


APPLICATION NO:	12/00139/LBC 12/00140/FUL 12/00141/FUL
LOCATION:	Daresbury Hall, Daresbury.
PROPOSAL:	
12/00139/LBC - Proposed renewal of Listed Building Consent 04/01065/LBC for proposed part demolition, restoration and conversion of hall and outbuildings into 22 no. residential units and erection of 9 no. houses (31 no. residential units in total).	
12/00140/FUL - Proposed renewal of planning permission 04/01064/FUL for proposed part demolition, restoration and conversion of hall and outbuildings into 22 no. residential units and erection of 9 no. houses (31 no. residential units in total).	
12/00141/FUL - Proposed alterations to managers house and erection of new associated garage block.	
WARD:	Daresbury
PARISH:	Daresbury
AGENT(S) / (S): Mason Gillibrand Architects 16 Willow Mill Fell View Caton Lancaster Lancashire LA2 9RA	APPLICANT C/O Agent
DEVELOPMENT PLAN ALLOCATION: Halton UDP (2005) Halton Core Strategy April (2013)	Green Belt Area of Special Landscape Character.
DEPARTURE	Yes
REPRESENTATIONS:	None
RECOMMENDATION:	Approval
	

1. THE APPLICATION

1.1 Proposal Description

The application site forms the grounds of Daresbury Hall a grade II* Georgian Hall. Three applications are under consideration, which for the purposes of clarity are presented as a single report for the Committee's consideration.

12/00139/LBC - Proposed renewal of Listed Building Consent 04/01065/LBC for proposed part demolition, restoration and conversion of hall and outbuildings into 22 no. residential units and erection of 9 no. houses (31 no. residential units in total).

12/00140/FUL - Proposed renewal of planning permission 04/01064/FUL for proposed part demolition, restoration and conversion of hall and outbuildings into 22 no. residential units and erection of 9 no. houses (31 no. residential units in total).

12/00141/FUL - Proposed alterations to manager's house and erection of new associated garage block.

1.2 The Site and Surroundings

Daresbury Hall is located in open countryside between Runcorn and Warrington. It is set within landscaped grounds with an area of around 6.75 ha on slightly elevated land around 500m east of the village of Daresbury and to the south of Daresbury Lane.

The hall is a brick built three storey Grade II* Listed Building set in its own substantial grounds. To the rear of the hall there are surviving single storey block sandstone and two storey brick outbuildings which in the past served as stable buildings and workers cottages.

The use of the site as a hospital by Cheshire County Council brought a number of unsympathetic additions to the Hall itself and the grounds. These additions have survived, though are in a severe state of dereliction.

The development site is allocated as washed over Green Belt in the Halton 2005 Unitary Development Plan proposals map.

1.3 Proposal Context

Daresbury Hall has been included on the English Heritage register 'Buildings at Risk' for a number of years in the highest category of risk.

The proposal involves the restoration of existing structures that form the original Hall. Proceeds from the sale of the residential units created from the conversion of the Hall and original outbuildings are insufficient to fund the Hall's redevelopment. In order to deliver a viable scheme some new build dwellings are considered necessary to comprise a development scheme that will secure the restoration and preservation of the listed hall.

In order to fund the conversion of the Hall a series of development works are required, termed enablement works. The 16 dwellings forming the enablement will comprise of:

- A three storey terrace of 5 No. houses located to the north of the hall in the location of the existing terrace of Staff Houses.
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- A three storey Arts House to the north of the Hall, in approximately the same location as an existing bungalow building. The Arts House is to have two car parking spaces within the garage block to the north east of the hall (in addition to the parking serving the hall).
- A Home Farm development is to be a mixture of two and three storeys, comprising 5 No. dwellings.
- A Kitchen Garden development to the south west of the Hall comprising three dwellings.

As a result the full scheme in total will deliver 31 dwellings, comprising 10 converted dwellings in the coach house, 7 apartments in the hall and 16 new dwellings.

1.4 Relevant Planning History

04/01064/FUL Proposed part demolition, restoration and conversion of Hall and outbuildings into 22 No. residential units and erection of 9 No. houses (31 No. residential units in total).

04/01065/LBC Application for Listed Building Consent for proposed part demolition, restoration and conversion of Hall and outbuildings into 22 No. residential units and erection of 9 No. houses (31 No. residential units in total).

04/01107/LBC Application for Listed Building Consent for alterations and extensions to existing dwelling and erection of a new garage block.

04/01108/FUL Proposed alterations/extensions to existing dwelling and erection of a new garage block.

05/00274/FUL Proposed alterations and extension to manager's house.

09/00266/FUL Proposed erection of a new garage block within the amended courtyard (to the manager's house).

2. POLICY CONTEXT

2.1 Halton Unitary Development Plan (UDP) (2005)

The following national and Council Unitary Development Plan policies and policy documents are relevant to this application: -

- GE1 Control of Development in the Green Belt,
- GE3 Extensions, Alterations and Replacement of Existing Dwellings in the Green Belt,
- GE4 Re-Use of Buildings in the Green Belt
- GE23 Protection of Areas of Special Landscape Value
- BE 1 General Requirements for Development,
- BE2 Quality of Design,
- BE9 Alterations and Additions to Listed Buildings,

BE10 Protecting the Setting of Listed Buildings,
BE11 Enabling Development and the Conservation of Heritage Assets.

2.2 Halton Core Strategy (2013)

The following policies, contained within the Core Strategy are of relevance:

CS2 Presumption in Favour of Sustainable Development

CS6 Green Belt

CS13 Affordable Housing

CS18 High Quality Design

CS20 Natural and Historic Environment

2.3 National Planning Policy Framework

The National Planning Policy Framework (NPPF) published March 2012 sets out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 7 deals with sustainability, this is dealt with in the assessment part of the report below.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

Section 12 of the NPPF 'Conserving and enhancing the historic environment' is particularly relevant.

Section 9 deals with protecting Green Belt, and paragraphs 89 and 90 describe the exceptions to Green Belt Policy.

3. CONSULTATIONS

The application has been advertised by way of a press notice and the display of a site notice. In addition, a consultation exercise was undertaken with 7 properties in the local vicinity, Local Elected Ward Members, and the Daresbury Parish Council. No objections have been received.

3.1 External Consultation

- Cheshire Police - No objection to the scheme.

- Environment Agency - No objection.
- Historic England - No objection subject to the planning permission being issued pursuant to a S.106 agreement to phase the development's delivery to ensure the preservation of Daresbury Hall.

3.2 Internal Consultation

The following service areas were consulted: Archaeology, Contaminated Land, Ecology, Environmental Health and Highways.

- Ecology (further detail is set out in Section 6.5 below)
The Council's ecology advisor provided the following comments:
Request for a phase 1 habitat survey of the site to identify ecological constraints.

Bats

Request for clarification on the bat survey. Such survey is necessary to inform a licence application.

-We are of the opinion that there has been insufficient survey effort in 2014 to conclude that the previously identified roosts are no longer present. We recommend that emergence and re-entry surveys are undertaken in line with the guidance provided by Bat Conservation Trust. Each previously identified bat roost should be subject to survey effort.

-There is insufficient survey data provided to formulate an appropriate mitigation strategy for the loss of a bat roost.

-According to the tree assessment report by Cheshire Woodlands 2010 'There is significant potential for bat roost sites in the trees (paragraph 5.4). We therefore advise that a bat survey to identify possible roost sites in the surrounding trees and woodland is conducted.

Barn Owls

Barn owls receive special protection under Schedule 1 of the *Wildlife & Countryside Act, 1981* (as amended).

The Council's ecological advisor states

The proposed development is likely to displace nesting/roosting barn owls. Given this, further survey effort in respect of barn owl is required before any potentially disturbing works take place.

Nesting Birds

Works that potentially could disturb nesting birds should be undertaken outside of the nesting season, unless the site has been checked by a qualified ecologist no more than 48 hours before commencement of work. This can be ensured by way of a planning condition.

Landscaping

Advise that a landscaping scheme and habitat management plan is submitted to the LA for approval. The scheme should incorporate features to support bat

foraging, such as native tree and hedgerow planting. Provision for the on-going management of the site should be sought. This can be ensured by way of a planning condition.

- Archaeology - No objection subject to a watching brief condition.
- Contaminated Land - No objection to the scheme
- Environmental Health - No objection to the scheme
- Highways - No objection to the scheme

4. ASSESSMENT

6.1 Green Belt

The primary consideration for this proposal is that of Green Belt harm. In addition to the local development plan policies identified earlier (Policies GE1, GE3, GE24, CS6), great protection is afforded to the Green Belt in the National Planning Policy Framework (NPPF).

The development proposed would lead to the following harms to the Green Belt and would fail to safeguard the countryside from encroachment, a key purpose of Green Belts as set out at P.80 of the NPPF.

Paragraph 89 of the NPPF states that 'the construction of new buildings as inappropriate development in Green Belt'. Whilst the re-use of the Hall, and the existing stable and farm buildings qualify as exemptions to P.89 the remainder of the development does not. Some remaining elements of the proposal could be considered replacement buildings, however, these are an increase in development due to the enablement requirement for the scheme as a whole.

As stated at P.87 of the NPPF, 'inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

This is clarified further at P.88 of the NPPF 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

This national planning policy is supported by the identified local planning policies.

6.2 Affordable Housing

Policy CS13 sets a requirement for housing developments above 10 units to provide 25% affordable housing accommodation. This proposal is considered to be exempt from this policy requirement for two reasons.

- i) The scheme requires enablement development to preserve the grade II* Georgian Manor House. A requirement to provide affordable provision would see a reduction in the yield value of the proposed number of residential units. Such a loss would lead to a shortfall in the funds required to redevelop the Hall. This shortfall would need to be compensated for in

the form of an increase to the number of residential units already proposed which in turn will lead to further harm to the Green Belt.

- ii) This is a renewal of a scheme that pre dates the adoption of the Core Strategy and policy CS13.

6.3 Preservation of Listed Building

The development proposal centres on the preservation of a Grade II* Georgian Hall. Planning policies BE10 and BE11 of the UDP and CS20 of the Core Strategy are relevant.

The funding for the preservation of the Hall will be secured via a means of an enablement fund provided by the creation of 24 No. residential units on the Hall grounds in addition to the 7 No. residential apartments from within the Hall after its conversion.

Policy BE 11 of the UDP sets out a number of criteria for enabling development. The proposal satisfies the criteria of this policy

- The enabling development will not harm the setting nor detract the architectural interest of the asset or harm its setting
- The proposal will not result in improper management
- The development will secure the long term future of the heritage asset
- The need for enablement stems from the cost of the Hall's restoration
- Financial assistance is not available from any other source
- It has been demonstrated that the enablement development in the minimum required to fund the scheme
- The benefit of the enablement outweighs its harm

Policy BE10 is concerned with the setting of heritage assets. Unfortunately, the history of the Hall has led to its scarring with a number of unsympathetic additions a result of its former hospital use. Such additions have had a significant impact upon the Hall's setting. The scheme whilst proposing to incorporate an increase in the built fabric of the Heritage Asset's setting, provides an improvement due to the significant increase in quality both in terms of design and materials providing a sympathetic setting for the Hall.

The scheme complies with local policies BE10 and BE11 of the UDP and CS20.

6.4 Design

When assessing design the following local development plan policies are relevant; BE1, BE2, BE9 of the UDP and, CS18 of the Core Strategy.

As stated previously, the scheme has provided a well-designed scheme comprising a mix of architectural styles, to improve the existing setting of the Listed Building.

The enablement buildings vary in size where it is considered appropriate, in order to reduce impact on the Hall. The styles of building provided lend themselves to particular building materials, which at this time are proposed to consist of reclaimed brick, sandstone, render with conservation colour lime finish and welsh slate for the

roofs. Notwithstanding, if the scheme is approved a materials condition will be attached to secure final control over the appearance of the scheme.

The scheme complies with policies BE1, BE2, and BE9 of the UDP, and CS18 of the Core Strategy.

6.5 Ecology

The ecology matters detailed at section 3.2 of this report are the comments set out by the Council's ecology consultant. These concerns were forwarded to the Applicant's own ecology advisor who responded with subsequent clarification on the 18th November 2014, a copy of this response is attached to this report at **Appendix 1**. The Council's Ecology advisor Cheshire Wildlife provided a response to this on 24th November 2014 which is attached in full at **Appendix 2** of this report. The Applicants consultant ecologist responded to Cheshire Wildlife's comments on 27th January 2015.

Barn owl compensatory measures are being proposed. The level of survey detail that has been carried out is sufficient to justify the mitigation and is comparable to the efforts previously made on this application past approvals to which this application is a resubmission.

The European Habitats Directive

This planning application proposal will have an impact upon a European Protected Species. As identified in the ecology submission that supports the proposal for the redevelopment of the Hall, there is evidence of roosting bats within the historic fabric of the hall. This is due to the dereliction of the site that affords suitable roosting sites for such species. Therefore if this development were to go ahead, the development proposal would breach Article 12(1) of the Habitats Directive.

A deliberate disturbance is an intentional act knowing that it will or may have a particular consequence, namely disturbance of the relevant protected species.

A deliberate act applies to all the European Protected Species (EPS). This proposal has identified an impact that will be had upon such species, it is a deliberate act. Such an impact will have a disturbance upon the species, whether such impact will be harmful is a matter of judgement.

The Supreme Court has provided clarification to the assessment of 'impact' upon a European Protected Species.

- Each case has to be judged on its own merits; and a species by species approach is required;
- Even with regard to a single species the position might be different depending on the season or on certain periods of its life cycle;
- Consideration should be given to the rarity and conservation status of the species and the impact of the disturbance on the local population of a particular protected species;
- Individuals of rare species are more important to a local population than individuals of a more abundant species;
- Disturbance to species that are declining in numbers is likely to be more harmful than disturbance to species that are increasing in numbers;

- Disturbance during the periods of breeding, rearing, hibernation, and migration is more likely to have a sufficiently negative impact on the species to constitute disturbance; but the offence leaves open the possibility that disturbance at other less sensitive periods could still potentially amount to “deliberate disturbance”; and
- The Court strongly supported the EU Commission’s guidance on the issue (found in the “Guidance document on the strict protection of animal species of Community interest under the Habitats Directive 92/43/EEC

The Local Planning Authority (LPA) needs to consider whether Natural England would likely grant an EPS licence for the development proposed. This proposal is one where there is to be expected a deliberate act of disturbance with the renovation and partial demolition of structures where bats are currently roosting. The Applicant is proposing to compensate this by way of a bat roost shelter in a wooded area within the Applicant’s ownership, and with the addition of bat boxes on the sides of the completed development buildings.

The provision of such compensation does not avoid the act of deliberate disturbance; ultimately there is the disturbance that bats are losing a roosting site, it is being compensated within the vicinity of the site in a manner of substitution which would maintain favourable conservation status of the population.

A further consideration is the longevity of the existing roost sites, a matter raised in by the Applicant’s ecology advisors in their correspondence of 27th January 2015 found in **Appendix 3**, where they state:

“It is also apparent that the buildings on site have degraded significantly and the long term potential for them to remain suitable for bats is very low. Without re-development of the site bat roosts would by default be lost in the short-medium term.”

This is a poignant observation. The Council’s own ecology advisors had not taken this issue of roost lifespan into account. The Buildings on site are in poor condition, the Council’s own Building Control Department have stopped just short of condemning the properties, but have given the strongest possible advice that no persons should reside within the structures on site as they are dangerous. The purpose of this scheme is to save the Hall from ruin; whilst it has remained standing in a precarious position on site for some time, the works proposed are still seen as urgent in order to save the super structure; the building still remains on the Heritage England ‘Heritage at Risk Register. This proposal, in terms of ecology, will be swapping an existing bat roost with a limited lifespan, for an alternative substitution with a significantly longer lifespan.

The established view of the Supreme Court in such a case is that the LPA must only refuse planning permission if it believes that Natural England is unlikely to grant a licence. The implication of such opinion is that where the LPA concludes that a licence is likely to be granted by Natural England, or, if the LPA is unsure of Natural England’s likely response then it should not prevent the Council from granting planning permission.

It is the LPA's view that having reviewed the documentation submitted by the Applicant's ecologist there is sufficient information present within the application to suggest that there is no reason why Natural England would not grant a licence application to carry out works to the Hall and other buildings within the scope of this development proposal.

6.6 Balancing Exercise

Following an examination in policy, it becomes clear that there is a balance to be struck between the harm caused by inappropriate development in the Green Belt versus the benefits of securing the long term future of a Grade II* listed building, a heritage asset to the built fabric of the Borough.

This proposal will have an impact on the openness of the Green Belt due to the increase in the built form. This is tempered by the existence of the extension to the Hall and stables and staff houses and other temporary structures that occupy the site. Such structures are to be demolished, the former footprints are then to be built upon; an example of this being the arts house and staff houses to be built on the footprint of the structures that occupy the front lawn of the Hall and in this case can be considered replacement dwellings. This reduction in existing structures through demolition helps manage the impact of the overall scheme on Green Belt openness.

The visual impact of the scheme on the Green belt is an important consideration. The layout of the development has been designed to take a form that limits its impact above the structures that currently occupy the site which are most readily observed from Daresbury Lane (B5356), being the only public view of the site.

Where the development proposal covers areas of the Hall's grounds that are currently underdeveloped, efforts have been made to form a sympathetic design to a Hall. Evidence of this is found in the kitchen garden development to the South West of the site. This part of the proposal comprises of three new residential units surrounded by a brick wall that gives the appearance of a stately walled garden to outside glimpses of the site.

Great effort has been made to design the Home Farm development, to create the impression of a stately home farmstead. The traditional design is supported by the use of traditional reclaimed brick and welsh roof slates. Together these elements create a new set of buildings that will not appear out of place in such close proximity to the Hall itself.

This successful integration is the result of the careful attention to detail given, especially when incorporating new features into a listed building setting and is testament to the skill of the architect.

The Staff Houses and the Art House are both located on the footprints of existing dwellings developed for the hospital use of the site. The replacement buildings will bring about huge improvement to the appearance of the Daresbury Hall development site that is currently marred by the prefabricated and unsympathetic hospital buildings.

Notwithstanding the architectural design of the individual elements of the scheme, the proposal does have a damaging visual impact on the Green Belt and the Countryside. However, there would be no detrimental impact upon views out of Daresbury or upon the Daresbury Conservation Area.

The grounds of the Hall are in a serious state of neglect. Redevelopment of the site will bring with it a managed landscape scheme and improvements to the setting of the Hall.

This proposal represents a sympathetic and holistic approach to the development of the site and secures the restoration and preservation of the Hall. The inter-relationship between the various parts of the site is, in short, a renaissance to the original character of the Hall playing host to a land use that has been designed to integrate the new buildings, parking areas and roadways as part of a comprehensive strategy so that the Hall remains the dominant structure of the site.

As part of the determination of the previous 2004 planning applications, officers commissioned an independent assessment of the enabling development. The independent assessment confirms that the proposal of 31 No. residential units is the minimum number of units to fund the conservation deficit. The conservation deficit refers to the funding gap which occurs between the cost of restoring the Hall and the market value of the building. The assessment did take into account the extension to the Manager's House and concluded that it would make a negligible difference to the enabling contribution and the proposed costs of the extension outweigh the increase in value.

An up-to-date exercise was undertaken in preparation for the 2012 application. This was updated in 2014 and subject to an independent examination by Jones Lang LaSalle. The study verified that a scheme to provide 31 No. residential units is the minimum number required in order to fund the enablement of the Hall. English Heritage has accepted the findings of the report.

This represents no change to the circumstances since the scheme's last approval in 2009. A section 106 agreement will be used to restrict the enablement development to ensure that the profitability of the scheme is held to the end after the Hall is restored whilst at the same time providing enough income streams to fund the Hall's restoration, thereby securing the Hall's redevelopment.

The scheme would represent inappropriate development in the Green Belt and by definition inappropriate development is harmful to the Green Belt. However, it is the opinion of the LPA that the benefit of securing the restoration of a Grade II* listed building does constitute the very special circumstances to justify limited new buildings in the Green Belt, and the subsequent harm to the permanence and openness of the Green Belt.

This application is a renewal application for the planning approvals: 04/01064/FUL, 04/01065/LBC and 05/00274/FUL. The Council has previously approved this development scheme in 2009.

5. CONCLUSION

Daresbury Hall has been included on the English Heritage register of Buildings at Risk for a number of years in the highest category of risk. The independent assessment of the application has concluded that the scheme is the minimum required to fund the conservation deficit and deliver a viable scheme to preserve the Hall. Historic England has confirmed that the scheme can be justified as an exceptional circumstance in the pursuit of preserving a grade II* listed building. As such, the benefit of securing the restoration of a listed building constitutes a very special circumstance that would justify limited new housing development in the Green Belt. The Legal Agreement (Section 106) for this application relates to the phasing of the development in line with Historic England's recommendations.

6. RECOMMENDATION

That delegated authority is given to the Operational Director – Planning, Policy and Transportation, in consultation with the Chairman or Vice-Chairman to:

- approve the application, subject to conditions based on those listed below;
- agree the recommended Section 106;
- notwithstanding that the application may be called in by the Secretary of State.

7. SCHEDULE OF CONDITIONS

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

Reason:- In order to comply with Section 91 of the Town and Country Planning Act 1990.

2. Prior to the commencement of development, a sample, full detailed drawings and a detailed specification of the external finishing materials to be used in the construction of all new development (including hard surfaced areas), shall be submitted to and approved in writing by the Local Planning Authority.

Reason:- In the interests of visual amenity, and to comply with Policy BE2 of the Halton Unitary Development Plan.

3. Prior to the commencement of development, details of all drainage works shall be submitted to and approved in writing by the Local Planning Authority. Such details as are approved shall be implemented to the satisfaction of the Local Planning Authority prior to the completion of development and shall be maintained at all times thereafter.

Reason:- To ensure adequate drainage provision and as the submitted application is deficient with respect to these details and to comply with Policy

PR5 of the Halton Unitary Development Plan.

4. Prior to the commencement of development, full details of the location, height, design and illumination levels for any proposed external lighting and street lighting shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to ensure that these are designed to retain the rural character of the Green Belt and the setting of the Listed Building in accordance with Policies BE9 of the Halton Unitary Development Plan.

5. Prior to the commencement of development, an updated arboricultural report shall be submitted and approved in writing by the Local Planning Authority. This report should demonstrate full compliance with British Standard 5837 and include a full tree survey, a woodland management plan, a tree protection plan and a method statement to ensure the continued healthy existence of all trees shown to be retained on the approved plan.

Reason:-In order to avoid the damage to the trees on site, in the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990.

6. Prior to the commencement of development, details of the treatment of all site boundaries shall be submitted to and approved in writing by the Local Planning Authority. The treatments so approved shall then be provided in full prior to the occupation of the dwellings and apartments; and shall thereafter be retained to the satisfaction of the Local Planning Authority.

Reason:- In order to secure the satisfactory development of the site in the interests of visual amenity, and to comply with Policy BE2 of the Halton Local Plan.

7. Prior to the commencement of development, details of the new entrance gate piers shall be submitted to and agreed in writing with the Local Planning Authority.

Reason:- In the interests of visual amenity and to protect the historical and architectural character of the Listed Building and its grounds and to comply with policy BE10 of the Halton Unitary Development Plan.

8. Prior to the commencement of development , a sample and full detailed drawings and a detailed specification of the external finishing materials to be used in the repair, alteration and extension of the existing buildings that are to be retained, shall be submitted to and approved in writing by the Local

Planning Authority.

Reason:- In the interests of visual amenity, and to comply with Policy BE2 of the Halton Local Plan.

9. Prior to the commencement of the development hereby approved details of wheel cleansing facilities for heavy commercial and site vehicles shall be submitted for the approval of the Local Planning Authority. Such details as are approved shall be implemented, maintained and used throughout the construction period of the development.

Reason:- To ensure that satisfactory measures are in force so as to alleviate any impact dust and dirt may have on the local environment, and to comply with policy BE1 of the Halton Unitary Development Plan.

10. Prior to commencement of development, the visibility splays shown on plan 4166/S/L/1 shall be provided. The approved details shall be maintained at all times to the satisfaction of the Local Planning Authority.

Reason: In the interest of highway safety and to comply with Policies BE1 and TP17 of the Halton Unitary Development Plan.

11. Prior to the commencement of development, details of the provisions made for barn owls, shall be submitted, together with details of the timing of the works to the satisfaction of the Local Planning Authority.

Reason: In order not to deter the roosting of barn owls, a species protected by the Wildlife and Countryside Act 1981 and to comply with policy GE21 of the Halton Unitary Development Plan.

12. No work on site (including the pre-construction delivery of equipment or materials) shall be commence until the Local Planning Authority has been notified in writing of the proposed date of commencement and has confirmed that the protective fencing around the trees has been erected to its satisfaction.

Reason:-In order to avoid the damage to the trees on site, in the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990.

13. No development shall take place until the applicant, or his agent or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the planning authority.

Reason: To ensure the proper investigation of the site due to its historic importance and to comply with Policy BE6 of the Halton Unitary Development Plan.

14. No development shall take place until full details of a scheme and programme for the restoration of the pond within the site, including details of the timing of the works, have been submitted to and approved in writing by Local Planning Authority.

Reason: In the interests of enhancing the habitat and the amenity value of the pond and to comply with Policy BE1 and BE2 of the Halton Unitary Development Plan.

15. Before any site works commence, robust temporary fencing shall be erected to adequately protect all existing trees shown to be retained. The location and specification of this fencing shall be in accordance with British Standard 5837 "Trees in relation to construction".

Reason:- In order to avoid damage to the trees on the site, in the interests of visual amenity and in accordance with the provisions of section 197 of the Town and Country Planning Act 1990.

16. All roadways within the site shall be to the width and in the location as shown on the approved plans. There shall be no alterations to the existing roads, including re-surfacing, until full details of the proposed hard surface and construction specification have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of visual amenity and in accordance with the Councils, duty under Section 197 of the Town and Country Planning Act 1990 and in accordance with Policy BE1 of the Halton Unitary Development Plan as the construction and alteration of roadways is likely to have an adverse impact on the trees on the site unless adequately controlled.

17. Within the protective zones surrounding each tree, as defined by the fencing, there shall be no raising or lowering of levels, no storage of soil, debris or building materials, no installation of underground services, kerbing, or any kind of hard surfacing, no passage of vehicles or any other sort of site activity without prior consultation with the Council's Tree Officer.

In order to avoid damage to the trees on the site, in the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990.

18. Any tree that suffers serious injury during the period of construction, or dies within three years of completion of the development, shall be felled and replaced with a tree (or trees) of suitable size and species, to the satisfaction of the Local Planning Authority in the first available planting season thereafter. Reason:- To ensure the satisfactory landscaping of the site in the interests of visual amenity and in accordance with the provisions of section 197 of the Town and Country Planning Act 1990.

19. Where it is necessary to install underground services in proximity to retained trees and the routes are clearly shown on the approved plans, the work shall be carried out strictly in accordance with NJUG (National Joint Utilities Group) Guidelines for the planning, installation and maintenance of utility apparatus in proximity to trees.

Reason:- In order to avoid damage to the trees on the site, in the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990.

20. Where it is necessary to construct hard surfacing such as paths or driveways in proximity to retained trees and these are clearly shown on the approved plans, the work shall be carried out in accordance with Arboricultural Practice Note 12 "Through the trees to development" and supervised on site by a qualified arboriculturalist.

Reason:- In order to avoid damage to the trees on the site, in the interests of visual amenity and in accordance with the provisions of Section 197 of the Town and Country Planning Act 1990.

21. Prior to the occupation of the premises hereby approved the vehicle access, service and parking areas shall be laid out and surfaced to the satisfaction of the Local Planning Authority in accordance with the approved plans, and shall be retained at all times thereafter within the curtilage of the site for use exclusively in connection with the development hereby approved.

Reason:- To ensure the satisfactory development of the site in the interests of highway safety, and to comply with Policy BE1 of the Halton Unitary Development Plan.

22. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order) no enlargement of a dwelling-house nor the provision of any building or enclosure within the curtilage of the dwelling-house, as permitted by Classes A, B, C, D, E, G and H of Part 1 of Schedule 2 of that order shall be allowed without the prior written consent of the Local Planning Authority.

Reason:- In order that the Local Planning Authority may exercise control over any proposed future extensions or the provision of any buildings or enclosures in the interests of residential amenity as the exercise of permitted development rights is likely to reduce private amenity space below the standard normally considered acceptable by the Local Planning Authority, and to comply with Policy BE1 & BE10 of the Halton Unitary Development Plan.

23. Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995 (or any order revoking and re-enacting that order) no hard surfacing other than that hereby approved, or the erection or construction of a gate, fence, wall or other means of enclosure, as permitted by Class F of Part 1 of Schedule 2 of that order shall be allowed forward of a dwelling-house fronting a highway without the prior written consent of the Local Planning Authority.

Reason:- In order that the local Planning Authority may exercise control over any proposed future hard surfaced areas, or the erection or construction of a gate, fence, wall or other means of enclosure forward of a dwelling fronting a highway, which would otherwise constitute permitted development in the interests of visual amenity, and to comply with Policy BE1 & BE10 of the Halton Unitary Development Plan.

24. The roof finish of all new development shall be natural slate and lead unless otherwise agreed in writing with the Local Planning Authority.

Reason:- In the interests of visual amenity and to reflect the character of Daresbury Hall and to comply with policy BE10 of the Halton Unitary Development Plan.

25. Rainwater goods on all new development shall be cast metal unless otherwise agreed in writing with the Local Planning Authority.

Reason:- In the interests of visual amenity and to reflect the character of Daresbury Hall and to comply with policy BE10 of the Halton Unitary Development Plan.

26. Windows on all new development shall be timber, paint finish and set back from the face of the outer wall by a minimum of 100mm.

Reason:- In the interests of visual amenity and to reflect the character of Daresbury Hall and to comply with policy BE10 of the Halton Unitary Development Plan.

27. Stone dressings in all new development are to be natural and not artificial or reconstructed stone.

Reason:- In the interests of visual amenity and to reflect the character of Daresbury Hall and to comply with policy BE10 of the Halton Unitary Development Plan.

28. The cobbled surface to the stable courtyard is to be retained and reinstated in accordance with an approved plan and specification.

Reason:- In the interests of visual amenity and to protect the setting of the Listed Buildings and retain the historical character of the stables and to comply with policy BE10 of the Halton Unitary Development Plan.

29. The works shall be carried out in accordance with the bat survey submitted unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure no damage to wildlife and to comply with Policy GE21 of the Halton Unitary Development Plan.

APPENDIX 1 – ECOLOGY CONSULTANTS ADVICE – 18TH NOVEMBER 2014.

Our Ref: AWG/1235

Tuesday, 18 November 2014

Dear Mr Handy

RE: 12/00139/LBC AND 12/00140/FUL DARESBUY HALL

Further to the planning officers request for information in respect of bat mitigation at the above site we would confirm that we consider the mitigation submitted for the original, consented scheme, is still applicable to the new application.

A Natural England licence will be required for work on buildings at this site as bats have been confirmed as roosting. Natural England will make a determination as to what mitigation and compensation is applicable only after planning permission is granted as it is only at this stage a licence application can be made.

It is not the role of the Planning Authority to determine if mitigation/ compensation is acceptable, but it must have regard to the Habitat Regulations in making a planning determination to the extent that it considers there is a reasonable likelihood Natural England would grant a licence. This need be no more than that it considers there is sufficient scope within a site development for mitigation/ compensation requested by Natural England to be made available and there is no satisfactory alternative to the proposal and it is in the public interest.

Daresbury Hall and associated buildings are listed due to their architectural value and have clearly decayed in recent years. As the planning statements have shown there is no satisfactory alternative to the proposed scheme which can secure the long term survival of these buildings.

Preserving the listed buildings as well as providing new residential accommodation is also in the public interest.

In respect of the mitigation/ compensation for bats at the site we consider the original proposal for the creation of a "bat barn" as submitted with the most recent application still has applicability to the species of bats found on the site.

We however consider that it may also be appropriate to consider use of the garages for bat roosts as these would not require construction to occur within an area of woodland and their maintenance would be the responsibility of the new site owners, hence the long term viability of the roost would be better secured.

We have indicated the type of roost which can be created as well as suitable locations within the garages on Figure 1, 2, 3, 4 and 5. These roost locations are ideal in that they are adjacent to the woodland edge.

Figure 6,7 and 8 details the currently submitted mitigation which is as per the original consented application. This still has applicability but would cause issues with maintenance and construction due to its woodland location. The range of roost types within the previously consented bat barn can be

more than achieved within the garages, indeed roosts can be created in multiple garages, allowing for a greater range of roost types and variables such as aspect to be provided, thus maximising the range of roost conditions available.

We would respectfully request a planning condition refers to the mitigation outlined within this letter which allows for **final details to be agreed with Natural England** . The granting of a Licence for the site, which would then allow for site development to commence, would indicate Natural England's agreement with the scheme.

An approved licence from Natural England could be conditioned as a pre-commencement requirement for work on buildings containing bat roosts.

Suitable locations for bat roosts in garages

Figure 1



Figure 1

Figure 2

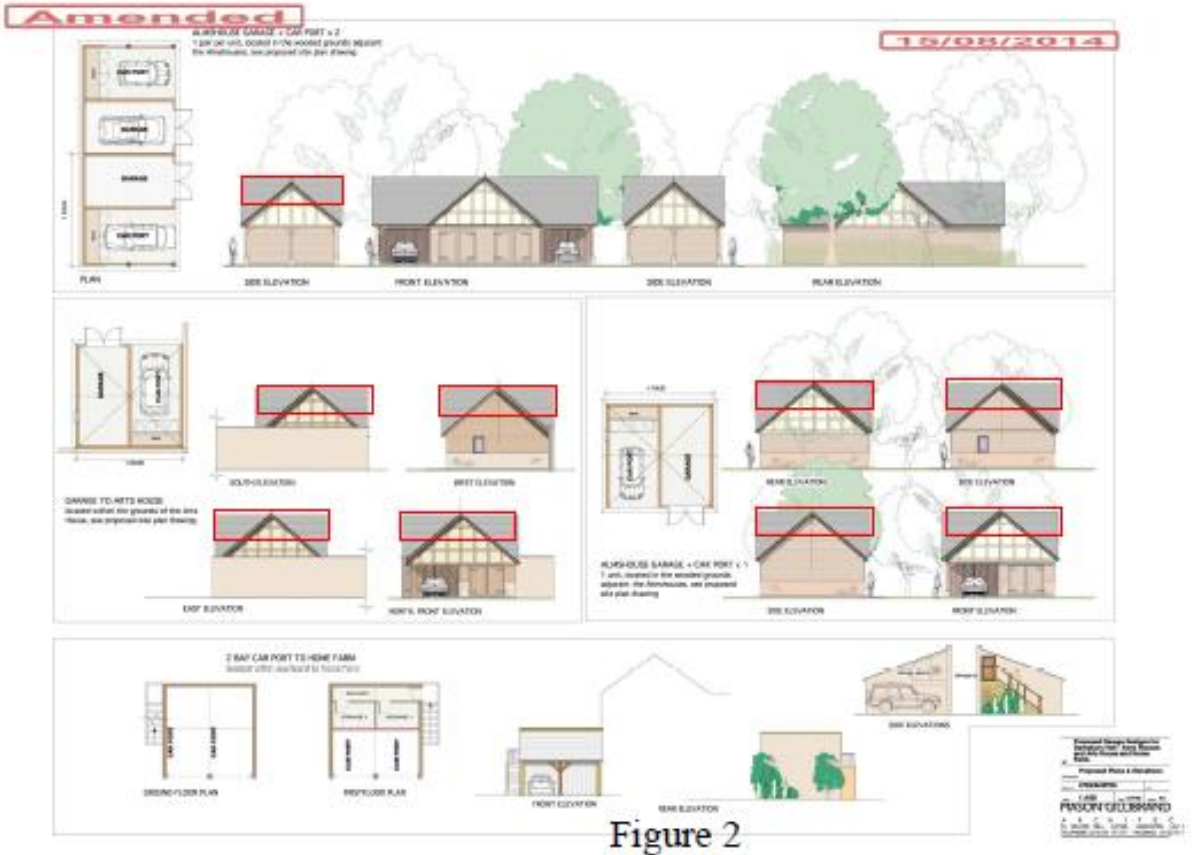


Figure 2

Figure 3

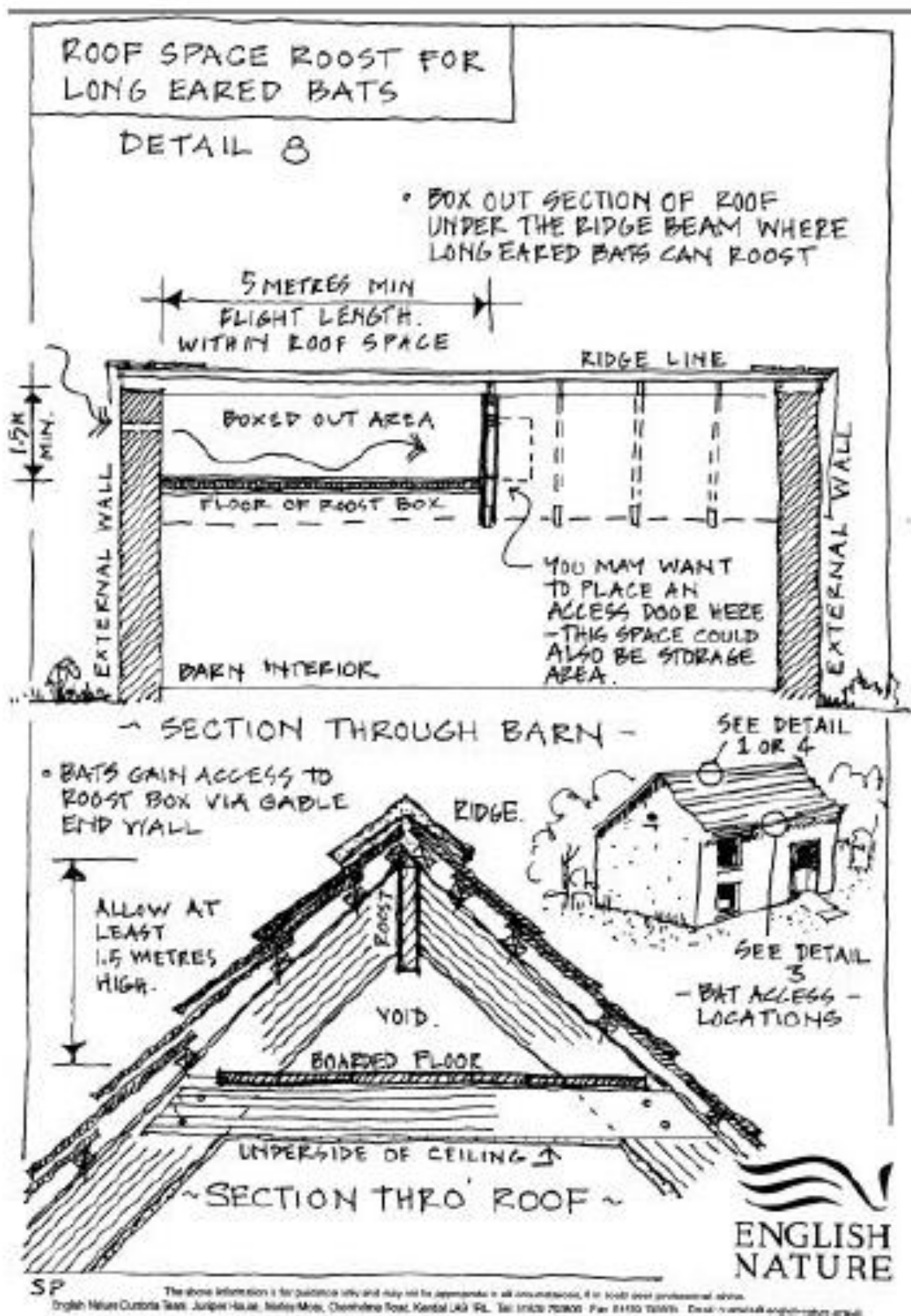


Figure 3

Figure 4

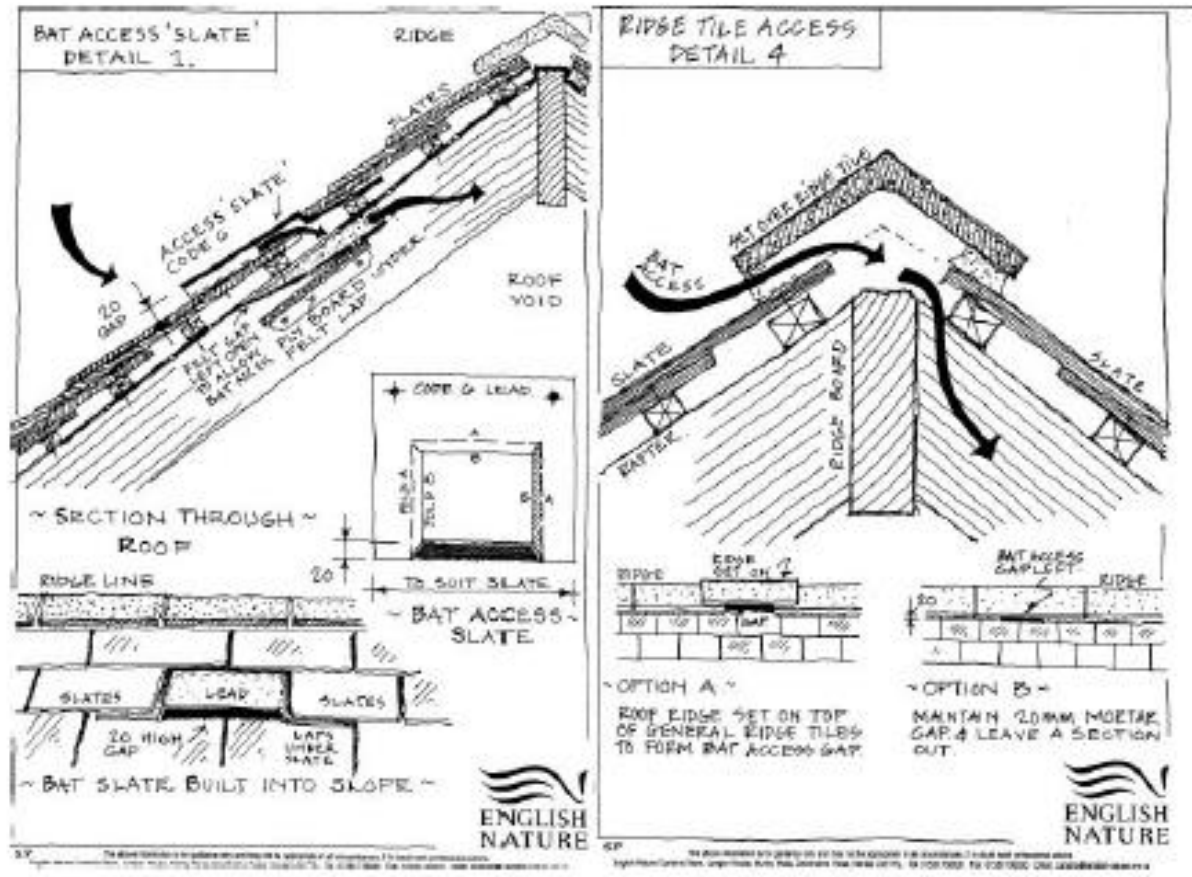


Figure 4

Figure 5

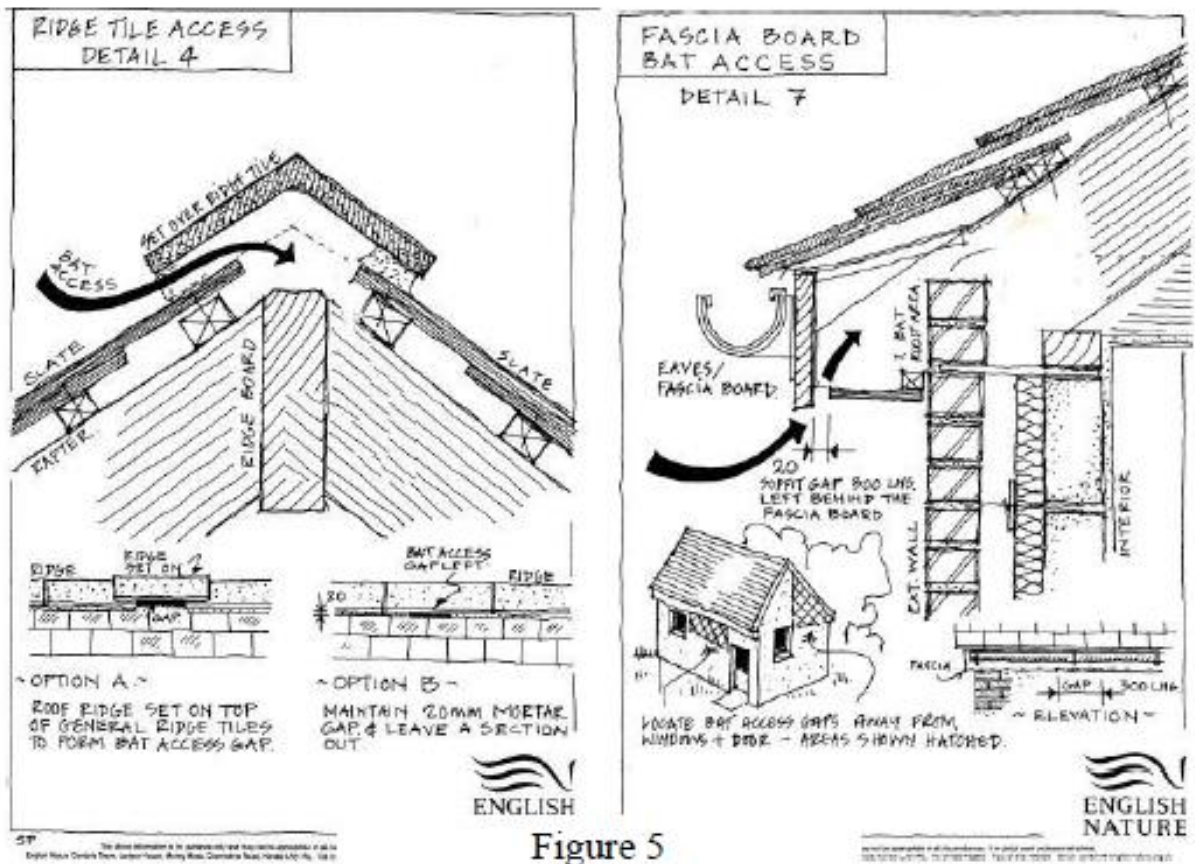
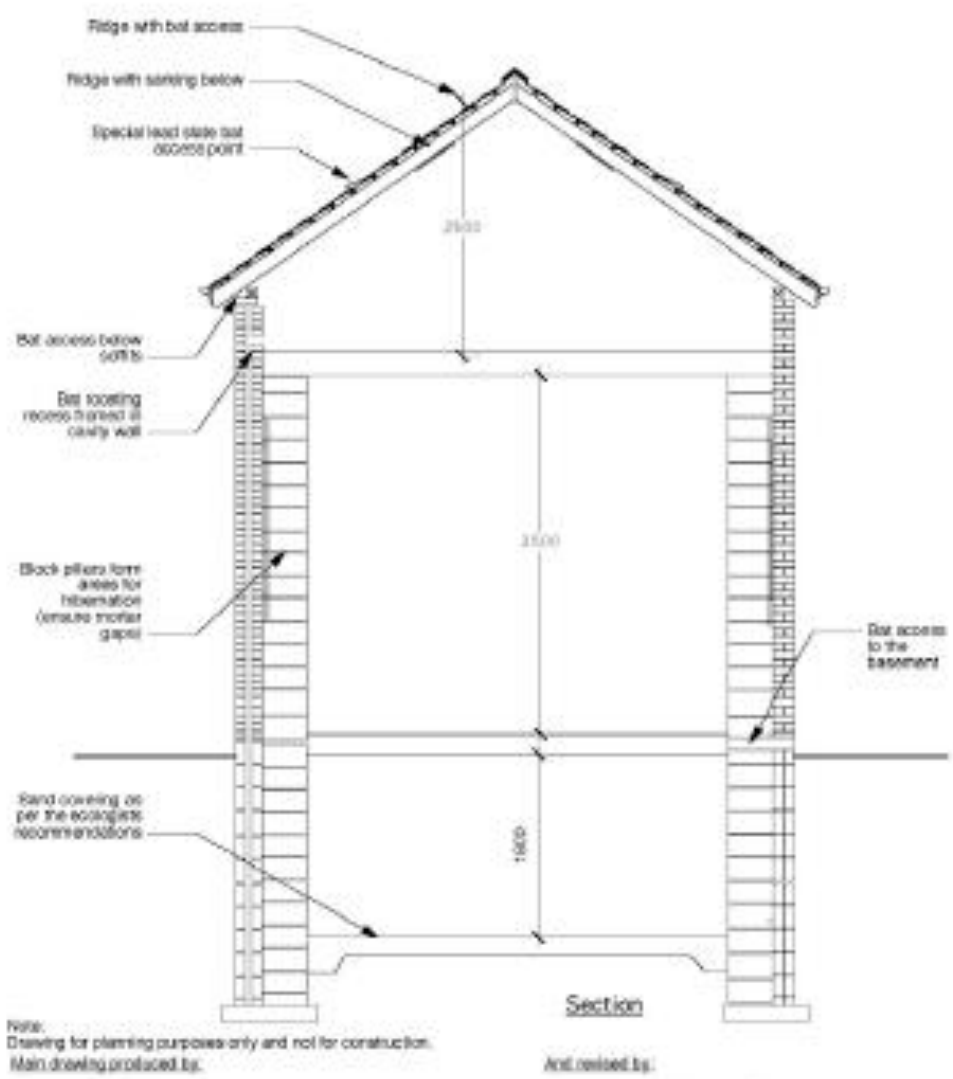


Figure 5

Figure 6



MASON GILLIBRAND
ARCHITECTS
14 WILLOW HILL, DUNDEE, DUNDEE, SCOTLAND
TEL: 01382 812345 FAX: 01382 812346

Project	Daresbury Hall
Sheet	Bat roost section
Scale	1:100
Date	10/08/08
Drawn by	JC
Checked by	MS

Figure 6

Figure 7

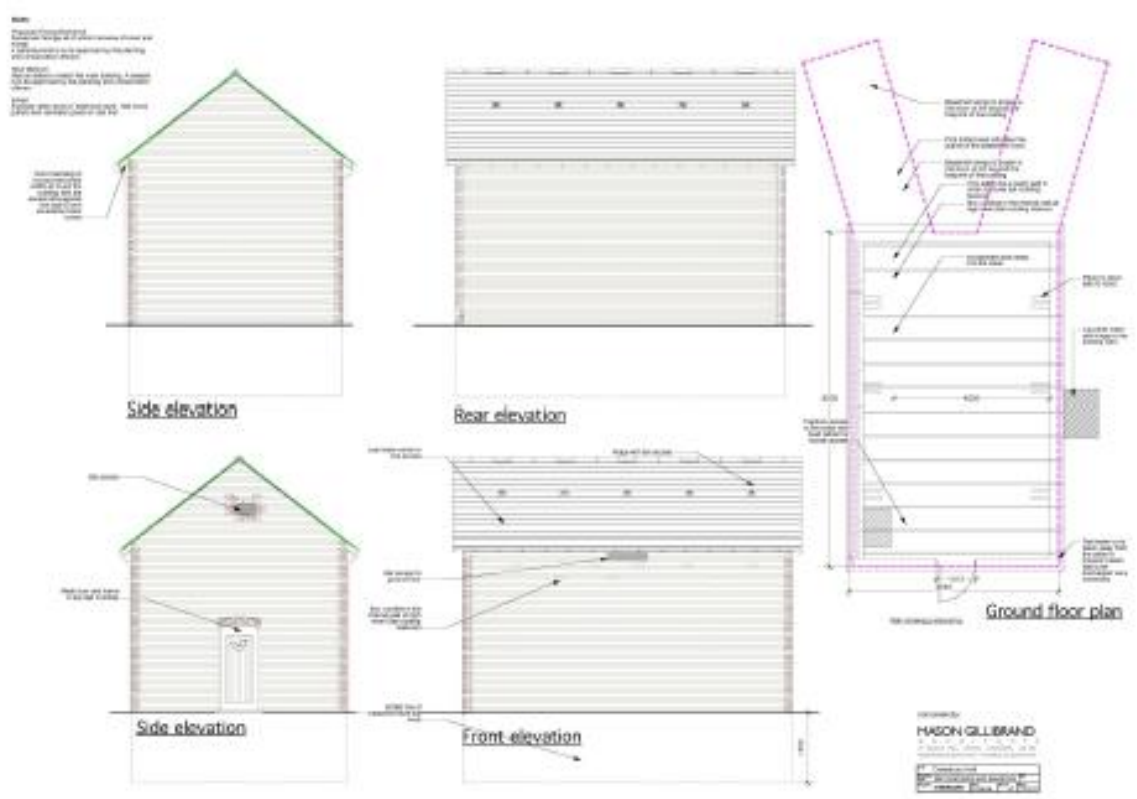


Figure 7

Figure 8



Figure 8

BARN OWLS

Surveys of the site for this species were undertaken in 2012 and 2014 by Andrew Gardner who holds a disturbance licence for Barn Owls at their nest sites in all counties of England (Licence 20131378).

No indication of breeding by the species was found at the site in either 2012 or 2014. Indications of roosting by the species was noted in both 2012 and 2014. The erection of a barn owl nest box in the edge of woodland to the East of the site would be sufficient mitigation for this species.

NESTING BIRDS

Restrictions on the timing of the commencement of work without additional checks for nesting birds are appropriate and inline with best practice.

Should you need to discuss the above please do not hesitate to contact me.

Yours Sincerely

Andrew Gardner BSc (Hons), MSc, MCIEEM, MRICS, CEnv, Dip NDEA

Director Envirotech

APPENDIX 2

Dear Andrew,

Thank you for forwarding the letter from envirotech dated 18th November. In response to their observations I would like to clarify the situation in relation to the roles of the LPA and Natural England and the points we have raised.

The species protection provisions of the Habitats Directive, as implemented by the Conservation (Natural Habitats Etc.) Regulations 1994, contain three "derogation tests" which must be applied by Natural England when deciding whether to grant a licence to a person carrying out an activity which would harm an EPS. For development activities this licence is normally obtained after planning permission has been obtained.

The three tests are that:

- the activity to be licensed must be for imperative reasons of overriding public interest or for public health and safety;
- there must be no satisfactory alternative; and
- favourable conservation status of the species must be maintained.

Notwithstanding the licensing regime, the LPA must also address its mind to these three tests when deciding whether to grant planning permission for a development which could harm an EPS. A LPA failing to do so would be in breach of Regulation 3(4) of the 1994 Regulations which requires all public bodies to have regard to the requirements of the Habitats Directive in the exercise of their functions.

LPAs need to understand the case law and put it into practice to avoid future legal challenges of their planning decisions. They need a system in place under which:

- officers are aware of the legal requirements on them and understand that a LPA cannot discharge its duty simply by adding a condition to the grant of planning permission which requires a licence from Natural England to be obtained (such a condition would not be sufficient to "engage" with the Habitats Directive)
- consideration is given by the LPA to whether criminal offences against a European Protected Species are likely to arise from a development proposal – this in turn means that LPAs need to screen planning applications for their likelihood of impacting on EPS. Furthermore careful attention needs to be given to any "mitigation" (i.e. offence avoidance measures) which the developer may propose
- the three derogation tests are (where necessary) applied and relevant information is obtained from the applicant
- these issues are documented clearly through the determination process, and
- these issues are applied not just in relation to planning applications for full planning permission but also for outline permission, for listed buildings consent and for building regulations consent.

Unfortunately in this case we believe there is a **high risk** that a licence may be **refused** as not enough information has been provided to ensure that the third derogation test has been met. The reasons for this conclusion are set out below:

1. Third test
Regulation 53(9)(b) – ‘that the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range’ – therefore **standard survey information according to BCT guidelines required** and outline mitigation proposals to ensure FCS is maintained.
2. It is quite clear that a Natural England licence will not be granted without dawn/dusk surveys as set out in the Natural England Standing Advice on Bats:
 - **Box 5:** *Has sufficient survey work and suitable assessment been undertaken in accordance with good practice guidelines? This should be sufficient to determine i) presence or absence of roosts and if present ii) roost status iii) species affected. It should also be sufficient to assess direct and indirect impacts on Bats and their breeding and resting places within and outside the application site, including disturbance, habitat loss and severance.*
 - **Box 3:** *Further survey and/or assessment required in accordance with good practice guidelines – request additional information from applicant. **If not provided, then the application should be refused.***
3. Furthermore **Government Circular 06/05** states that:
It is essential that the presence of protected species and extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

In our letters dated 3rd Sept and 29th Sept we set out the reasons we believe the bat surveys provided to support this application are inadequate (**refer to section 8.3.4 in the BCT – Good practice guidelines , second edition**). We also re-iterate that if the licence application is to cover the whole site, and not just the buildings, then a detailed tree survey for bat roost potential (as well as barn owls) will need to be undertaken.

Our comments (29th Sept) in relation to the absence of a phase 1 survey still stand (missing information for amphibians, badgers and potential habitat loss).

We would also expect that further details relating to the barn owl mitigation to be submitted (such as timing and location of barn owl boxes in line with guidance provided by the Barn Owl Trust). Additionally a planning condition will be required to ensure that the site (including buildings) has been checked by an ecologist for the presence of nesting birds immediately prior to any work commencing if this occurs during the bird nesting season (1st March to 31st August inclusive).

I suggest that should envirotech disagree with the above information in relation to obtaining a bat licence, then Natural England should be contacted directly by the applicant. The LPA should then be provided with a letter from NE which sets out their position.

Regards, Rachel Giles Ph.D.

Ecology and Planning Officer

APPENDIX 3 – ECOLOGY CONSULTANTS ADVICE – 27th JANUARY 2015.

Your Ref: 2013/0849/FUL
Mr Andrew Evans
Halton Borough Council
Our Ref: AWG/1684
Tuesday, 27 January 2015

Dear Mr Evans;

**APPLICATION: 12/00139/LBC AND 12/00140/FUL
SITE- DARESBURY HALL**

Further to your recent email I attach a copy of a legal briefing on European Protected Species licensing requirements for LPA's. The section specifically relating to the case in hand is produced below. We have consulted the author Penny Simpson in the past, she is considered to be pre-eminent in Environmental Law.

“Where NE is not consulted then in order to discharge its regulation 9(5) duty my view is that the LPA would still need to consider itself whether Article 12(1) will be breached. Where it believes Article 12(1) will not be breached then the EPS should create no impediment to the grant of planning permission. However where a LPA believes Article 12(1) will be breached the LPA will still then need to consider whether NE is likely to grant a licence. This in turn will necessarily require consideration of the three derogation tests. Following analysis of the three derogation tests, the Supreme Court has made clear (see Lord Brown's judgment) that the LPA should only refuse planning permission if it believes that NE is unlikely to grant a licence. The implication of this is that where the LPA concludes that a EPS licence is likely to be granted by NE or even where the LPA is unsure of NE's likely response then (in contrast to the Court of Appeal's guidance) the EPS should not prevent the LPA from granting permission.”

CWT considers there is insufficient survey information for Natural England to make a determination and suggests the guidelines indicate the need for more surveys. In contrast it is our professional opinion that the level of survey is wholly appropriate to the level of risk associated with the site, the species of bat has been confirmed and the roost status is known.

It is also apparent that the buildings on site have degraded significantly and the long term potential for them to remain suitable for bats is very low. Without re-development of the site bat roosts would by default be lost in the short-medium term. We currently hold multiple licenses from Natural England for on-going development work and are fully aware of the requirements and guidelines. At this site there has been a total of 7 survey visits. This vastly exceeds the minimum recommendations.

The guidelines, Chapter 1, Paragraph 3 also state:

“The guidance should be interpreted and adapted on a case-by- case basis, according to the expert judgment of those involved. There is no substitute for knowledge and experience in survey planning, methodology and interpretation of findings, and these guidelines are intended to support these. Where examples are given they are descriptive rather than prescriptive.”

We have fully justified our survey methodology and findings in accordance with this statement.

In this case as you are presented with two differing opinions, and are therefore potentially unsure if a license will be granted, in accordance with the Supreme Court ruling you should grant permission with a condition requiring an EPSM license from Natural England. They will then determine if the level of survey and proposed mitigation/ compensation is acceptable and agree or require amendments to that which is proposed.

We trust the above will allow progression of the planning application at this site and provides clarification on the correct legal basis for its consideration.

Yours Sincerely

Andrew Gardner BSc (Hons), MSc, CMIEEM, MRICS, CEnv, Dip NDEA

Director Envirotech NW Ltd

andrew@envtech.co.uk