

Application No: 11/2818N
Location: LAND ON SHEPPENHALL LANE, ASTON
Proposal: ERECTION OF 43 DWELLING HOUSES (INCLUDING 5 AFFORDABLE DWELLINGS), CREATION OF NEW ACCESS TO SHEPPENHALL LANE
Applicant: NEWLYN HOMES LTD
Expiry Date: 15-Nov-2011

ERRATUM

Page 73 onwards the report refers to The Conservation (Natural Habitats etc.) Regulations 1994, and states that Reg 34(a) provides that the LPA must have regard to the Habitats Directive. These Regulations have been superseded by The Conservation of Habitats and Species Regulations 2010.

ADDITIONAL OBJECTIONS

Additional objections have been received from Elm House, Sheppenhall Lane; Rose Mount, Sheppenhall Lane and West View, Sheppenhall Lane making the following points:

- We wish to strongly disagree with the points raised in the letter from English Heritage which has been received by Cheshire East Council re the above planning application.
- We can find no justification for English Heritage to suppose that there has been a material change of circumstances regarding public benefit since a planning application for 100 homes was refused in November 2005. The Secretary of State decided in November 2005 that "the disbenefits of the proposed enabling development outweigh the benefits". The Inspector at the 2005 Public Enquiry into the planning application for 100 homes on the Combermere Estate concluded that "the cost to the community of providing the enabling development would be high and that the gain would be almost all private, with significant public loss".
- How much greater the "public loss" would be if the present application were to be granted, as the site is directly adjacent to 6 houses and directly opposite 4 more, all of which were built over 40 years ago, and in some cases are much older. We have already written to CEC on 22 September 2011 and 28 September 2011 outlining our objections and we do not propose to repeat them at length here.
- Instead we would like to comment on several items included in the English Heritage letter.
- The letter states that the walled garden at Combermere is "early 19th Century" and seem to regard this as a valuable heritage asset - if this is so, why did English Heritage not object when the estate owner developed this area for commercial use as a wedding venue?

- Similarly, we understand from the letter that the stable block is Grade II listed - why has that been allowed to be converted to holiday cottages instead of being restored to its original use? Did English Heritage object to that?
- The Home Farm buildings have been converted to a Business Park - did English Heritage not consider that the development would detract from the heritage asset of Combermere "Abbey"?
- It seems that they will agree to almost anything the estate owner wishes to do on the estate but will resist the eminently sensible proposal put forward by many correspondents that Mrs Callander-Beckett should make every effort to find an acceptable site on her own land for a much smaller number of houses eg around the Business Park she has developed. We believe that there is good access to this area directly from the A530 and that as it is at least half a mile (and not visible) from the "Abbey" there would be no detrimental effect on the "Abbey" at all. As the estate comprises at least 820 acres, surely a site on the estate acceptable to all concerned could be found?
- We also note that English Heritage seem to regard as a virtue the fact that some of furniture in the "Abbey" has been there for more than 50 years – we are sure many private homes of much smaller dimensions have equally old and valued furniture! The letter also adds that the present owner has added to the antique collection - if the estate is so short of money, why spend it on furniture instead of on repairing the fabric of the building?
- English Heritage says that the present owner's son is to inherit the estate but has any provision been made to prevent him from selling it at a later date, and at a considerably increased value, if the repairs are funded from a source other than the Callander-Beckett family?
- English Heritage have not explained why they would object to the sale of Combermere in it's present state to someone who may be able to afford the restoration without resorting to the present proposed development at Sheppenhall Lane, Aston. We cannot see why such a sale should not be considered - after all, it is the present owners family who have allowed the "Abbey" to deteriorate to it's present state, and it has been owned by them since 1919.
- We have seen no proof published on CEC website on what, if any, attempts have been made by the owner to raise funds by selling some or all of the estates considerable assets eg the stable block, Business Park or some of her many acres of land. We therefore think that the necessary criteria that "sufficient subsidy is not available from any other source" has not been fulfilled.
- We note that English Heritage can only issue "guidance" to Cheshire East Planning Board - we hope that the Board will also take into account the strong objections of the local community who would suffer all the disbenefits of the proposed development and none of the benefits - the benefits would be entirely for Mrs Callander-Beckett and her private family home.
- Whilst it is to be expected and understandable that English Heritage would wish to support a scheme which may help to preserve this private property, we feel a sense of outrage that this organisation appears to selfishly disregard and dismiss the effects and disbenefits suffered by the local residents and the community of Aston and Parish of Newhall
- With all the current controversy regarding planning rules and the Government's stated aims to allow local people through the Localism Bill, to

have more say in developments within their own areas, this a perfect example of how local residents of a rural area have a clear understanding of what is suitable or otherwise. This is especially important when the relevant Planning Authority is situated a considerable distance away and has limited local representation.

- As this particular application is accepted as being contrary to Local Planning Policy NE2, NE12 and RES5, this surely merits serious consultation. We recall that Cheshire East were quoted regarding concerns of overstating the economic case to the detriment of the social and environmental consideration.
- The case that English Heritage and the applicants are trying to build that this misguided scheme is the only solution to saving this property from further decline is misleading.
- We do not accept that all other possibilities for raising the required funds, (one of the main conditions of the enabling scheme), such as asset sales, or more suitable development of land adjacent to the former farm buildings now being developed for commercial use, have been fully exploited, Surely this important criteria should be fully investigated and evidence provided.
- Whilst English Heritage supported the previous attempt to use the enabling scheme in 2005, which involved a much larger development within the estate boundaries, it now appears to consider that any development within the estate would harm its heritage value. A sudden change of policy it seems.
- Interestingly, English Heritage's own financial analysis would support the general view that this scheme, even if it were to achieve its projections, would only provide the minimum financial contribution required. Only a cynic would suggest that the developers may subsequently require a larger area to achieve profit.
- We would respectfully suggest that it English Heritage consider the property and estate at Combermere to be of such historical national importance, then maybe they will find ways to contribute additional funds from their own sources. However, they have clearly indicated their concerns regarding the deficit between the cost of repairs and the ultimate value of the property and have even speculated on a change of ownership.
- Despite this support from English Heritage the original situation remains unchanged. There would be no public benefit to be gained as a result of this development. The estate is, and will remain, a private property, with very restricted and specific public access. We do not believe that any Section 106 agreement would in reality materially change anything.
- Any development should and could be on land already owned within the estate boundaries; surely that is the most financially viable option.
- It still appears to be quite outrageous and unjust that a local landowner with substantial property assets of their own can blight an unconnected community in a neighbouring parish with an unwanted and unsuitable housing estate on greenfield land, solely for the purposes of personal and financial gain.
- We do not believe that the aims of the enabling scheme are intended to support this sort of unfortunate application and do hope that the Committee will reject it.
- Establishing where the balance of public benefit lies is clearly a matter for Cheshire East in it's role as planning authority with an overview of all relevant planning considerations."

- Finally, we draw urgent attention to the points raised by Mr. A Murphy LLB(Hons), PgDpl(Bar) and Miss J Murphy LLB(Hons), PgDpl(Bar) in the letter from Newhall Parish Council (dated 14/10/2011) under the paragraph(s) headed: 'Consideration of the Legal Position'. We paraphrase the final comments (under the heading 'conclusion'), by saying that East Cheshire Council will be acting unlawfully if they approve this application.

APPLICANTS ADDITIONAL SUPPORTING INFORMATION.

Letter from McAteer Associates Planning Consultants in Response to Proposed Alternative Site at Park View Business Centre

The following has been submitted in response to the comments made by members of the public, and, in particular, the view that there was land available for the enabling development within the grounds of Combermere Abbey.

The land at Aston which is the subject of the planning application was not chosen lightly and the applicants have carried out an exhaustive search to identify a suitable site. That search included consideration of all land within the Combermere Estate, including the site at Park View Business Centre now being suggested.

However, the site was deemed to be unacceptable for the following reasons:

- i. The site forms part of the historic parkland of the Abbey and its development for housing would adversely affect the setting of the Abbey. The previous proposals were dismissed at appeal for the same reasons.
- ii. The site is unrelated to any settlement and its impact on the open countryside would be far greater than a development on the edge of an existing settlement.
- iii. The isolation of the site would mean that infrastructure costs would be far greater thus requiring a greater number of dwellings to raise the necessary funding for the Abbey. Again this was one of the reasons the previous proposal was dismissed.
- iv. Access to the site would be directly off the A530 Whitchurch Road, in a location where traffic speeds are high and visibility poor.
- v. The site is close to water courses where previous investigation has identified potential ecological interests. This could be a far greater impact than at Aston.

In view of the above issues, the site was dismissed as a possibility for the enabling development.

Letter from Mellor Braggins Estate Agents in Response to English Heritage Comments.

Mellor Braggins has been asked to comment on market conditions in the area, demand levels and whether indeed we feel that in present market conditions a development of the type envisaged and in accordance with the plans lodged with the planning authority would be successful.

Having undertaken various searches of the national property portal sites, Mellor Braggins have been unable to find any new houses currently for sale within a four mile radius and with the nearest new houses situated in Nantwich, which is located some four miles or so to the north. Rightmove is the leading national portal site and they have no new houses currently listed for sale or to rent. It would be fair to say, therefore, that there would be little competition for newly constructed houses with the benefit of modern insulation, heating and fenestration. The local village housing stock is rather mixed and of varying quality. The new development envisaged would increase the housing stock and choice for those in the locality and also improve the general level of housing from both an aesthetic and a value point of view. In addition, the development proposed provides for a number of affordable houses that are to be offered to the local community at 60% of open market value. Mellor Braggins have been unable to find any other affordable houses in the locality and therefore this will provide a facility for local key workers to be based near family and relations and avoid them having to relocate into areas further afield at lower value, such as Wem and other parts of Shropshire.

The proposed development comprises six house types of various configurations and layouts, ranging from five bedroomed, three bathroom detached houses to two bedroomed semi detached or terraced houses. The mix includes some three bedroomed and some four bedroomed houses with or without garages. This will have appeal across a wide cross section of the market and, given that the houses are predominantly designed for family occupation, the primary school at Wrenbury, which is located 1¼ miles to the northwest, and the senior schools of Brine Leas and Malbank high school in Nantwich and Bishop Heber School in Malpas will add value and demand.

Sheppenhall Lane links the A525, Audlem-Whitchurch road and the A530 Whitchurch Road. Whilst there may be some added vehicular pressure on Sheppenhall Lane, the nearby main A roads will provide an ideal infrastructure to take occupiers to places of work in Wem, Audlem, Nantwich and Crewe. In addition to the primary school, there are two nursery schools within a four mile radius and there is a renowned local public house, The Bhurtpore.

The increased housing stock will add to the number of properties available to be rented. At present there is only one house showing as being currently available to let in the vicinity and, given the shift in the market from owner occupation to rental, this new development will provide an opportunity for more properties to be brought into the rental sector. From our subscription portal websites, we are able to ascertain the number of requests received or registrations made for house types. For properties with two or more bedrooms there were 48 registrations for houses for sale and 31 registrations for houses to rent last week (2,496 and 1,612 respectively if these figures were annualised).

Therefore Mellor Braggins are confident that demand exists for such a development, providing design and price requirements are met.

Letter from McAteer Associates Planning Consultants commenting on proposed planning conditions

A number of the conditions require the submission of detailed information, when that information has already been submitted as part of the application. For instance Condition 4 requires the submission of a landscape scheme when a detailed scheme has been submitted. Condition 21 refers to bin stores when there are to be none provided on site, as each property has its own space. Condition 22 removes permitted development rights. The applicant cannot understand how this is justified when the layout meets Council spacing standards. Condition 23 requires the submission of a noise assessment based on the proximity of the A530. Given the distance to this road, how is an assessment justified. Conditions 24,25 and 26 appear to contradict each other. Can Condition 24 reflect the others by allowing a 7.30 start? Condition 30 refers to the provision of bat and bird boxes. These are not considered necessary as none have been found on site and it is proposed that we perform soft felling of trees/hedges.

OFFICER COMMENTS

Level of Demand

According to the English Heritage comments (incorporated within the main report) *“the inherent risk in our opinion is quantifying the level of demand for 43 units in a small village location”*. The main report states that to address the point regarding the level of demand, the applicant's have been asked to provide evidence from local estate agents in order to establish the current market conditions in the area. It is considered that the letter reproduced above has adequately addressed this point and given that the funds to restore the Abbey would be handed over by the developer at the commencement of development, in the unlikely event that sales of the new houses were slower than predicted, there would no impact on the proposed restoration programme. In the light of the evidence submitted, the risk as identified by English Heritage is considered to be minimal.

Alternative Sites

A number of letters of representation have asked why the proposed development cannot be sited adjacent to the Park View business centre on the Combermere Estate. For the reasons set out in the applicant's letter above and because of its relatively isolated location, being remotely located from any form of settlement, the Park view site is considered to be significantly less sustainable than the application site at Aston.

Public Access

In response to third party concerns about lack of public access to Combermere Abbey, the owner has confirmed that she would be delighted to offer the opportunity to open the house one day a month to the public, and has no problem with it being

included in a S106. This has been discussed with English Heritage before and she would be happy to offer guided tours of the house, and with the recent repairs and uncovering of more of the historic fabric in the library they are already designing peep holes to make the tour more exciting and educational. The recommendation has been amended to include this within the S106 agreement.

Conditions

The applicant has made a number of comments in respect of specific proposed conditions. These are addressed in turn below:

Condition 4 – submission of landscaping

The applicant argues that this is unnecessary as a detailed scheme has been submitted.

The Council's Landscape Officer has commented that given that revised site layout plans have been submitted for the area around the proposed LPG tank, a revised landscaping scheme will need to be submitted to reflect these changes. This will be specifically stated in the wording of the condition.

Condition 21 - bin stores

The applicant argues that this is unnecessary as there are to be none provided on site, as each property has its own space.

Although no communal bin stores are proposed it is considered necessary to ensure that each property does have its own space, in an inconspicuous location and that this is made available prior to occupation.

Condition 22 – removal of permitted development rights.

The applicant considers that this is unjustified as the layout meets the Council's spacing standards.

This is incorrect. As stated in the main report, whilst in the majority of cases the recommended minimum separation distances set out above would be achieved, there are a number of cases where separation distances between principal windows have been reduced to 16m to the front of properties. There are many other cases where the separation distance is exactly the recommended of 21m between principal windows and 13m between a principal window and a flank elevation and any proposed extension would reduce this distance. Furthermore, a number of dwellings are in close proximity to retained and protected trees. Therefore, for the reasons stated above, it is considered to be necessary and reasonable to remove permitted development rights in order to give the local Planning Authority control over future development within the curtilages of the new dwellings.

Condition 23 - submission of a noise assessment

Given the distance to the A530 the applicant does not consider that, an assessment justified.

The Council's Environmental Health Officer has commented that her original consultation response stated that *"No development shall commence until an assessment of traffic noise from the A530 Nantwich to Whitchurch Road, which is less than 100m away, has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report, to protect the proposed dwellings from traffic noise, shall be implemented and completed in accordance with the approved details prior to the first occupation of the development hereby permitted."*

From looking at the map the A530 is 79m from the boundary of the development and there is also H.J. Lea Oakes Mill and Primebake in the surrounding area. Environmental Health would expect the background noise level in that area to be fairly low and hence dominant noise sources such as the main road and industrial processes, may affect the proposed dwellings. Environmental Health are not stipulating how the developer undertakes the report/assessment, all they are requesting is that a suitable assessment of the traffic noise is undertaken, to ensure the amenity of the occupants of the proposed properties is not affected.

Conditions 24, 25 and 26 – construction hours

The recommendation in the main report states

- Restriction of construction hours Monday – Friday 08:00hrs – 18:00hr Saturday 09:00hrs – 14:00hrs With no Sunday or Bank Holiday working
- Restrict any piling to Monday – Friday 08:30hrs – 17:30hrs Saturday 09:30hrs – 14:00hrs Sunday Nil
- Restrict "floor floating" to: Monday – Friday 07:30hrs – 20:00hrs Saturday 08:30hrs – 14:00hrs Sunday Nil

The applicant has pointed out that these appear contradictory and requested that they are amended to allow a 7.30 start. The Environmental Health Officer has commented that it is condition 26 that is in error as floor floating should not commence until 08.30 on weekdays and 09.30 on Saturday. The recommendation has been amended accordingly.

Condition 30 - provision of bat and bird boxes.

These are not considered necessary by the applicant as none have been found on site.

The Council's ecologist has commented in the main report that the proposed development has the potential to have an adverse impact breeding birds, potentially including the more widespread BAP priority species. He goes on to state that if planning consent is granted standard conditions will be required to safeguard breeding birds. On this basis the proposed condition is considered to be necessary in order to ensure that the development complies with the relevant local plan policies.

RECOMMENDATION

As per main report with the following addition:

- **Section 106 Agreement to make provision for the opening of the Abbey for guided tours on one day each month**

And the amendment of Condition 26 which should read as follows:

- **Restrict “floor floating” to: Monday – Friday 08:30hrs – 17:30hrs
Saturday 09:30hrs – 14:00hrs Sunday Nil**