parking affecting views of the South frontage of the Castle. The works involve the removal of the swimming pool and enclosure, alterations and extension to the outbuilding and a defined area of parking to support the commercial use. There is no doubt that the siting of the car park will constitute harm to the setting of the Grade I Listed Building as this lies within the principal prospect view beyond the moat. However, this harm is less than substantial harm due to the presence of mature planting around the moat and the alterations to the outbuilding which will help screen some of the parking.

I would draw your attention to:

- Para.129 NPPF: Case law has confirmed that **where there is an impact this must be assessed and given appropriate weight**. The Council has to demonstrate that the Section 66 Duty has been applied and discharged. **Section 66(1) creates a strong presumption in favour of the preservation of Listed Buildings and their setting and requires that considerable weight be given to the desirability of preservation** (Barnwell Manor Wind Energy Ltd v East Northants DC (2014)).

Furthermore:

- The strong presumption must be applied where there would be any harm, not just substantial harm (Barnwell Manor) and this also applies in cases where the harm

	<p>is slight (Ecotricity Ltd v DCLG)</p> <ul style="list-style-type: none"> • A LPA can only discharge its duty if it has carried out a proper assessment of the impact on a Listed Building, is conscious of the duty and has demonstrably applied it in assessing the proposal. • Para.132 NPPF: In considering the impact of proposed development on the significance of a heritage asset great weight should be given to its conservation with a greater weight being placed where the asset has greater importance. Significance can be harmed by alteration, destruction or development within its setting. Harm requires clear and convincing justification. Substantial harm of a Grade II LB or park and garden should be exceptional. Substantial harm of Grade II* & 1 LB, SMs & Grade 1 Registered Parks and Gardens is wholly exceptional. • Para 134 NPPF: Less than substantial harm - The harm should be weighed against the public benefits of the proposal. <p>Previous conditions all apply</p>	
Historic England	As no additional external or internal alterations proposed do not wish to comment	
Trees and Woodland Officer	Awaited	

Environmental Health Officer	Awaited	
Severn Trent Water	Awaited	
Ecology Officer	Awaited	

9. OFFICER COMMENT AND PLANNING BALANCE

Policy Context

9.1 As with all applications, the LPA is required to determine this application in accordance with the Development Plan, unless there are material circumstances which indicate otherwise and in determining these applications, it shall have regard to the provisions of the Development Plan, in so far as material to the application and to any other material considerations.

9.2 Core Strategy Policy SS1a establishes a 'Presumption in Favour of Sustainable Development' in line with the National Planning Policy (herein referred to as the NPPF) where: (1) planning applications that accord with policies within the Core Strategy will be approved without delay and (2) where there are no relevant policies or they are out of date, the Council will grant planning permission unless material considerations indicate otherwise considering:-

- I. Any adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole, or,
- II. Specific policies in within the NPPF indicate that development should be restricted.

Principle of Development

9.3 This proposal affects a Grade 1 Listed building situated within the Green Belt and the Caverswall Conservation Area. The first issue to consider is whether the proposed development is appropriate development in the Green Belt and therefore acceptable in principle. There are two main aspects to the proposal, firstly a change of use of an existing building and secondly the formation of a car park.

9.4 The Framework confirms at para 90 that the re-use of buildings can be appropriate development in the Green Belt provided that the buildings are of permanent and substantial construction. That is the case here and as such there is no objection in principle to this aspect of the application. The formation of a car park for this commercial use represents inappropriate development as undoubtedly it would have some impact both on the openness of the Green Belt and on the purposes of including land in the Green Belt (para 90). The onus is on the applicant therefore to demonstrate that very special circumstances exist to justify inappropriate development. Other matters to consider include the impact on the fabric of the Listed building, impact on the Conservation Area and the impact on residential amenity. These matters are considered under the various headings below.

Impact on the fabric and setting of the Listed building

9.5 Core Strategy Policy DC2 refers to the historic environment and requires that it is safeguarded and, where possible enhanced. It goes on to say that development which would harm or be detrimental to interests of acknowledged importance (Listed buildings, their setting and Conservation Areas) will be resisted and conversely proposals which sustain, respect or enhance such interests will be promoted.

9.6 The application does not propose any physical changes to the principal Listed building and because of this and the level of use involved, the Conservation Officer considers this element of the proposal to be acceptable.

9.7. The proposal also includes for the removal of the existing swimming pool building and extension of the existing garage/outbuilding to provide garaging for 3 vehicles. This extended building would be sited on lower ground – see plans. It is modest in size, of traditional and simple design having plain clay tiled pitched roof and timber elevations. There is no objection to the design of the building and given that the rather unsightly existing swimming pool building would be removed. The view reached and shared by the Conservation Officer is that subject to materials, this building would not be harmful to the setting of the Listed Building nor to the Conservation Area. There is similarly no objection to the minor external alterations to the existing outbuilding. These alterations and the extension are also subject to a Listed Building Consent (LBC) application also being considered in this report. For the reasons above there is no objection to this LBC being granted subject to conditions to secure appropriate materials and detailing.

9.8 The final element of the application in terms of heritage concerns the proposed car park to the south. The Conservation Officer advises that there is no doubt that the siting of the car park will constitute harm to the setting of the Grade I Listed Building as this lies within the principal prospect view beyond the moat. However, this harm is less than substantial harm due to the presence of mature planting around the moat and the alterations to the outbuilding which will help screen some of the parking. In accordance with the NPPF this harm must be weighed against the public benefits. She however draws attention to case law which has clarified the application of the duty on LPA's under Section 66. It confirms that any harm to a Listed Building or its setting must be given considerable importance and weight in decision making. It is considered that maintaining this Grade 1 Listed Building in a viable use and securing its future is a strong public benefit. The weakness in this application is that the applicant has not provided any business plan or viability assessment to demonstrate that the proposed uses will in fact generate a profit. If one were to adopt a very pragmatic view, it could be that the Council has already accepted and approved a similar type of use, the well being retreat, which was found to be viable. Furthermore a viability report submitted with the previous application considered both a well being retreat and a boutique hotel and concluded that both were viable business propositions. Interestingly it concluded that the profit for the boutique hotel was lower than that for the well being retreat albeit that it still represented a 'viable and healthy business proposition'. However it is unclear if this assessment of hotel viability included the restrictions now been offered. On the other hand conference use is also proposed which may contribute to viability although no evidence is submitted to show this. On balance it is considered that the benefit of maintaining and sustaining this Grade 1 Listed building is a public benefit to outweigh the less than substantial harm to setting. As such there is compliance with Policy DC2 and the NPPF.

Impact on residential amenity

9.9 The Inspector in the 2010 appeal considered the matter of residential amenity to be overriding in dismissing the appeal. He found the disturbance to come from a number of sources including the kitchen, music, vehicles leaving in darkness and people. He considered that the noise from people to be compounded by the scale and frequency of events, the involvement of large groups of people, the celebratory and high spirited nature of functions and the unsocial hours at which the noise disturbance was likely to occur.

9.10. The current proposal is for a mix of uses, hotel and conference/meeting room. As described above, draft Heads of Terms for a legal agreement are submitted. The consequence of these draft terms is that

- a) a maximum of 36 guests can occupy the building at any one time

- b) there can be no day visitors
- c) the restaurant and wine bar are for the sole use of guests
- d) a block booking of the entire building could occur
- e) any person attending a Conference must also be a staying guest.

Whilst wedding ceremonies/receptions are prevented as are functions/events not associated with the hotel use, this would not of course prevent, nor indeed could it prevent, private functions/parties of hotel/conference guests. However these would, by reference to the Heads of Terms be staying guests (36 in number) and therefore would not result in guests moving between the Castle and the car park or result in guests leaving the site late at night (apart from perhaps staff). Outside music and marquees can be controlled through condition.

9.11. There are four properties which are closely related to Caverswall Castle and they are: The Keys, the Coach House, West Lodge and East lodge. All of them share access with the Castle. In the previous appeal the Inspector considered that occupiers of the Moat House (attached to the castle) would be most likely to suffer noise and disturbance. However this property is now in the same ownership as the castle therefore removing this concern.

9.12 The two properties considered to be most affected by the proposal will be West lodge and East lodge. The former will be affected by vehicles associated with the proposed uses arriving and leaving the premises. However unlike the wedding proposal, the proposed uses would not result in large numbers of vehicles leaving or entering the site simultaneously nor would they be travelling past West Lodge during hours of darkness when car headlights shining directly into principal windows gave rise to loss of amenity. For West Lodge the use will, of course, generate a greater number of vehicle movements from that experienced at present, including commercial/delivery vehicles. However these would be of a more dispersed nature and not at unsocial hours and for these reasons it is considered that, subject to conditions to control the nature and scale of the use (discussed elsewhere) the proposal would not lead to unacceptable disturbance to West Lodge. It should be noted that these types of vehicle movements would have also occurred as a result of the approved well-being retreat proposals.

9.13 East Lodge is the most likely to suffer some impact from the proposal. This is because it has a particularly close physical relationship with the Castle. It has its main garden area and principal windows fronting directly onto the shared access. All guests walking to and from the proposed car park, within the grounds of the Castle and wandering in to the village will have to pass in close proximity to the garden and windows of East Lodge. The applicant as part of his Heads of Terms for a legal Agreement is offering a Management Plan which he says would control guest and delivery traffic, presumably via West Lodge as previously agreed wherever possible. However it is known that the restrictions placed by the bridge itself and the sharp degree bend onto the bridge limit entry to the castle courtyard for some larger commercial vehicles. There is potential therefore for these also to pass East Lodge and its garden. However it has to be borne in mind that this is a large 18 bedroomed property. Delivery vehicles can and most likely do use this route already as do presumably, visitors and those living in the castle. A distinction can perhaps be drawn though between permanent occupiers who would be 'familiar faces' to existing residents and guests who would change on a regular basis and would be 'strangers' and thus potentially more intimidating. However, all of the above would also have applied in the case of the approved well-being retreat. In balancing these matters and recognising that the matter is more finely balanced in respect of the impact on East Lodge, the view is that, subject to conditions, a Management Plan and a Unilateral Undertaking to control the nature and scale of the use as described elsewhere in the report, that the proposal would not give rise to such an unacceptable increase in disturbance from vehicles and movement of guests to warrant refusal of the application.

9.14 It is considered that owing to the proposed, low intensity use and distance from the

building and proposed car park, that the impact on The Keys and The Coach House would, as the Inspector noted, primarily be limited to noise from the kitchen which can be conditioned (extraction/ventilation and bins).

9.15 The concerns expressed in the letters of representation received are noted. However whilst the temptation is to compare the current proposal to events that have gone on at the property in the past and to be dismissive of any attempt to attach conditions because of past experience of these being ignored by the applicant, this application must be judged on its merits having regard to the information provided with the application. It is considered that the matter of residential amenity is finely balanced. The conclusion reached however is that with the measures in place as outline above, the proposal is considered to be in accordance with Policy DC1 and the Framework which seek to protect residential amenity

Other Matters

9.16 The comments of the Trees and Woodland Officer are awaited. However he previously raised no objection to SMD/2015/0683 subject to conditions and his advice is not expected to change this time given that the proposed car park and proximity to existing trees is as per the previously approved scheme.

9.17 A Bat survey conducted in August 2013 found that bats were using the outbuilding and emergence surveys indicated the presence of a small Pipistrelle bat maternity roost. Given that this survey is now 2 years old and following precautionary principles, it is considered proportionate to request a pre commencement updated bat emergence survey to verify that the access points and locations of the bat roost have not altered. The views of the Ecology Officer are awaited.

Very Special Circumstances and Planning Balance

9.18 As set out above, the new car park and the new building, both integral parts of the proposed use are inappropriate development in the Green Belt and it is for the applicant therefore to show that very special circumstances exist which clearly outweigh the harm by reason of inappropriateness and any other harm. As noted above these elements will result in some harm to openness, will conflict with one of the main purposes of including land within the Green Belt and there will also be some harm, albeit limited to the setting of this Listed building. The Framework confirms that LPA's should give 'substantial weight' to any harm to the Green Belt and that the government attaches great importance to Green Belts, the essential characteristics of which are their openness and their permanence.

9.19 The supporting documents confirm that the application is to secure a sustainable use for the castle in order provide funds to maintain and sustain the building. The Inspector indicated that the benefit from maintaining this Grade 1 Listed building in a viable use and securing its future 'could' amount to a very special circumstance. To accept this as a very special circumstance, Members must firstly be satisfied that the proposed use will generate an income stream for the applicant which can then be used to fund repairs and maintenance and thus sustain this Grade I Listed building. Secondly is the need for a mechanism (106 Agreement) to secure this.

9.20 The weakness in this application is that the applicant has not provided any business plan or viability assessment to demonstrate that the proposed uses will in fact generate a profit. The applicant's agent has suggested that this matter could be dealt with as part of the Section 106 Agreement negotiation. However this is a rather misguided view because the viability of the proposal is key to the acceptance of the principle of the development and not be left to later Section 106 negotiations. As discussed above, if one were to adopt a very pragmatic view, it could be that the Council has already accepted and approved a similar

type of use, the well being retreat, which was found to be viable. Furthermore a viability report submitted with the previous application considered both a well being retreat and a Boutique hotel and concluded that both were viable business propositions. Interestingly it concluded that the profit for the Boutique Hotel was lower than that for the well being retreat albeit that it still represented a ‘..viable and healthy business proposition’. It could be said that the additional Conference use proposed as part of this application will also contribute towards the viability of the proposal although there is no evidence to arrive at this view.

9.21. If Members take the view that the proposed use does appear to be a viable use capable of generating an income stream for the applicant then this would need to be secured in a Section 106 Planning Obligation. The revised draft Heads of Terms now contain an obligation for the applicant to prepare an Updated Repairs Report, defined as an update to the Repairs Report prepared by Anthony Short and Partners dated 2010. This was a comprehensive report used by the applicant to support his appeal for wedding use in 2009. The Section 106 would then secure an element of the profit (20%) but would depend on viability which we do not have towards the repair/maintenance in accordance with the Updated Repairs Report. As per the previous 106 it is recommended that the repairs are graded from urgent, less urgent through to routine. Other elements of the 106 are discussed elsewhere.

9.22. As discussed above, securing the long term future of this important Grade 1 Listed building in a viable use, the car park for which is a necessary adjunct, could amount to the very special circumstance in this case to justify the harm by reason of inappropriateness and other harm to the Green Belt and represent the public benefit to outweigh the harm to the setting of this Grade 1 Listed building. It is considered that the absence of any viability information is a weakness of this application. However on balance the recommendation is for approval subject to the conditions below and the completion of an acceptable Unilateral Undertaking

10. RECOMMENDATION

Recommendation 1

Subject to no new substantive issues being raised on or before 11th December, that planning permission be granted subject to the prior completion of a satisfactory Section 106 Agreement to control the scale and nature of the use and the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason:- To comply with the provisions of Section 51 of the Town and Country Planning, Planning and Compulsory Purchase Act, 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans: To be confirmed

Reason:- For the avoidance of doubt and in the interests of proper planning.

3. No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority in respect of the alterations and extension to the existing garage referred to as cart shed on Drawing 10A:-

a) Samples of all external facing and roofing materials

b) Detailed plans and sections of the proposed windows and doors at a scale of 1:20.

Details should include: the recess depth of frame within the aperture; moulded timber sections; finish; opening mechanism; and glazing bar subdivision.

c) Eaves and verge detail

d) Plinth detail

e) Existing and proposed levels

The development shall thereafter be carried out strictly in accordance with the approved details

Reason:- To ensure an acceptable external finish in the interests of the character and integrity of the Conservation Area and setting of the Listed building

4. Notwithstanding the submitted details, the development hereby permitted shall not be commenced until such time that full details of the new car park, servicing and turning areas have been submitted to and approved in writing by the Local Planning Authority. Such detail shall include construction details, existing and proposed levels, surfacing and edging, soft landscaping proposals to include timetable for implementation of planting. Construction of the car park shall thereafter be carried out strictly in accordance with the approved details and made available before the use hereby approved commences and thereafter retained and maintained for the purpose of parking and turning for the life of the development.

Reason:- To ensure an acceptable external finish in the interests of the character and integrity of the Conservation Area and setting of the Listed building

5. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) temporary protective fencing and advisory notices for the protection of the existing trees to be retained shall be erected generally in accordance with guidance in British Standard 5837:2012 *Trees in Relation to Design, Demolition and Construction – Recommendations*, and specifically as set out in the Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan by Forester and Arborist Services Ltd dated 29th December 2015, or as otherwise agreed by the Local Planning Authority, and shall be retained in position for the duration of the period that development takes place. Within the fenced areas there shall be no excavation, changes in ground levels, installation of underground services, provision of hard surfacing, passage of vehicles, storage of materials, equipment or site huts, tipping of chemicals, waste or cement, or lighting of fires.

Reason:- To protect trees during construction

6. Before the commencement of development (including any demolition, site clearance, stripping or site establishment) a full and detailed construction specification for a suitable 3-dimensional no-dig cellular confinement system and permeable surfacing for the proposed parking areas where these encroach within the Root Protection Areas of trees to be retained, as indicated in the Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan by Forester and Arborist Services Ltd dated 29th December 2015 shall be submitted to and approved by the Local

Planning Authority. The development shall thereafter be implemented in strict accordance with the agreed details.

Reason:- To protect trees during construction

7.The development hereby approved shall be constructed only and fully in accordance with the specification to be approved under Condition 6 and with the tree protection measures and arboricultural method statement recommendations set out in the Tree Condition Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan by Forester and Arborist Services Ltd dated 29th December 2015.

Reason:- To protect trees during construction

8. Prior to commencement of development further bat emergence surveys shall be carried out adhering to the Bat Survey Good Practice Guidelines 2nd Edition protocol. Survey details shall be submitted to the Local Planning Authority for scrutiny and written approval. Bat roost location, details and potential impacts from the proposed development shall be assessed. A method statement shall be submitted by a licensed bat ecologist detailing how the bat roost will be maintained and must include:

- a) the timing of works to avoid impacts;**
 - b) details of lighting designed to avoid impacts on bats during construction work;**
 - c) sequence of site work and how this is designed to avoid impacts;**
 - d) persons responsible for works;**
 - e) details of post development and monitoring results to be submitted to the Local Planning Authority and Staffordshire Ecological Record Centre.**
- The development shall thereafter proceed in strict accordance with the agreed method statement.**

Reason:- In the interests of biodiversity

9.No development shall take place including any demolition, ground works site clearance) until a method statement for creation of new wildlife features comprising the erection of new birds boxes for house sparrow and house martin have been submitted and approved in writing by the Local Planning Authority. The content of the method statement shall include:

- a) purpose and objectives and the proposed works;**
- b) detailed design and working methods to achieve the stated objective;**
- c) extent and location of the new bird boxes for sparrows and house martin;**
- d) timetable for installation demonstrating that works are aligned with phases of construction;**
- e) persons responsible for the works;**
- f) initial aftercare and long-term maintenance.**

The development shall thereafter be carried out in strict accordance with approved details

Reason:- In the interests of biodiversity

Environmental Health

10.Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

_ 08:00 - 18:00 hours (Monday to Friday);

_ 08:00 - 13:00 hours (Saturday)

_ No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

11. No development shall commence until details of any plant, machinery and attenuation have been submitted to and approved in writing by the Local Planning Authority. The machinery, plant or equipment including air condition and ventilation systems ("machinery") installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

12. No amplified sound shall be audible within or at the boundary of any noise sensitive (occupied) premises either attached to or in the vicinity of the premises to which this application refers.

Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

13. No means for the amplification of voice or music whatsoever shall be installed or used outside the buildings used in conjunction with this permission.

Reason: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution.

14. There shall be no deliveries (with the exception of newspaper deliveries) between the hours of 20.00 hours and 08.00 hours Monday to Saturday inclusive, and at no time on Sundays and Public or Bank Holidays.

Reason:- To safeguard the amenity of neighbouring residential occupiers.

15. The development hereby permitted shall not be brought into use until a scheme of ventilation for the kitchen and bathrooms has been submitted to and approved in writing by the Local Planning Authority and fully installed in strict accordance with the agreed details

Reason:- In the interests of the integrity of the Listed building

16. No marquees, containers or moveable structures shall be placed on any part of the application site

Reason:- In the interests of the protection of the setting of the Listed building, character and appearance of the Conservation Area and to protect residential amenity

17. Notwithstanding the submitted plans, the development hereby permitted shall not be brought into use until such time that an external lighting scheme has been submitted to and approved in writing by the Local Planning Authority and fully installed in strict accordance with the agreed scheme.

Reason:- In the interests of the protection of the setting of the Listed building, character and appearance of the Conservation Area and residential amenity

18. The development hereby permitted shall not be commenced until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.

Reason:- To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.

19. Prior to the commencement of the development hereby permitted, a written scheme of archaeological investigation ('the Scheme') shall be submitted for the written approval of the Local Planning Authority. The Scheme shall provide details of the programme of archaeological works to be carried out within the site, including post-excavation reporting and appropriate publication and interpretation. The Scheme shall thereafter be implemented in full in accordance with the approved details.

Reason:- To protect archaeological interests

20. The use hereby approved shall not be commenced until such time that details of the proposed bin storage areas have been submitted to and approved in writing by the Local Planning Authority. The use hereby permitted shall not be commenced until the approved bin storage has been provided.

Reason:- To protect the integrity of the Listed building and to protect residential amenity

Recommendation 2

That Listed building consent be granted for the extension/alterations to the existing outbuilding subject to the following conditions:-

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Not later than 3 days after development/works first begin on site written notice shall be given to the Local Planning Authority of the date on which development/works first commenced.

Reason:- To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990, and to ensure the Local Planning Authority is informed of the commencement of the first works on the site.

2. The development hereby permitted shall be carried out in accordance with

the following approved plans: To be confirmed

Reason:- For the avoidance of doubt and in the interests of proper planning.

3.No development shall take place until the following details have been submitted to and approved in writing by the Local Planning Authority in respect of the garage building, referred to as cart shed on Drawing 10:-

a) samples of all external facing and roofing materials

b) detailed plans and sections of the proposed windows and doors at a scale of 1:20. Details should include: the recess depth of frame within the aperture; moulded timber sections; finish; opening mechanism; and glazing bar subdivision.

c) eaves and verge detail

d) Plinth detail

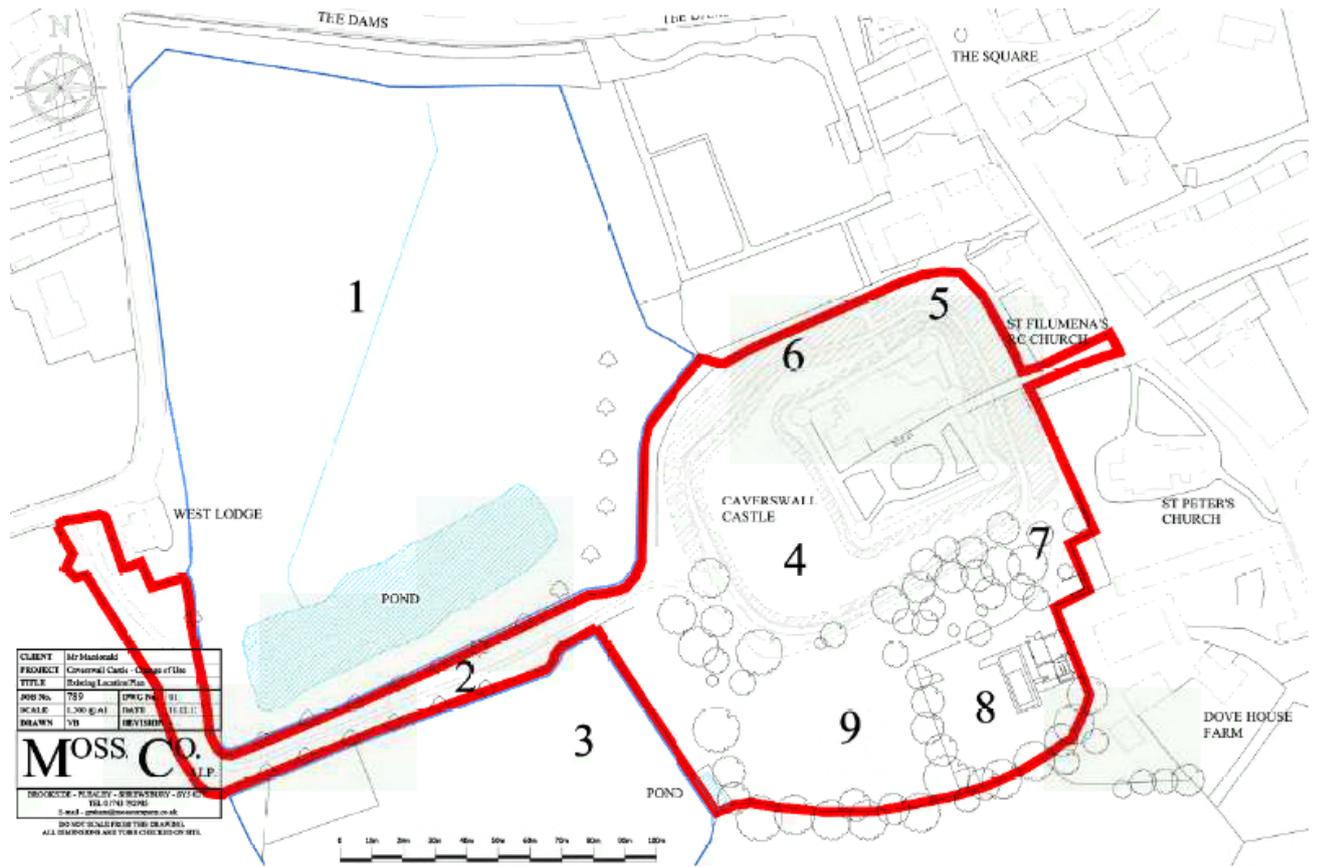
e) existing and proposed levels

The development shall be carried out strictly in accordance with the approved details

Reason:- To ensure an acceptable external finish in the interests of the character and integrity of the Conservation Area and setting of the Listed building

Recommendation 3

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 Operations Manager – Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.



CLIENT	Mr Mansford
PROJECT	Caverswall Castle - Change of Use
TITLE	Relating Location Plan
JOB No.	TEP 19/02/11
SCALE	1:500 (A1) DATE: 11.11.11
DRAWN	YB
MOSS CO.	
ENGINEERS - PLANNERS - SURVEYORS - DRS	
100 WOODS FARM THE BRACKS	
TEL 01743 752961	
E-MAIL: enquiries@mossco.co.uk	
DO NOT SCALE FROM THIS DRAWING	
ALL DIMENSIONS ARE TO FACE UNLESS STATED OTHERWISE	