

Statement of Case

Hopwood Hall

Hopwood DePree, Hopwood Hall Estate Ltd.

January 2025



**Made it
Together**

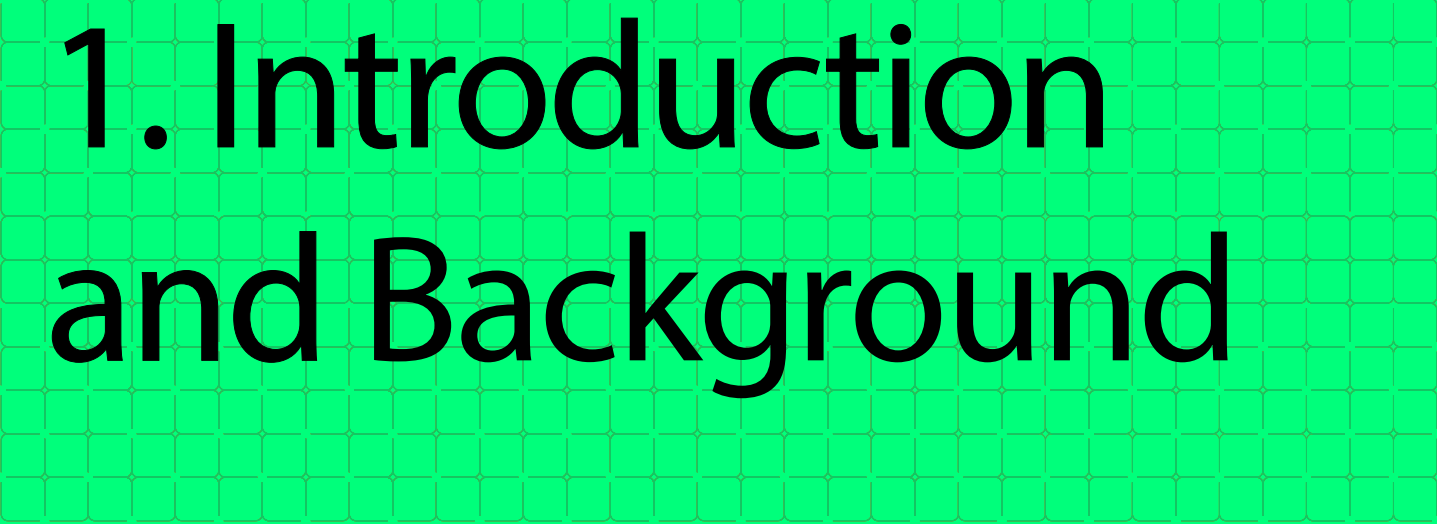
Contents

1.	Introduction and Background.....	4
2.	Legal Framework	9
3.	Case for the Appellant	11
4.	Conclusion	19

Appendices

Appendix 1:	Email correspondence with Rochdale Borough Council dated 6 July 2022
Appendix 2:	Wade Hadaway Legal Advice Letter dated 15 January 2024
Appendix 3:	Rochdale Borough Council's officer's report for Planning permission 22/00907/FUL

1. Introduction and Background



1. Introduction and Background

- 1.1. This statement of case has been prepared on behalf of Hopwood DePree, Hopwood Hall Estate Ltd [“the Appellant”] in support of a planning appeal against the refusal of the Section 73 planning application 24/01018/VRCON by Rochdale Borough Council [the “Council”] to vary conditions 2 (Approved Plans) and 3 (Change of Use Plans) of planning permission 22/00907/FUL [the “proposed development”] at Hopwood Hall, Hopwood Hall College, Middleton Campus, Rochdale Road, Middleton, M24 6XH [the “site”].

Site description

- 1.2. The site relates to Hopwood Hall, along with access and areas for parking, taken from Rochdale Road and running through part of the adjacent Hopwood Hall College site.
- 1.3. Hopwood Hall is a Grade II* listed building, which sits within the Hopwood Hall College Middleton Campus.
- 1.4. The site lies within the Green Belt and is surrounded by the Hopwood Hall College, woodland and open fields.

Details of proposals

- 1.5. This appeal relates to a Section 73 application to amend Planning Permission 22/00907/FUL for the change of use of Hopwood Hall to operate events, hospitality, tours, education, café, and a shop, with associated ancillary facilities including access and parking.

Planning Permission 22/00907/FUL

- 1.6. Planning permission 22/00907/FUL is part of a wider planning strategy to bring Hopwood Hall back into use in phases over several years. This was a principle that was established by the applicant with the Council early in the planning process in 2022.
- 1.7. This was set out in email correspondence on the 6 July 2022 and is included at Appendix 1. Mr Tattersall, the planning agent acting on behalf of Hopwood Hall at the time, explained:

“The one key message that came out of the meeting was that we are not talking about one complete Planning and Listed Building Consent Application for the Hall in totality. Instead we expect the works to progress over multiple phases, over a number of years (5+), and this will involve multiple applications.”

- 1.8. Planning permission 22/00907/FUL therefore establishes the change of use of the buildings and grounds. It does not include any physical alterations. These are covered separately through Listed Building Consents and if necessary separate planning permissions.

Section 73 Application 24/01018/VRCON

- 1.9. In October 2024, the renovation of Hopwood Hall was progressing well. Through the charity, Hopwood Foundation, funding for heritage skills training had been allocated to Hopwood Hall. Hopwood Foundation had also been successful in grant funding from the National Lottery Heritage Fund for expanded community engagement including tours and activities in the Hall.
- 1.10. The appellant applied to amend Planning Permission 22/00907/FUL under Section 73 of the Town and Country Planning Act 1990 [the “Act”]. The purpose of the amendment was to update the ground floor plan and, for the avoidance of doubt, include a first floor plan as an approved drawing under condition 2 and 3 of Planning Permission 22/00907/FUL.
- 1.11. There is no material or operative change to the original planning permission. The activities proposed fall within the uses approved on the description of development. The intensity of the use remains the same as permitted in terms of events and education, with all of the Hall accessible. Matters relating to parking, lighting and noise are also subject to planning conditions to be discharged by agreement with the Council.
- 1.12. No physical alterations are proposed. Any necessary physical works to enable the change of use are subject to separate planning and Listed Building Consent applications.

Planning History

- 1.13. Hopwood Hall has a long planning history. The recent planning and Listed Building Consent applications relevant to this planning appeal are set out below:

Full Planning Application 22/00907/FUL

- 1.14. The approved description of development cited on the decision notice is set out below:

“Proposed change of use of buildings and grounds to sui generis, to include: events; hospitality; tours; education; café; and, shop, with associated ancillary facilities.”

- 1.15. The planning application timeline is set out below:

- Application received - 01/07/2022
- Application validated - 14/07/2022
- Committee date - 20/10/2022
- Issue of decision notice (approval) - 24/10/2022

- 1.16. Copies of the application submission, officers report and decision notice have been included with the appeal bundle.

Section 73 Application 24/01018/VRCON

1.17. The refused description of development cited on the decision notice is set out below:

“Section 73 application to vary conditions 2 (Approved Plans) and 3 (Change of Use Plans) of planning permission 22/00907/FUL (Proposed change of use of buildings and grounds to sui generis, to include: events; hospitality; tours; education; café; and, shop, with associated ancillary facilities) as follows: replace approved proposed ground floor plan (Ref: HOH-SEV-XX-XX-DR-A02100) with proposed ground floor plan (Ref: 243438-PUR-ZZ-XX-DR-A-0001) and additional proposed first floor plan (Ref: 243438-PUR-ZZ-XX-DR-A-0002) to show the complete building”

1.18. The Section 73 application timeline is set out below:

- Application received - 11/10/2024
- Application validated - 11/10/2024 -
- Issue of decision notice (refusal) - 16/12/2024

1.19. Copies of the Section 73 application submission, officers report and decision notice have been included with the appeal bundle.

Listed Building Consent Application Ref: 19/00154/LBC

1.20. The approved description of development cited on the decision notice is set out below:

“Listed Building Consent for emergency weather proofing to the west wing, removal and replacement of a lintel in north elevation, structural repair of the main staircase, re-modelling of valley gutter including installation of new access hatch, repairs to plaster ceiling in area indicated as GF12, removal of debris from north section, structural repairs of north section and restoration of leaded lights in the internal courtyard”

1.21. The Listed Building Consent application timeline is set out below:

- Application received - 19/02/2019
- Application validated - 27/03/2019
- Issue of decision notice (Approval) - 26/06/2019

Listed Building Consent Application Ref: 23/01293/LBC

1.22. The approved description of development cited on the decision notice is set out below:

“Phase III works; full re-roofing / repair works, gutter and rainwater goods, as well as repointing/façade works to the southern and eastern wings.”

1.23. The Listed Building Consent application timeline is set out below:

- Application received – 28/11/2023

- Application validated – 19/12/2023
- Issue of decision notice (Approval) – 14/03/2024

Listed Building Consent Application Ref: 24/00169/LBC

1.24. The approved description of development cited on the decision notice is set out below:

“Listed Building Consent for works to Grade II Listed Building consisting; facilitate future repair and refurbishment, includes concrete testing to frame, external wall investigation works, ground slab investigation works, removal of damaged building fabric & asbestos and creation of path to perimeter of building for access”

1.25. The Listed Building Consent application timeline is set out below:

- Application received – 19/02/2024
- Application validated – 19/02/2024
- Issue of decision notice (Approval) – 31/05/2024

2. Legal Framework

2. Legal Framework

- 2.1. Section 73 of the Town and Country Planning Act 1990 (as amended) is concerned with the determination of applications to develop land without compliance with conditions previously attached.
- 2.2. Section 73(1) states this section applies, subject to subsection (4), to applications for planning permission for the development of land without complying with conditions subject to which a previous planning permission was granted.
- 2.3. Section 73(2) states that on such an application the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted. It continues in Section 73(2)(a) that if the local planning authority decides that planning permission should be granted subject to conditions differing from those subject to which the previous permission was granted, or that it should be granted unconditionally, they shall grant planning permission accordingly. Conversely, Section 73(2)(b) states that if the local planning authority decides that planning permission should be granted subject to the same conditions as those subject to which the previous permission was granted, they shall refuse the application.
- 2.4. Further criteria are set out in Sections 73 (2A) – (2E), 73 (3), 73(4) and 73(5).
- 2.5. There has been extensive case law in relation to the limits of Section 73, most recently the case of R. (Fiske) v Test Valley BC [2023] EWHC 2221 (Admin) which clarified the approach to be taken.

3. Case for the Appellant

3. Case for the Appellant

3.1. The decision notice issued for the application cited two reasons for refusal. These are addressed in turn below.

First reason for refusal

3.2. The first reason for refusal is:

Use of the entire Hall would comprise a material and operative change to the original planning permission. As such, the proposed amendments fall beyond the scope of what is possible through an application made under Section 73 of the Town and Country Planning Act 1990 (as amended).

Change of use application: 22/00907/FUL (Original application)

3.3. The original application in 2022, to which the 2024 Section 73 application relates, covered the entire Hall. This is demonstrated throughout the original application material:

- The **application form** states the site location as “Hopwood Hall”, not the ground floor of Hopwood Hall.
- The **site location plan** covers all of Hopwood Hall, as well as surrounding grounds and means of access.
- The **Design, Access and Heritage Statement**, includes several references to the entire Hall, including, but not limited to:
 - At 1.1 Introduction: “A planning application for a change of use relating to Hopwood Hall in Middleton”.
 - At 2.0 Site Location: When referring to the building the report shows the entire Hall and surrounding grounds.
 - At 3.3 Current Condition: The report discusses the condition of the entire Hall.
 - At 3.5 Heritage At Risk: Again the report refers to the entire Hall. “Without opening the building up to ongoing commercial and charitable activity there is a very real possibility that a future use of the building may not be forthcoming.”
 - At 4.0 Heritage Assets it refers to the listing of the entire Hall.

- At 6.2.1 Planned Use of Space: The report states the *“whole hall would provide the backdrop for further tours...”*. Also at 6.2.1 Planned Use of Space, the report refers to the ground floor plan to illustrate the parallel Listed Building Consent that was being applied for at that time.
- At 7.0 Conclusion: the report states: *“The proposals involve a change of use for the building and are considered to be essential for the protection of the Hall... These works look to provide that, opening the building for further engagement and protecting the fabric from slipping into further disrepair and ultimately collapse.”*
- The **Bat Report** included an assessment which covered the entire Hall.
- The **Officer’s Report** includes several references to the entire Hall, including, but not limited to:
 - At 2.1 under Proposal Summary, the description of development is stated – *“Full planning permission is sought for the proposed change of use of buildings and grounds to sui generis. The sui generis use will include: events; hospitality; tours; education; café; and, a shop, with associated ancillary facilities.”*
 - At 2.1 under “Proposal Summary”, it states *“No physical works to the buildings and grounds are proposed, with all necessary physical works to enable these proposed uses being handled separately to this application.”*
 - At 4.1 under “Reason for Recommendation”, Hopwood Hall Grade II* listing and Heritage at Risk Register status was detailed. Following this, at 4.2, it states *“This proposal is part of an ongoing series of works to restore Hopwood Hall and its grounds and bring it back in to an active use.”*
 - At the “Site” section, Hopwood Hall building is described in its entirety, outlining its listing status. Hopwood Hall listing extract is included within the report which provides details of the entire building and grounds. The listing includes references such as house, roof, chimney and gatehouse to confirm this.
 - At the Proposal section within the report, it states *“This application seeks permission for a proposed change of use of buildings and grounds to sui generis. The sui generis use would include: events; hospitality; tours; education; café; and, a shop, with associated ancillary facilities, access and parking”*
 - The Conservation Officer consultee summary response relates to the entire building. The includes the following statement, *“The proposal seeks to change the use of the building and grounds to a mixed or sui generis use. This would allow for a larger number of events, tours, hospitality and*

education. It would also include a new café and shop, with associated ancillary facilities.” Historic England also provided comments relating to the entire building.

- At Analysis “Principle of Development” it states *“The submitted floorplan showing the areas where the uses will take place demonstrates that the uses would not be of a scale which would be more likely to give rise to harmful impacts sometimes associated with larger scale events, such as traffic or noise impacts.”* This statement illustrates that use of the entire Hall was considered, but at that time, limited to the ground floor subject to approved drawings at condition 2 and 3 (see details below). Issues relating to traffic and noise were further controlled by conditions 4 and 6 (see details also below).

3.4. The appellant’s assessment work supporting the application covered the entire Hall. In response, the Council’s determination of the application addresses the entire Hall, as set out in the officer’s report.

3.5. Planning permission 22/00907/FUL was approved on 24 October 2022.

Planning Permission: 22/00907/FUL (Original permission)

3.6. The decision notice includes the description of development as:

Proposed change of use of buildings and grounds to sui generis, to include: events; hospitality; tours; education; café; and, shop, with associated ancillary facilities.

3.7. The inclusion of the words: *“buildings and grounds”*, confirms that the permission as a whole relates to the entire Hall and surrounding grounds. The permission is subject to six conditions:

- Condition 1 sets out how the permission should be implemented within three years.
- Condition 2 and 3 refer to approved drawings.
- Condition 4 is a pre-commencement requirement for a parking strategy.
- Condition 5 is a requirement for a lighting plan if external lighting is proposed.
- Condition 6 is a requirement for an Event Management Plan if outdoor amplified noise is proposed.

3.8. The purposes of condition 2 and 3 are covered in more detail below. Briefly, for completeness, in my opinion the inclusion of conditions 4, 5 and 6 were added to ensure the Council has further control over matters relating to parking, external lighting and noise subject to how the change of use in the Hall came forward. This is the most practical approach where not all of the details are known or could be subject to change.

3.9. Condition 2 states that:

“This permission relates to the following plans:

a) Location Plan (ref: HOH-SEV-XX-XX-DR-A-01002)

b) Proposed Ground Floor Plan (ref: HOH-SEV-XX-XX-DR-A-02100)

c) Proposed Site Access and Parking (ref: HOH-SEV-XX-XX-DR-A-01002)

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.”

3.10. This is a typical approved drawings condition. It sets out which parts of the Hall the change of use relate to. The condition confirms:

1. The red line boundary includes the entire Hall.
2. The layout of the ground floor (which includes the mezzanine).
3. How the Hall will be accessed and parking provisions (subject to condition 4).

3.11. Condition 3 states that:

“The change of use hereby approved relates to spaces within buildings as shown on Proposed Ground Floor Plan (ref: HOH-SEV-XX-XX-DR-A-02100), with ancillary activities primarily relating to access and parking relating to the wider site (plan ref: HOH-SEV-XX-XX-DR-A-01002).

Reason: In the interests of protecting neighbour amenity and the function of the surrounding highway network, in accordance with Policies C6 and T2 of the Rochdale Core Strategy and the National Planning Policy Framework.”

3.12. Condition 3 reinforces Condition 2, by clarifying that whilst the permission relates to the entire Hall, the change of use “relates to spaces within buildings” as shown on the proposed ground floor plan and the ancillary activities “primarily relating to access and parking relating to the wider site”. The reasons given for attaching this condition were to protect neighbour amenity and the function of the highway network. These matters are also controlled through conditions 4 and 6 which both allow for further consideration of these matters and further information to be submitted if necessary.

Summary

- 3.13. The use of the entire Hall was always contemplated by the original application. It was covered by the assessment work submitted by the appellant, considered by the Council in the determination of the application and covered by the final planning permission, subject to planning conditions.
- 3.14. The description of development includes the change of use of buildings and grounds.
- 3.15. Condition 2 and 3 go on to set out which parts of the buildings can and cannot be covered by the change of use. The existence of these conditions means that they can be varied under Section 73 of the Act. There is no statutory limit on the degree of change permissible to conditions under Section 73, but the change must only relate to conditions and not to the operative part of the permission.
- 3.16. As such, the proposed amendment to amend the ground floor plan and include the first floor plan would fall within the scope of what is possible through an application made under Section 73 of the Act.
- 3.17. The appellant has sought legal advice and a copy of their solicitor's letter is attached as Appendix 2 which confirms their opinion that the application was properly made under Section 73 of the Act.

Second reason for refusal

- 3.18. The second reason for refusal was:

“Insufficient information has been submitted to demonstrate the scope of the proposed development and whether the proposals would require any physical alterations to the building that could impact on the significance of the Grade II listed building, whether the development could be served by adequate parking and access arrangements so as to not adversely impact on highway safety and whether the development would impact on protected species at the site. The application has therefore failed to demonstrate that the proposals would comply with policies P2, G7, T2 and DM1 of the adopted Rochdale Core Strategy, policies JP-S1, JP-G8 and JP-P2 of Places for Everyone Joint Development Plan and the National Planning Policy Framework.”*

- 3.19. The scope of the proposed development is clearly set out in the submitted application documentation and there are no physical alterations proposed:
- Planning permission 22/00907/FUL is a full planning permission for the change of use of Hopwood Hall buildings and grounds.
 - The scope of the proposed Section 73 amendment relates to the ground and first floor as shown on submitted drawings Ref: 243438-PUR-ZZ-XX-DR-A-0001 and Ref: 243438-PUR-ZZ-XX-DR-A-0002.
 - No physical works to the buildings and grounds are proposed.

- All necessary physical works to enable the proposed use of the buildings are subject to separate planning and / or Listed Building Consents. This is confirmed by the Council at paragraph 2.3 of their Officer's Report (see Appendix 3).

Significance of the Grade II* listed building

- 3.20. At paragraph 18 of the officer's report for Planning permission 22/00907/FUL it states:

"This application represents a significant milestone in securing an ongoing, sustainable use for the site. The range of proposed uses reflect the intention to deliver education, events and other services that reflect the historic significance and interest of the site, in order to drive the delivery of the restoration works.

...

Therefore, the proposed works would help to preserve the building and its features of special architectural and historic interest, in accordance with the requirements and limitations of CS policy P2, NPPF chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990."

- 3.21. The Section 73 application does not include any physical alterations that could impact on the significance of the Grade II* listed building and therefore continues to help to preserve the building and its features of special interest in accordance with Core Strategy Policy P2 and Places for Everyone Policy JP-P2.

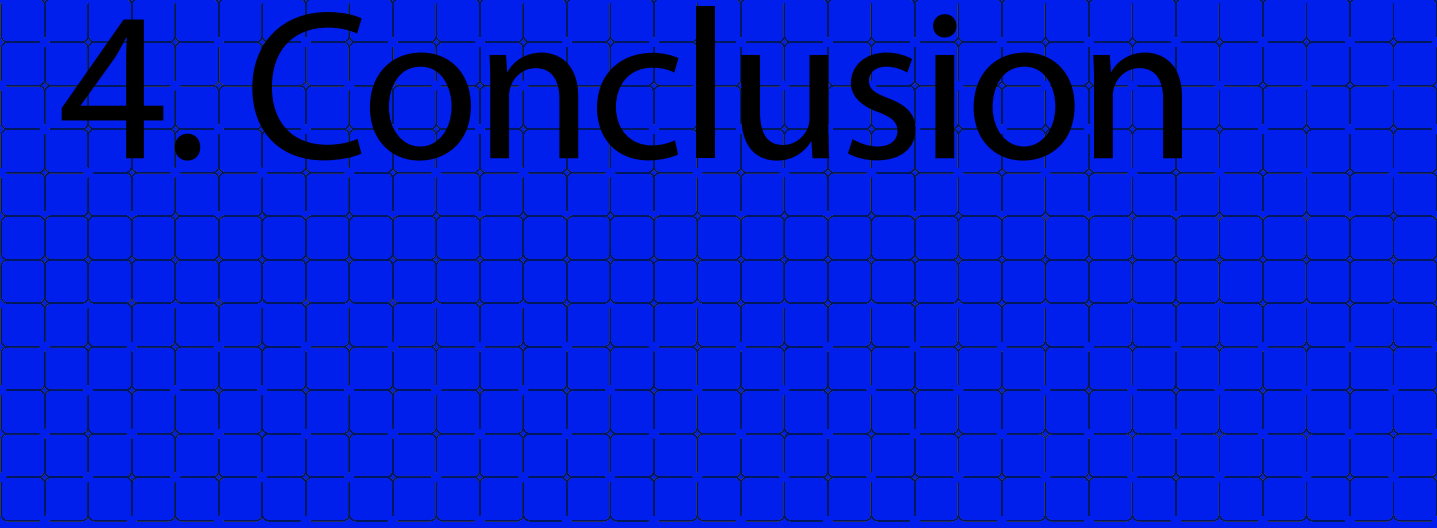
Parking and access arrangements

- 3.22. Condition 4 of Planning Permission 22/00907/FUL is a pre-commencement requirement for an Access and Parking Strategy to be submitted and agreed with the Council. The appellant requested this condition to allow for specific details of access and parking arrangements to be signed off as the proposed development progresses.
- 3.23. At paragraph 23 of the officer's report for Planning permission 22/00907/FUL it states: *"it is therefore considered that subject to conditions to secure the submission of a finalised scheme for access and parking arrangements, the proposal complies with Core Strategy Policies T1 and T2, and the NPPF."*
- 3.24. The activities proposed under the Section 73 application are the same as the uses approved on the description of development. The intensity of the use, in terms of the size and number of events, remains the same as approved, albeit with all of the Hall accessible. Matters relating to access and parking, as well as noise and neighbour amenity, continue to be subject to planning conditions 4 and 6 requiring an Access and Parking strategy and Events Management Plan to be submitted and agreed in writing the Council.
- 3.25. The Section 73 application is therefore in accordance with Core Strategy Policies T2 and DM1 and Places for Everyone Policy JP-S1.

Biodiversity Net Gain

- 3.26. The decision notice references Core Strategy Policy G8 and Places for Everyone Policy JP-S1 which relate to Biodiversity Net Gain (BNG).
- 3.27. The proposed amendment relates to the ground and first floor of Hopwood Hall. The proposed development falls below the de minimis threshold for a BNG requirement. This exemption applies to development that does not impact a priority habitat and impacts less than 25 square metres of non-priority onsite habitat or 5m for non-priority onsite linear habitats.
- 3.28. This BNG exemption is designed to ensure that BNG does not apply to development which does not impact habitat.

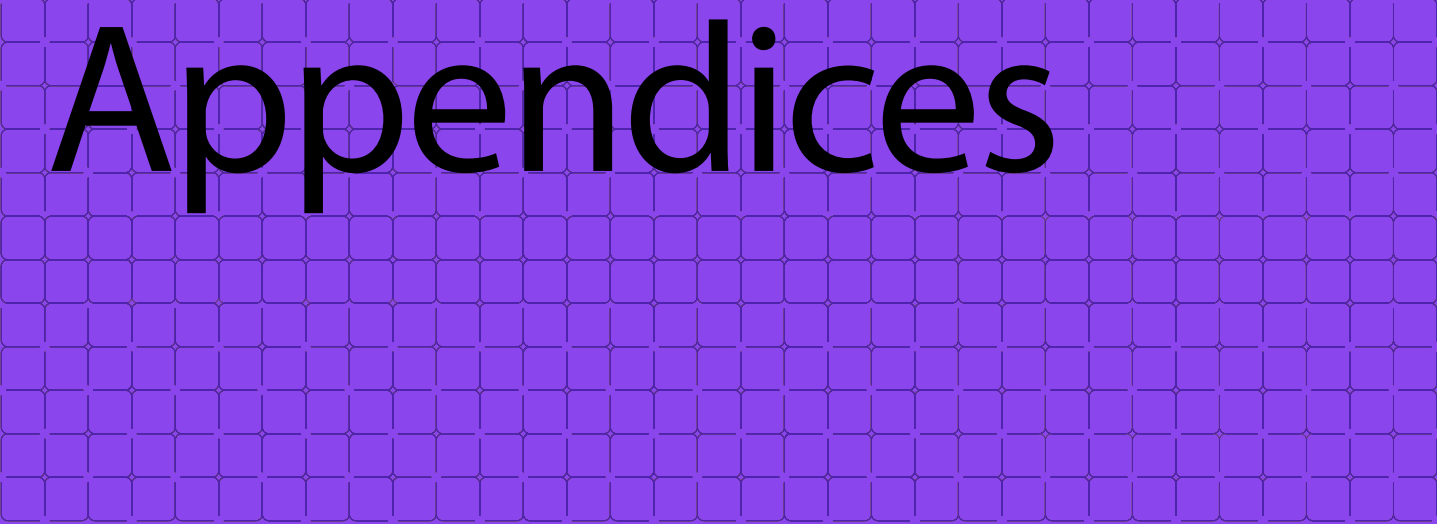
4. Conclusion



4. Conclusion

- 4.1. This appeal relates to a Section 73 application to amend Planning Permission 22/00907/FUL for the change of use of Hopwood Hall to operate events, hospitality, tours, education, café, and a shop, with associated ancillary facilities including access and parking.
- 4.2. This Statement of Case sets out that the application was properly made under Section 73 of the Act. The scope of the proposed development is set out in the submitted application documentation and there are no physical alterations proposed. The proposed amendment sought is minor in nature and wholly appropriate in the context of the proposed development and constitutes sustainable development.
- 4.3. This Statement of Case demonstrates the proposals are wholly appropriate in the context of both the development plan and the National Planning Policy Framework. Furthermore, there are no material considerations sufficient to warrant refusal of the application.
- 4.4. There are no overriding material considerations which should prevent the proposals being approved. Accordingly, the Inspector is respectfully requested to support the proposals, allow the appeal and grant planning permission.

Appendices



Appendix 1: Email correspondence with Rochdale Borough Council dated 6 July 2022



Hopwood DePree <hopwooddepreexiv@gmail.com>

Hopwood Hall - Planning & Listed Building Applications

Anthony Tattersall <tony.tattersall@edgeleigh-consulting.co.uk>

Wed, Jul 6, 2022 at 10:01 AM

To: John Copestake <John.Copestake@rochdale.gov.uk>, Catherine Fenghour <catherine.fenghour@rochdale.gov.uk>, Samantha Gill <Samantha.Gill@sevenarchitecture.co.uk>

Cc: Hopwood DePree <hopwooddepreexiv@gmail.com>

Good morning - I will get back to you all with my notes later on today/tomorrow but I felt that was another very useful meeting.

The one key message that came out of the meeting was that we are not talking about one complete Planning and Listed Building Consent Application for the Hall in totality. Instead we expect the works to progress over multiple phases, over a number of years (5+), and this will involve multiple applications.

Any one application will take longer than 3 months to prepare, submit and be considered due to the level of information/documents required.

We have already submitted the first key Planning application for the Change of Use (last week), with smaller enabling works internally to allow more people to visit the Hall, and help in our quest for additional funding from NLHF; Historic England etc., and this was felt to be sufficient for the purpose of fulfilling our obligations in terms of the Option Agreement, particularly when you take into account the 'material advancements' over the last 3/4 years with over £1m invested in the Hall to make it 'wind and watertight' and make it safe to walk through and particularly the surrounding grounds.

Hopwood and I will discuss this with Nick Barton this afternoon.

Thanks again

Tony

**EDGELEIGH**

Tony Tattersall BSc (Hons)

e-mail: tony.tattersall@edgeleigh-consulting.co.uk

mobile: 07771 958231

[linkedin.com/in/tony-tattersall-90b0581b](https://www.linkedin.com/in/tony-tattersall-90b0581b)

The contents of this email and any attachments are confidential and maybe legally privileged.
If you have received this email by mistake please notify the sender and destroy immediately

On 6 Jul 2022, at 09:46, Hopwood DePree <hopwooddepreexiv@gmail.com> wrote:

Hi all - thanks again for taking the time for the site meeting yesterday.

John, I completely agree with you that the 'change of use' planning app that we have already submitted should satisfy the option agreement.

As discussed, if you could process the application so that it is registered on the portal in the next day or so it would be much appreciated.

I'll keep you posted on my meeting with Nick.

Thanks!
Hopwood

Appendix 2: Ward Hadaway Legal Advice Letter dated 15 January 2024

The Planning Inspectorate,

Your Ref:
Our Ref: AM.HOP113.3
Doc No: 47060659v1
Date: 15 January 2025

Dear Sir / Madam

Appeal by Mr Hopwood DePree, Hopwood Hall Estate Limited

We are instructed by Mr Hopwood DePree and Hopwood Hall Estate Limited in relation to the above matter. This letter has been provided to Made it Together, the agent for the matter and is to be submitted as part of a planning appeal following the LPA's decision to refuse application 24/01018/VRCON.

The focus of this letter is Reason for Refusal 1 as set out on the decision notice dated 16 December 2024, it stating that the proposed amendments fall beyond the scope of what is possible through an application made under Section 73 of the Town and Country Planning Act 1990. Our opinion is set out below and follows on from Section 2 in the Statement of Case which sets out the legal framework.

Planning application 22/00907/FUL was approved on 24 October 2022. Condition 1 of planning permission 22/00907/FUL required that the development must be begun not later than three years beginning with the date of the permission. The requirement is therefore that the authorised development be begun by 23 October 2025. The permission is therefore extant.

The planning permission which was granted pursuant to planning application 22/00907/FUL was, *"Proposed change of use of buildings and grounds to sui generis, to include : events; hospitality; tours; education; café; and, shop, with associated ancillary facilities"*.

Part II of the decision notice states that the Council permits the above development in accordance with the details given on the application form and subject to six listed conditions.

The development described on the application forms submitted and approved as part of 22/00907/FUL was;

"Change of use to multi-use class for events and tours allowing for community engagement as a speciality event and hospitality venue with accommodation including a potential training facility for catering and hospitality students (in association with nearby providers). Reinstatements and refurbishments will be to a standard fit for habitation in accordance with statutory requirements".

Whilst the description on the application form submitted as part of 22/00907/FUL is different from that described on the decision notice, it is clear what the planning permission authorised, namely the change of use of the application site for the development described.

The planning permission was subject to six conditions. The application, subject of the current appeal, seeks the variation of condition 2 and the deletion of condition 3 and is a lawful application to make under Section 73 of the Act.

Factors which support this contention include;

- 1 The description of planning permission 22/00907/FUL does not limit the area which may be used for the permitted purpose. The proposed variation / deletion of the conditions as requested would not be inconsistent with the description of the permitted development in 22/00907/FUL, namely *"Proposed change of use of buildings and grounds to sui generis, to include : events; hospitality; tours; education; café; and, shop, with associated ancillary facilities"*.
- 2 The Section 73 application does not propose any development outside the application site defined on the site location plan submitted and approved as part of application 22/00907/FUL.
- 3 It is evident from looking through the documents submitted as part of application 22/00907/FUL that the application applied to whole application site. In this respect for example, the Design and Access Statement approved as part of 22/00907/FUL,
 - a. In section 1.1 states that it has been prepared to support a planning application for a change of use related to Hopwood Hall. The reference is general, not part of Hopwood Hall;
 - b. In Section 2, the aerial image provided as Figure 01 highlights the whole Hall;
 - c. In Section 3, the Hall generally is referred to, not part of it;
 - d. In Section 3.5, it is detailed that Hopwood Hall is included on Historic England's Heritage at Risk Register. The second paragraph within Section 3.5 includes, *"Without opening the building up to ongoing commercial and charitable activity there is a very real possibility that a future use of the building may not be forthcoming"*.
 - e. In Section 4 the Heritage Asset of Hopwood Hall is described, namely the whole Hall;
 - f. In Section 6.2.1 the planned use of space is set out. It is stated;

"Currently the building is not in use and is occupied on an ad hoc basis by volunteers and visitors to the building. It is envisaged that the whole hall would provide the backdrop for further tours, and it is understood that if any further works were needed in order to facilitate this the necessary applications would be required".
 - g. In Section 7 it is stated;

"The proposals involve a change of use for the building and are considered to be essential for the protection of the Hall. Its designation as a Grade II Listed Building coupled with its placement on the Historic England At Risk Register requires a careful and considered approach to its conservation. These works look to provide that, opening the building for further engagement and protecting the fabric from slipping into further disrepair and ultimate collapse."*

On the whole the proposed works will have a positive impact on the significant and are not seen to have a detrimental effect on the significance of the Grade II Listed Building. More frequent use of the building will not only increase engagement it will*

also increase onsite monitoring of the building repaired and protected for future use and this in turn will bring a positive impact to the Hall, hopefully allowing the building to be more actively used and celebrated in the future".

There are also other references to the Hall generally in other documentation associated with the application. These are described in more detail in the Appellant's Statement of Case which is to be read in parallel.

- 4 Hopwood Hall comprises a single planning unit;
- 5 The first Reason for Refusal reads as follows:
 - a. *Use of the entire Hall would comprise a material and operative change to the original planning permission. As such, the proposed amendments fall beyond the scope of what is possible through an application made under Section 73 of the Town and Country Planning Act 1990 (as amended).*
- 6 The High Court confirmed (in *Armstrong v Secretary of State for Levelling-up, Housing and Communities* [2023] EWHC 176) that there is nothing in Section 73 that restricts it to minor material amendments and, consequently, this statutory provision may be used to effect material changes so long as the new consent to be granted does not go beyond the parameters of the operative part of the original planning permission.
- 7 The Court of Appeal confirmed (in *Finney v Welsh Ministers* [2019] EWCA Civ 1868) that an application made pursuant to Section 73 of the Town and Country Planning Act 1990 (as amended) must concern itself only with the conditions to which a planning permission is subject to and not the operative part of the planning permission/description of development.
- 8 It is clear that the proposals applied for in the Section 73 Application fall squarely within the confines of the operative part of the original planning permission. As a matter of fact, there is therefore no operative change proposed. Since the Section 73 Application does not attempt to change the operative part of the original planning permission, the application does not fall foul of *Finney*.
- 9 As a matter of law it is therefore incorrect to state that the Section 73 Application falls beyond the scope of what is possible through an application made under Section 73 of the Town and Country Planning Act 1990 (as amended).
- 10 Subject to no change being entailed to the description of the authorised development, it is a lawful use of Section 73 to test whether conditions imposed on a grant of planning permission meet the tests set out in the NPPF for the imposition of conditions. These tests include that conditions only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects. Limiting the extent of the use of Hopwood Hall is amongst other things not necessary and not reasonable acknowledging that Hopwood Hall is a planning unit in its own right, the extent of the application site approved in 22/00907/FUL, the content of the submitted documentation, that the whole of the Hall is on the At Risk Register and in need of reuse.
- 11 Following on from the above it is material that the variation of condition 2 and variation of condition 3 only impacts on the area which may be used for the permitted purpose. In this respect control over any physical alterations would be retained to the LPA, Hopwood Hall being Grade II * Listed and Listed Building consent being required including for internal alterations.

The right to amplify the above and / or respond to the LPA's Statement at the rebuttal stage is reserved.

Yours Faithfully

Ward Hadaway LLP

+44 (0) 330 137 3507

andrew.moss@wardhadaway.com

Appendix 3: Rochdale Borough Council's officer's report for Planning permission 22/00907/FUL

Report to Planning and Licensing Committee

APPLICATION NUMBER: 22/00907/FUL



Date of Meeting	20 October 2022
Portfolio	Councillor John Blundell Cabinet Member for Economy and Regeneration
Report Author	John Copestake
Public/Private Document	Public

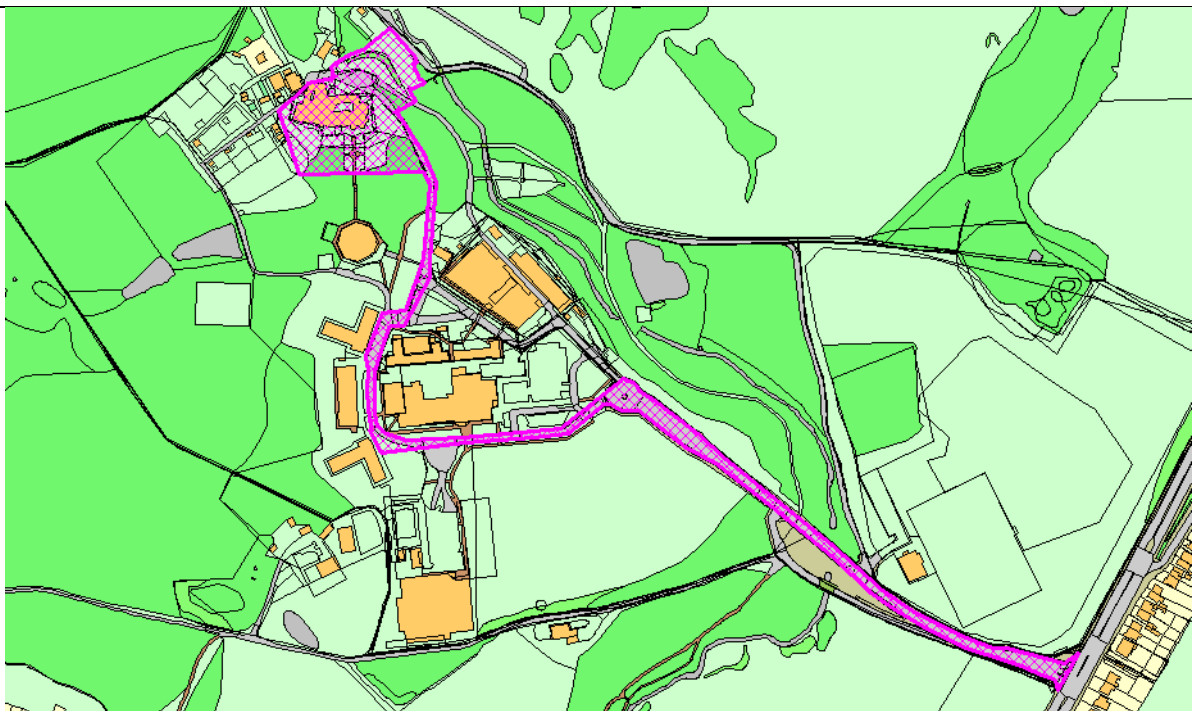
Application: 22/00907/FUL	Township: Middleton	Ward: Hopwood Hall
----------------------------------	----------------------------	---------------------------

Applicant: Mr Hopwood DePree	Agent: Seven Architecture
-------------------------------------	----------------------------------

Site Address: Hopwood Hall, Hopwood Hall College, Middleton Campus, Rochdale Road, Middleton, M24 6XH

Proposal:	Proposed change of use of buildings and grounds to sui generis, to include: events; hospitality; tours; education; café; and, shop, with associated ancillary facilities.
------------------	---

SITE LOCATION



DELEGATION

- 1.1 The application is to be determined by the Planning and Licensing Committee as the application relates to land and buildings owned by the Council.

PROPOSAL SUMMARY

- 2.1 Full planning permission is sought for the proposed change of use of buildings and grounds to sui generis. The sui generis use will include: events; hospitality; tours; education; café; and, a shop, with associated ancillary facilities. This proposal is one part of a wider body of work being carried out to bring Hopwood Hall back in to a good state of repair and active use. The application is accompanied by a floor plan which shows where the uses will take place, these being within ground floor areas of parts of the Hall and later additions.
- 2.2 The proposal is accompanied by indicative details of access and parking to be used in association with the proposed change of use.
- 2.3 No physical works to the buildings and grounds are proposed, with all necessary physical works to enable these proposed uses being handled separately to this application.

RECOMMENDATION

- 3.1 It is recommended that the Planning and Licensing Committee resolves it is minded to **GRANT permission** subject to the recommended conditions.

REASON FOR RECOMMENDATION

- 4.1 Hopwood Hall is designated at grade II* for its more than special historic and architectural interest. The building is identified on the Historic England Heritage at Risk Register, due to its derelict condition.
- 4.2 This proposal is part of an ongoing series of works to restore Hopwood Hall and its grounds and bring it back in to an active use. The applicant has already established a volunteer base and links to the local community, and has set out an intention to make the site economically active. In this regard,

the proposal will help to deliver positive social and economic impacts in accordance with the overarching aims of the NPPF.

- 4.3 The proposal will also contribute towards the future sustainable use of the listed building in accordance with the requirements of requirements and limitations of CS policy P2, NPPF chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst giving rise to no harm on the heritage assets.
- 4.4 On this basis, the application should be approved, subject to conditions.

SITE

The application site relates to Hopwood Hall, along with access and areas for parking, taken from Rochdale Road and running through part of the adjacent Hopwood Hall College site.

Hopwood Hall is a Grade II* listed building, which sits within the Hopwood Hall College Middleton Campus. The buildings include elements dating back to 1420, with various additions predominantly from the 16th, 17th and 18th centuries. In addition to this is a later 20th century extension, which is not considered to be of special historic interest.

The building was first listed on 15th March 1957, the listing text of which reads as follows:

House, now part of training college. Largely of the C17 and C18 but incorporating parts of an early C16 open-hall timber-framed structure and various C19 and C20 additions and alterations. Brick with stone dressings and graduated stone slate roof. Quadrangular 2-storey plan with later additions to west including a C20 extension which is not of special interest. A symmetrical gatehouse (of 1690 but rebuilt in C20) gives access to the courtyard through double studded-oak gates. It has a projecting plinth, stone quoins, a segmental archway, and a flat roof replacing the original pitched roof. Two 6-light double-chamfered stone mullion and transom windows on each floor and a C19 oriel window in bay 2 with coat of arms and castellated parapet. The windows, which have leaded lights and hoodmould (with coiled stops on the ground floor), have on the whole been replaced or re-cut. The C19 2-bay addition to right repeats similar details. The left return consists of a library of c.1755 with C19 2-storey bay window and a dining room of c.1840 with large mullion and transom windows. The rear (south) elevation has four bays and various later additions which step up the hill to left. The screens-passage door with stone surround remains in its original position adjacent to a 2-storey late C16 canted bay window with 9-light mullion and transom windows on each floor. The canted bay windows in bays 3 and 4 are C19 but contribute greatly to the house's distinctive character. Bay 1 has mullioned windows on each floor; the later additions have casements. The numerous circular chimney shafts are largely C19 or C20.

INTERIOR: the C16 roof trusses including the spere truss over the original hall are all intact. They have king posts and cusped braces. The floor which was inserted in the late C16 is also complete with its heavily moulded beams. The extent to which the timber frame still exists has not been fully explored. Substantial quantity of carved oak includes doors, door surrounds, fire surrounds, panelling etc. Its age and origins are varied but much dates from the early C17. Tudor-arched fire surround in stone dated 1658 bearing initials FG and a coat of arms. Other features including much C19 work are of interest.

The house is particularly noteworthy as an example of a quadrangular plan which developed around a timber-framed open hall.

The building is also identified on Historic England's Heritage at Risk Register, due to its derelict condition. The Historic England Heritage at Risk Register Entry states:

Former college derived from a country house, dating from C17 and C18, incorporating parts of an early C15 open hall timber frame with further C19 and C20 alterations. Currently vacant with emergency works underway by a combination of the Local Authority and an active local friends group with match funding from Historic England. Discussions are on-going about potential new uses for the Hall to bring it into both commercial and community use.

The adjacent college site features a number of large buildings generally built since the 1980s, with associated sports pitches, car parks, animal handling area and other ancillary buildings.

The site lies within the Green Belt and is otherwise predominantly surrounded by woodland or open fields.

PROPOSAL

This application seeks permission for a proposed change of use of buildings and grounds to sui generis. The sui generis use would include: events; hospitality; tours; education; café; and, a shop, with associated ancillary facilities, access and parking.

The application is also accompanied by plans which show the access and parking arrangement, relying in part on land within the adjacent Hopwood College campus.

Importantly, no physical changes to the buildings are proposed as part of this application.

RELEVANT PLANNING POLICY

NATIONAL

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
National Design Guide 2021
National Model Design Code

LOCAL

Greater Manchester Joint Minerals Development Plan – March 2013

Adopted Rochdale Core Strategy (CS):

SP2	The Spatial Strategy for the borough
SP3	The Spatial Strategy for the townships
SD1	Delivering sustainable development
DM1	General development requirements
DM2	Delivering planning contributions and infrastructure

SO2	Creating successful and healthy communities
C6	Improving health and well being
C8	Improving community, sport, leisure and cultural facilities
SO3	Improving design, image and quality of place
P1	Improving image
P2	Protecting and enhancing character, landscape and heritage
P3	Improving design of new development
SO4	Promoting a greener environment
G5	Managing protected open land
SO5	Improving accessibility and delivering sustainable transport
T1	Delivering sustainable transport
T2	Improving accessibility
Appendix 5	Schedule of Parking Standards

Saved Policies of the Rochdale Unitary Development Plan (UDP):

G/D/1	Defined Urban Area
D/10	Protected Open Land
G/8	Greenspace Corridors

RELEVANT HISTORY

21/00101/LBC – approved – 16 April 2021: replacement of 2no. rotten lintels along with repair and replacement of damaged flooring in first floor area to enable a safe means of escape.

19/00154/LBC – approved – 26 June 2019: Listed Building Consent for emergency weather proofing to the west wing, removal and replacement of a lintel in north elevation, structural repair of the main staircase, re-modelling of valley gutter including installation of new access hatch, repairs to plaster ceiling in area indicated as GF12, removal of debris from north section, structural repairs of north section and restoration of leaded lights in the internal courtyard.

CONSULTATION RESPONSES - SUMMARIES

Conservation Officer: full support given to the proposals.

“Hopwood Hall is on the Heritage at Risk Register and is currently undergoing a phase of emergency remedial works to stabilise the west wing. An earlier phase of remedial works was completed in 2021. Although the condition of the Hall has much improved over the last few years through the emergency works programmes and the works of the Friends Group, the building is still in a very poor condition and remains at risk. The building does not currently have an end use agreed. Tours and events currently take place at the Hall on an occasional basis.

Hopwood Hall is a designated at grade II for its more than special historic and architectural interest. It is a designated heritage asset for the purposes of NPPF chapter 16 and Rochdale CS policy P2.*

The proposal seeks to change the use of the building and grounds to a mixed or sui generis use. This would allow for a larger number of events, tours, hospitality and education. It would also include a new café and shop, with associated ancillary facilities.

Listed building consent has already been granted for some of the works required to facilitate the current proposal. These include the provision of welfare facilities, upgrading of toilets and the removal of a cinder block wall, linking the 1960s extension to the remainder of the hall (21/01779/LBC refers). No further alterations to the historic fabric are proposed as part of this application.

The proposed change of use would enable more flexibility and provide access for a greater range of visitors, potentially increasing revenue streams. As such, it is considered that the proposed change of use would have a positive impact on this highly significant at risk listed building. As no alterations are proposed, no harm to the significance is identified.

The proposal would comply with the requirements of Rochdale CS policy P2 NPPF chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

The applicant should be advised that if any alterations are proposed to the historic fabric of the building, then listed building consent would be required. This is particularly the case with the café. It is understood that this would be a small-scale facility, which would not need any cooking equipment or flues. However, if this changes and equipment is required, then listed building consent will be needed.”

Highways: no objection. The indicative access and parking arrangements are considered to be acceptable.

Historic England: support given to the proposals.

“Hopwood Hall is an exceptionally significant country house. This particularly derives from the important evidence it retains of the evolution of high-status domestic architecture, as it is a rare example of a quadrangular plan house which developed around a timber-framed open hall. It also derives significance from its attractive appearance, both externally, and in its internal fixtures and fittings- which includes exceptional examples of work in carved oak. It is listed at grade II. Its condition has been a cause for concerns for a considerable period, and it is included on the Heritage at Risk Register.*

The proposals require no physical works to the building. However, the flexibility provided by the change of use would make its active use more viable, and would allow the hall to attract new visitors and revenue streams. The impact would therefore be wholly positive.

National policy relating to the conservation and enhancement of the historic environment is articulated in section 16 of the National Planning Policy Framework.

These policies collectively seek to ensure that heritage assets are managed in a manner appropriate to their significance.

The change of use would support the viable conservation of the building, and would require no works that would physically affect it. They would therefore be in line with the relevant policy and legislation, and we support the application.”

The following were consulted but provided no response:

- ☐ Environmental Protection – Noise
- ☐ Trees
- ☐ National Amenities Societies

As set out in the Analysis section below, it is not considered that an absence of response from the above consultees gives rise to any issues.

MEMBER REPRESENTATIONS

Middleton Township Planning Panel – 3rd October 2022 - The Panel would like to see Hopwood Hall be successful and are happy with the Case Officer recommendation for approval.

PUBLIC REPRESENTATIONS

Objection Reps	0	Support Reps	0	Neutral Reps	0
---------------------------	---	---------------------	---	---------------------	---

Letters of notification were sent by the Local Planning Authority to surrounding neighbours, various notices displayed in the vicinity of the site and a notice placed in the local press. Amended plans were subject to a 10-day re-consultation. No representations have been received.

ANALYSIS

Principle of Development

1. Saved UDP policy CF/4 relates specifically to Hopwood Hall College with Hopwood Hall itself being included within this category. The policy was created at a time when Hopwood Hall was not in full use but had been in use for education purposes. It sets out that development proposals for the improvement and addition to education will be permitted, provided that they are consistent with Green Belt and heritage considerations. More generally, CS policy C7 sets out support for improving education facilities.
2. The proposed development includes substantial elements of education-related activity, with the intention being that the ongoing restoration works at the hall will provide the opportunity for conservation related training. Whilst it is acknowledged that some of the range of proposed uses would not be considered education-related, the assessment below sets out that

any active and appropriate use, as opposed to specifically an educational use, would secure significant public benefits.

3. It is important to note that the saved policy does not explicitly set out that any development must be for education, nor that other uses should not be supported. For these reasons, the principle of development is considered acceptable, pending consideration of Green Belt and heritage impacts which are discussed below.
4. The submitted floorplan showing the areas where the uses will take place demonstrates that the uses would not be of a scale which would be more likely to give rise to harmful impacts sometimes associated with larger-scale events, such as traffic or noise impacts.

Impact on the Green Belt

5. The site lies within the Green Belt and outside of the Defined Urban Area. CS policy G4 and section 13 of the NPPF set out the great importance of protecting the openness and purposes of the Green Belt.
6. Whilst Saved UDP policy CF/4 acknowledges that the site lies within the Green Belt but that appropriate development should be supported, there is still a requirement to assess the proposals against the relevant Green Belt policies, particularly where more up-to-date national policy has been adopted.
7. NPPF paragraphs 149 and 150 set out the exceptions for development which should not be considered inappropriate. It is considered that the proposed development relates to exception g) of paragraph 144 of the NPPF:

*“149. A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt. Exceptions to this are: (...) g) limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings), which would:
- not have a greater impact on the openness of the Green Belt than the existing development; (...)”*
8. No physical works are proposed by this application, with the access and parking areas relating to existing infrastructure. In this respect, any impact on the Green Belt would arise from the uses and the intensity of activity associated with them.
9. Within the context of the Green Belt, Hopwood Hall is spatially and functionally closely tied to the adjacent college. It is not considered that the proposed uses would give rise to any unusual activity on site and regardless none which would be out of keeping with the established range of activities within this part of the Green Belt.
10. Therefore, the proposed development would not be disproportionate relative to the size of the existing buildings as no physical works are propose, naturally meaning that the site would not appear more built up and nor would it impact upon the established sense of openness for the application site and the wider college site.

11. For these reasons, it is considered that the proposal would meet the requirements of exception (g) as set out in NPPF paragraph 149, as well meeting the requirements of saved UDP policy CF/4 and CS policy G4.

Impact on Heritage Assets

12. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority, or as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
13. CS policy P2 sets out that both designated and non-designated heritage assets should be conserved and enhanced, with consideration given not only to direct impacts but also to the wider settings of these assets. Paragraph 194 of the NPPF states that “In determining applications, local planning authorities should require an applicant to describe the significance of heritage assets affected, including any contribution made to their setting.”
14. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation and the more important the asset, the greater the weight should be (paragraph 199 of the NPPF). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset from its alteration or destruction, or from development within its setting, should require clear and convincing justification (paragraph 200 of the NPPF). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal (paragraph 202).
15. The application relates directly to the Grade II* Hopwood Hall (UID: 1068466) and is close to the Grade II Former Chapel at Hopwood Hall College (UID 1247260). The development is considered to be within the setting of the Former Chapel. The spatial and functional relationship between the hall and chapel has long been established.
16. Hopwood Hall is a designated at Grade II* for its more than special historic and architectural interest. It is a designated heritage asset for the purposes of NPPF chapter 16 and Rochdale CS policy P2. The requirements of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act also apply.
17. Hopwood Hall is on the Heritage at Risk Register and is currently undergoing an ongoing period of emergency remedial works, as well as other restoration. Although the condition of the Hall has much improved over the last few years, the building is still in a very poor condition and remains at risk.

18. This application represents a significant milestone in securing an ongoing, sustainable use for the site. The range of proposed uses reflect the intention to deliver education, events and other services that reflect the historic significance and interest of the site, in order to drive the delivery of the restoration works.
19. The NPPF directs local planning authorities to give great weight to an asset's conservation. The council's Conservation officer has confirmed that the proposal would result in no harm to the significance of the heritage assets and the application is supported by Historic England.
20. Therefore, the proposed works would help to preserve the building and its features of special architectural and historic interest, in accordance with the requirements and limitations of CS policy P2, NPPF chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990.

Access and Parking

21. The site has seen increased activity in the past few years, predominantly relating to restoration which has included work carried out by a volunteer group. These activities have relied on pre-existing access routes and areas for parking. It was recognised that for the proposed change of use it would be appropriate to formalise those arrangements to ensure that they would be sufficient, so as not to cause any harm to safety or the historic environment.
22. The applicant has provided an indicative detailed access and parking plan that shows access from the public highway, through the college grounds and up to the hall. The access plan identifies potential substantial areas of parking along this route and illustrates that a strategy for managing the flow of visitors and other traffic has been created. The Highways department have confirmed that the indicative strategy would be suitable so as not to give rise to any highway safety concerns, thereby confirming that such a strategy is deliverable on site. The applicant has requested a condition to submit a finalised access and parking scheme, to allow them to ensure that it is more precisely suitable for the forthcoming uses, as specific details of those uses emerge. This will be required to be in place in advance of commencement of the uses.
23. It is therefore considered that subject to conditions to secure the submission of a finalised scheme for access and parking arrangements, the proposal complies with Core Strategy Policies T1 and T2, and the NPPF.

Trees, Noise and Ecology

24. As noted above, no physical works are proposed as part of this application. Any necessary physical works either have already, or would be agreed, as part of any necessary separate applications. Indeed, listed building consent has already been granted for some of the works required to facilitate the restoration of Hopwood Hall. These include the provision of welfare facilities, upgrading of toilets and the removal of a cinder block

wall, linking the 1960s extension to the remainder of the hall (21/01779/LBC refers).

25. Whilst the site is close to a significant number of trees, the proposals will not impact on or introduce the opportunity for new impacts on any trees.
26. Bats are known to be present on the site. The applicant has provided details of the latest position in this regard, including licenses and a strategy for the appropriate management of bats. The proposals contained within this application will not give rise to impacts on bats that have not previously been appropriately managed.
27. The proposed range of uses could also give rise to noise impacts, although there are no sensitive receptors particularly close to the site which reduces the likelihood of harm being caused. The council's Environmental Protection team have advised that a blanket restriction on outdoor events would be unnecessarily restrictive and instead a condition requiring submission of an Events Management Plan as and when the need for outdoor events with amplified sound arises. This level of flexibility is considered to be appropriate for the site context and for the broad range of potential uses.
28. The proposals do not include the details of any proposed external lighting and indeed there is no indication that any additional new external lighting would be required. However, given the location of the site close to woodland and other natural habitat, a condition requiring details of any new external lighting is recommended.
29. In addition to noise and lighting as discussed above, as well as highway impacts discussed earlier in the report, it is not considered that the proposed development would have any significant harmful impact on the amenity of nearby residents, the closest being over 500m from the Hall.
30. In this regard, it is not considered that the proposed change of use would give rise to any other material impacts.

Conclusion

31. This proposal is part of an ongoing series of works to restore Hopwood Hall and its grounds and bring it back in to an active use. The applicant has already established a volunteer base and links to the local community, and has set out an intention to make the site economically active. In this regard, the proposal will help to deliver positive social and economic impacts, as well as some limited environmental positive impacts, in accordance with the overarching aims of the NPPF.
32. The proposal will also contribute towards the future sustainable use of the listed building in accordance with the requirements of requirements of CS policy P2, NPPF chapter 16 and the Planning (Listed Buildings and Conservation Areas) Act 1990, whilst giving rise to no harm to the setting of Hopwood Hall and the wider historic environment.

RECOMMENDATION

It is recommended that the Planning and Licensing Committee resolves to GRANT planning permission subject to the following conditions:

1. The development must be begun not later than three years beginning with the date of this permission.

Reason: Required to be imposed by Section 91 of the Town and Country Planning Act 1990 (as amended).

2. This permission relates to the following plans:

- a) Location Plan (ref: HOH-SEV-XX-XX-DR-A-01002)
- b) Proposed Ground Floor Plan (ref: HOH-SEV-XX-XX-DR-A-02100)
- c) Proposed Site Access and Parking (ref: HOH-SEV-XX-XX-DR-A-01002)

Reason: For the avoidance of doubt and to ensure a satisfactory standard of development in accordance with the policies contained within the adopted Rochdale Core Strategy, the saved Rochdale Unitary Development Plan and the National Planning Policy Framework.

3. The change of use hereby approved relates to spaces within buildings as shown on Proposed Ground Floor Plan (ref: HOH-SEV-XX-XX-DR-A-02100), with ancillary activities primarily relating to access and parking relating to the wider site (plan ref: HOH-SEV-XX-XX-DR-A-01002).

Reason: In the interests of protecting neighbour amenity and the function of the surrounding highway network, in accordance with Policies C6 and T2 of the Rochdale Core Strategy and the National Planning Policy Framework.

4. The development hereby permitted shall not be brought in to use until a management strategy for access and parking is submitted to and approved by the Local Planning Authority. The site shall then be operated in full accordance with the approved strategy at all times thereafter.

Reason: In order that there is adequate provision for vehicles to be parked clear of the highway in the interests of public safety, and ensure continued function of the surrounding highway network, in accordance with Policy T2 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

5. No external lighting shall be installed on the site unless a scheme for such lighting has been submitted to and approved in writing by the Local Planning Authority. Such details shall include:
- o the position and height of means of lighting on the building or site and its lux plot and luminance, angle of installation and any hoods to be fixed to the lights
 - o lighting contour plans to demonstrate clearly any impacts on the Whittle Brook Corridor;
 - o Specify frequency and duration of use.

The approved lighting scheme shall be implemented in accordance with the approved details and retained as such thereafter.

Reason: In the interests of protecting biodiversity and habitat interests in accordance with Policies G7 and G9 of the adopted Rochdale Core Strategy and the National Planning Policy Framework.

6. No outdoor amplified sound shall be used unless and until an Event Management Plan is submitted to and approved by the Local Planning Authority. The plan shall include details of noise management and measures to control other general disturbance that may arise. Any outdoor amplified sound shall thereafter be utilised in accordance with the agreed plan.

Reason: In the interests of protecting neighbour amenity in accordance with policy C6 of the Rochdale Core Strategy and the National Planning Policy Framework.



**Made it
Together**