

Application No: 12/3323N

Location: LAND OFF WEST SIDE OF SHEPPENHALL LANE, ASTON, CHESHIRE

Proposal: Erection of 43 Dwelling Houses including 5 Affordable Houses and Creation of New access to Sheppenhall Lane (Resubmission)

Applicant: Newlyn Homes Ltd

Expiry Date: 27-Nov-2012

MAIN ISSUES

The main issues are:-

- **The principle of enabling development**
- **Housing land supply**
- **Affordable housing**
- **Highway safety and traffic generation**
- **Contaminated land**
- **Noise Impact**
- **Landscape Impact**
- **Hedge and Tree Matters**
- **Ecology**
- **Design**
- **Amenity**
- **Drainage and flooding**
- **Sustainability**
- **Infrastructure**
- **Legal Position.**

SUMMARY RECOMMENDATION:

APPROVE subject to conditions and completion of a S106 Agreement.

REFERRAL

This application is to be determined by Strategic Planning Board because it is a departure from the development plan.

1. SITE DESCRIPTION AND DETAILS OF PROPOSAL

The site, which is the subject of this application, comprises some 2ha of open farmland on the southern edge of the village of Aston. It is part of a larger field which stretches to the south for a

further 175m. The field is generally level with a mature hedge, interspersed with individual trees, along its eastern boundary with Sheppenhall Lane and along its western boundary with the farmland beyond.

To the north, the site wraps around the rear of two pairs of semi-detached houses and a detached bungalow which front Sheppenhall Lane beyond a 4m open grassed verge. The boundary between these properties and the application site comprises a low stock proof fence and hedging.

Beyond Sheppenhall Lane to the east of the site are four detached properties of varying age and design. Two are relatively modern detached bungalows, whilst the other two are older detached houses.

The village of Aston has seen various phases of growth over many years, with the result that it has properties of a variety of ages and designs. It includes modern bungalows and houses as well as the older, original properties of the settlement. It stands on the junction of the A530, Whitchurch Road, and Sheppenhall Lane/Wrenbury Road, although the majority of the village lies to the south of Whitchurch Road, including the more recent development on Sheppenhall Grove.

Full planning permission is sought for the erection of 43 dwellings including 5 affordable dwellings on the site. The scheme is intended to be an “enabling development” which would provide funds for the restoration of the north wing of Combermere Abbey, a Grade 1 Listed Building which is in Priority Category A on the English Heritage Register of Buildings at Risk.

Combermere Abbey is thought to have originated in 1133 as a Cistercian monastery, but nothing of this survives. In 1774, it was recorded as largely timber framed but alterations took place in 1795 and after 1814, including the addition of new service wings.

The abbey is set in its own extensive grounds next to a mere, with service ranges, a sundial and game larder close by to the south and an ice house and stables to the north east, all set within the open countryside.

The north wing is disused and semi–derelict and appears on the English Heritage register of Buildings at Risk, as a building in the priority category being in immediate risk of further rapid deterioration or loss of fabric with no way forward agreed.

The proposed works, which the enabling development is intended to fund, are the conversion of The North Wing to form a dwelling involving its repair, alteration and refurbishment on the ground and first floor and remodeling and simplifying its roof structure attics.

These proposals were the subject of previous approvals in 2002. (Listed building application P02/0663 and planning application P02/0706 refer). The applications were supported by the findings of an English Heritage funded pre-application study. Both consents were renewed in 2007 and 2008 respectively. (Applications P08/0124 and P07/1325 refer).

2. RELEVANT PLANNING HISTORY

The site which is the subject of the application for housing has no planning history relevant to the consideration of the application.

However, the need to ensure the long term future of Combermere Abbey has been the subject of considerable debate.

In 2005, enabling development proposals were put forward to the then Crewe and Nantwich Borough Council for a much larger scheme of comprising a new village of 100 houses plus roads and facilities to fund the repairs. The scheme was refused and subsequently the decision was appealed.

The Secretary of State concluded that this scale of development would jeopardise the achievement of strategic regional policy, was not in accordance with English Heritage policy and that the disbenefits would outweigh the benefits. The Appeal decision states that:

“the contravention in this case is not just against the letter and broad aims of certain policies; it would jeopardise the achievement of strategic regional aims. It would, in my judgement, adversely affect the economic and social regeneration of urban areas. It is my judgement that the development of 100 dwellings in a poorly accessible, greenfield, countryside location, with harm to the parkland and the main road frontage, in an area of housing restraint, where that which is developed should be aimed at the regeneration of towns, and with little public consensus, is too high a price to pay for the benefits that this scheme brings.”

Members may recall that an identical application was considered by Strategic Planning Board in March 2012. (Application 11/2828N refers.) The only difference between the two proposals, is that the applicant is now offering to provide a permissive footpath to improve public access to the Combermere Estate.

3. PLANNING POLICIES

Regional Spatial Strategy

- Policy DP 1 Spatial Principles
- Policy DP 2 Promote Sustainable Communities
- Policy DP 4 Make the Best Use of Existing Resources and Infrastructure
- Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
- Policy DP 7 Promote Environmental Quality
- Policy DP 9 Reduce Emissions and Adapt to Climate Change
- Policy RDF 1 Spatial Priorities
- Policy RDF 2 Rural Areas
- Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
- Policy L 2 Understanding Housing Markets
- Policy L 5 Affordable Housing
- Policy RT 2 Managing Travel Demand
- Policy RT 3 Public Transport Framework
- Policy RT 4 Management of the Highway Network
- Policy RT 9 Walking and Cycling
- Policy EM 15 A Framework For Sustainable Energy In The North West
- Policy EM 16 Energy Conservation & Efficiency
- Policy EM 17 Renewable Energy
- Policy MCR 4 South Cheshire

Policies in the Local Plan

- NE.2 (Open countryside)
- NE.5 (Nature Conservation and Habitats)
- NE.9: (Protected Species)
- NE.20 (Flood Prevention)
- NE.21 (Land Fill Sites)
- BE.1 (Amenity)
- BE.2 (Design Standards)
- BE.3 (Access and Parking)
- BE.4 (Drainage, Utilities and Resources)
- RES.5 (Housing In The Open Countryside)
- RT.6 (Recreational Uses on the Open Countryside)
- TRAN.3 (Pedestrians)
- TRAN.5 (Cycling)

Other relevant planning guidance:

- National Planning Policy Framework
- English Heritage's 2008 publication *Enabling Development and the Conservation of Significant Places*.

4. OBSERVATIONS OF CONSULTEES

Cheshire Fire Service

- Access and facilities for the fire service should be in accordance with the guidance given in Approved Document B supporting the Building Regulations 2000
- The applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed following the applicant's compliance with the national guidance of ht provision of water for fire fighting.
- Arson is an increasingly significant factor in fire losses, and construction sites are major targets for arsonist. Cheshire Fire advise that at this stage serious consideration be given to the development of a fire risk assessment.
- Additionally Cheshire Fire would advise that consideration be given to the design of the refuse storage area(s) to ensure it can be maintained as a safe and secure area. If it is not, or cannot be a secure compound we would strongly advise that means of securing the wheelie bins are provided so that they cannot be moved against the building.
- The Fire Authority recommends the fitting of domestic sprinklers which will reduce the impact of fire on people, property and the environment. Also business continuity will be considerably less affected, Fire and Rescue Services nationally work closely with sprinkler providers to ensure effective but cost efficient standards for either extensive refurbishments or new buildings
- If planning approval is granted, the applicant should be advised that means of escape should be provided in accordance with current Building Regulations.

Countryside Access Officer

- The Transport Statement notes the location of a bus stop on the Whitchurch Road which is a short walk from the proposed development site along Sheppenhall Lane. The Transport Statement also states that “Whilst there is only intermittent footway provision along Sheppenhall Lane to link the site to Whitchurch Road, there are verges along the road that can be used by some pedestrians”. In order to encourage prospective residents to use the bus services, consideration should be given to the upgrade of the available verges to provide a continuous footway between the development site, other properties and the Whitchurch Road. The provision of a bus shelter at this location should also be considered to encourage usage.
- The Transport Statement makes no reference to cycle access to, from or within the development site. Cycle access should be considered, given that the facilities of Wrenbury, including a shop/post office, medical centre, school and railway station, are within the journey distance which can be anticipated to be undertaken by cyclists. Adequate cycle parking at each of these facilities should be ensured. Further, Regional Route No. 70 of the National Cycle Network passes along Sheppenhall Lane linking Wrenbury and Audlem.

Highway Authority

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- In principle and subject to the completion of a section 278 and section 38 agreements, the highways authority has no objections to this proposal. Not all of this site shall be adopted and this will be dealt within the section 38 agreement.
- A section of new footpath will be required before the highways authority can support this application. This new length of footway shall link this development to the footpath network to the left and towards the A530 and will be subject to a section 278 agreement. There is not a complete footpath link towards the A530 at Aston and this additional length will only add another short section as there is not enough room to construct a full footway link due to width constraints. However it is important that this new section of footpath be implemented to protect pedestrian movement at this location and link the new development to the centre of the village.
- An amended drawing must be provided for approval by the highways authority and conditioned accordingly.
- Subject to the completion of the above, there are no highways objections.

English Heritage

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The development is contrary to policies NE2, NE12 and RES5 in the Borough of Crewe and Nantwich Replacement Local Plan, which does not allow new residential development in the open countryside.
- The applicant’s justification for the breach of policy is that the proposed development will enable the repair of the North Wing of Combermere Abbey, Grade I listed and of outstanding national significance. The North Wing is in an exceptionally poor state of repair and has been on English Heritage’s Heritage at Risk register since its introduction in 1998. As the proposed housing development is contrary to planning policy it should be regarded as enabling development.
- English Heritage’s advice is based on policies found in PPS5 and the guidance in English Heritage’s 2008 publication *Enabling Development and the Conservation of Significant Places*.

- English Heritage believes that the proposed development satisfies fully the tests set out in PPS 5 and the English Heritage guidance.
- Establishing where the balance of public benefit lies is clearly a matter for Cheshire East in its role as planning authority with an overview of all relevant planning considerations.
- English Heritage are convinced of the outstanding historic and architectural significance of Combermere Abbey and of the need to keep the collection with the estate in order to sustain this significance. This has clear and distinct heritage benefits that will be lost forever were sale of the estate to be forced.
- The new enabling development scheme, properly secured through a Section 106 agreement, could keep the collection in place, see the repair of the important North Wing and leave the management of the estate in the hands of the current owner, who has demonstrated herself to be committed to the conservation of the estate and to opening it up to public access in a way that is compatible with the running of the businesses that sustain it.
- English Heritage believe very significant weight ought to be attached to the heritage merits of the application and, subject to a satisfactory Section 106 agreement, we strongly recommend that The Council approve it.
- While it will be for Cheshire East Council to weigh the benefits of the scheme, English Heritage strongly recommend that the application should be approved, subject to a Section 106 agreement to ensure that the money generated by the new development is used to repair the North Wing of Combermere Abbey and to guarantee its removal from the Heritage at Risk Register.

Environmental Health

Recommend the following conditions:-

1. Due to the potential for noise disturbance to local residents, the development should be subject to the following hours of operation restrictions;

Monday – Friday	08:00hrs – 18:00hrs
Saturday	09:00hrs – 14:00hrs
With no Sunday or Bank Holiday working	

2. Should there be a requirement to undertake foundation or other piling on site it is recommended that these operations are restricted to:

Monday – Friday	08:30hrs – 17:30hrs
Saturday	09:30hrs – 14:00hrs
Sunday	Nil

3. In addition to the above, prior to the commencement of development the applicant shall submit a method statement, to be approved by the Local Planning Authority. The piling work shall be undertaken in accordance with the approved method statement: The method statement shall include the following details:
 - Details of the method of piling
 - Days / hours of work
 - Duration of the pile driving operations (expected starting date and completion date)
 - Prior notification to the occupiers of potentially affected properties

- Details of the responsible person (e.g. site manager / office) who could be contacted in the event of complaint
4. No development shall take place until a scheme to minimise dust emissions arising from construction activities on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include details of all dust suppression measures and the methods to monitor emissions of dust arising from the development. The construction phase shall be implemented in accordance with the approved scheme, with the approved dust suppression measures being maintained in a fully functional condition for the duration of the construction phase.
 5. Any external lighting of the proposed development shall be submitted to, and approved in writing by the Borough Council before it is installed, in order to protect the amenity of local residents.

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The reports submitted in support of the planning application recommend that a watching brief is maintained during the site works. As such, and in accordance with the NPPF, Environmental Health recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted.

United Utilities

No objection to the proposal provided that the following conditions are met: -

- A public sewer crosses the site and therefore a diversion of the affected public sewer at the applicant's expense will be necessary. Deep rooted shrubs and trees should not be planted in the vicinity of the public sewer and overflow systems. The applicant will need to enter in to a S185 legal agreement with United Utilities before the respective condition can be removed.
- This site must be drained on a separate system, with only foul drainage connected into the foul sewer. Surface water should discharge to soakaway/watercourse and may require the consent of the Environment Agency. No surface water is allowed to discharge in to the public sewerage system.
- Land drainage or subsoil drainage water must not be connected into the public sewer system directly or by way of private drainage pipes. It is the developer's responsibility to provide adequate land drainage without recourse to the use of the public sewer system.
- A water supply can be made available to the proposed development.
- Any necessary disconnection or diversion required as a result of any development will be carried out at the developer's expense.
- The level of cover to the water mains and sewers must not be compromised either during or after construction.
- United Utilities encourages the use of water efficient designs and development wherever this is possible. For example, installing the latest water efficient products, minimising run lengths of hot and cold water pipes from storage to tap/shower areas, utilising drought resistant varieties of trees, plants and grasses when landscaping.

Sustrans

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- This site lies adjacent to the National Cycle Network Regional Route 75.
- If this land use is approved by the council's planning committee Sustrans would like to see the development make a contribution towards improving the adjacent pedestrian/cycle network, particularly in the Audlem area.

Environment Agency

No objection in principle to the proposed development but wishes to make the following comments:-

- The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. If a single rate of discharge is proposed, this is to be the mean annual run-off (Q_{bar}) from the existing undeveloped greenfield site. The submitted Flood Risk Assessment explains that surface water from the proposed development is to discharge by infiltration/soakaway, which is acceptable in principle. Attenuation will be required for up to the 1% annual probability event, including allowances for climate change. Therefore the proposed development will only be acceptable if the following planning condition is imposed:
 - The development hereby permitted shall not be commenced until such time as; a scheme to limit the surface water run-off generated by the proposed development, has been submitted to and approved in writing by the local planning authority.
- During times of severe rainfall overland flow of surface water could cause a flooding problem. The site layout is to be designed to contain any such flooding within the site, to ensure that existing and new buildings are not affected and that safe access and egress is provided. Therefore we request that the following condition is included on any planning approval.
 - The development hereby permitted shall not be commenced until such time as; a scheme to manage the risk of flooding from overland flow of surface water, has been submitted to and approved in writing by the local planning authority
- Published maps of the BGS show that the site is underlain by the Branscombe Mudstone Formation (Secondary B Aquifer) at Rockhead. This is shown to be overlain by superficial deposits with glaciofluvial sands and gravels (Secondary A Aquifer) shown to occur at the surface.
- Typically in this type of setting there are no objections in principle to the discharge of surface water run-off to ground from roadways and hardstanding areas, however, any system will need to comply with the guidance provided in the following documents:
 - Environment Agency PPG3
 - CIRIA C522 document Sustainable Drainage Systems-design manual for England and Wales

- CIRIA C697 document SUDS manual
- the Interim Code of Practice for Sustainable Drainage Systems.
- The SUDS Manual indicates that for drainage from residential roads and parking areas, 2 treatment components would be required, assuming that effective pre treatment is in place to remove silt and sediment.
- It will also need to be ensured that the base of any infiltration device maintains at least a one metre unsaturated zone above any water table, this includes perched water tables within the superficial deposits. Shallow infiltration devices are the most ideal as they increase the depth of the saturated zone and utilise the natural biological attenuation that is anticipated to occur within the soil zone.
- Approved Document Part H of the Building Regulations 2000 establishes a hierarchy for surface water disposal, which encourages a SUDS approach. Under Approved Document Part H the first option for surface water disposal should be the use of SUDS, which encourage infiltration such as soakaways or infiltration trenches. In all cases, it must be established that these options are feasible, can be adopted and properly maintained and would not lead to any other environmental problems. For example, using soakaways or other infiltration methods on contaminated land carries groundwater pollution risks and may not work in areas with a high water table. Where the intention is to dispose to soakaway, these should be shown to work through an appropriate assessment carried out under Building Research Establishment (BRE) Digest 365.

Education Officer

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The development of 43 dwellings with 2+ bedrooms will generate 7 primary and 6 secondary aged pupils.
- There are two primary schools which come within a 2 mile walking distance of this site, Wrenbury Primary and Sound and District Primary School. There are no secondary schools within the 3 mile distance.
- The situation has changed a little since the advice was given in 2010 and projections show that the schools will be oversubscribed from 2016, without considering this development.
- On this basis could we therefore seek a contribution for these 7 pupils
- $7 \times 11,919 \times 0.91 = \text{£}75,924$

5. VIEWS OF THE PARISH / TOWN COUNCIL

Newhall Parish Council

Newhall Parish Council considered the above application at their meeting on 19th September 2012 and unanimously agreed to register their considerable objection to the above application.

The Parish Council ask that the following points be given due consideration in the decision making by yourself and the Strategic Planning Board.

- The original application (11/2818N) was refused BY Cheshire East Council, this has gone to an Appeal, and Cheshire East Council are currently arguing to uphold the rejection with 29 pages of reasons, it is therefore incomprehensible that given this objection to the first application, that this application can be anything but refused.
- The provision of a footpath still gives no public benefit. Further if this is a Permissive Right of Way the owner of the land can close it at any time, and cannot be held to task.
- The owner of the land cannot be held under Section 106 to provide or maintain any public benefit, only the developer can be held to task for any provided benefits
- Any benefit provided MUST be between the developer/development and the Abbey, and this is not the case with the offer of a footpath
- Cheshire East Council MUST enforce the Law under Section 70 (subsection 2) of the Town & Country Planning Act 1990

In addition to the above, Newhall parish Council wish to resubmit their objections to the original application (11/2818N), as there are no changes to the application or their consideration of this:

Contrary to Policy

- There is a Tree Preservation Order on the oak tree currently shown as being removed for the new main entrance to the development
- For any development the views of the parishioners and those with interests must be taken into account
- Policy GEN1 of the Cheshire Replacement Structure Plan 2011 states that Local Plans should ensure that all new developments are guided to sites which are primarily within towns or to sites on the edges of selected suitable towns.
- Regional Planning Guidance calls for new development to be steered to locations which can assist in reducing the need to travel, maximize the use of public transport and encourage more walking and cycling. This site will clearly require all householders to use a car to travel as Aston is served with a very poor and infrequent public transport, and no bus route passes the site. What facilities the village has, Chapel and Public House are both on the other side of the A530 with no footpaths until the junction of Sandy Lane and Wrenbury Road.
- The development falls outside the settlement boundary and contravenes the Village Design Statement drawn up by the Parish Council and submitted to the local authority.
- 43 houses constitutes an approx increase of 15% in properties in Newhall Parish and 30% in the village of Aston, this is a severe impact and far greater than other communities/towns have had to endure.
- Further, the Parish Council are now aware of an application for housing to be built at Station Yard, Wrenbury, and this site would be a far better alternative for building. Also, the application for affordable housing in New Road, Wrenbury which was refused by Cheshire East has now been passed on Appeal. These three sites in conjunction with one another would have a devastating effect on the village of Aston, and it is completely unviable to now have towards 100 houses on the market within 2 miles of each other, and the number of affordable houses is completely in excess of the demand required for the area.
- According to the Local Plan general market housing or mixed developments of high value housing used to cross subsidise affordable housing on the same site will not be allowed.

- The development contravenes English Heritage's own policy statement on enabling development and is therefore unacceptable namely:
 - o The application contains conflicting statements from Arrol and Snell Ltd, Architects and Surveyors written in July 2011 and from John Pridgeon and Partnerships (Quantity Surveyors) written in August 2011. Arrol and Snell state 'the existing scaffolding has been in place for more than 10 years. If this is true and detailed inspection is not possible, how can the quantity surveyors produce a detailed costing of exactly £1,608,823.65 when the facts above clearly state that a full and detailed survey is impossible.
 - o An application in 2005 for development on 14 acres at Combermere was submitted to raise the funding necessary to restore the north wing. Why can the required 4.3 acres not be found on Combermere land and how can 4.3 acres raise enough capital when previously 14 acres were required?
 - o How can only 43 homes raise sufficient funding when previously 100 homes were needed, especially after further deterioration of the fabric over the last 6 years?
 - o If land at Combermere were used for an enabling development there would be a considerable saving in cost which would reduce the amount of development needed to raise the same money.
 - o An alternative site adjacent to the Park View Business Centre would seem to have better characteristics than that at the Sheppenhall Lane site and would bring no or fewer disbenefits.
 - Adjacent to the A530 with an excellent safe access and sight line
 - Adjacent to residential housing plus the nearby development already at Goldsmith's Farm
 - A local high quality pub, church, Community Hall and dance school at Burleydam
 - 4 miles from main shopping centre in Whitchurch
 - Employment opportunities in the business centre
 - Residents of a development in this location would be in a more beautiful location next to the park and woodlands of the estate
 - Alternative funding could be raised through the use/sale of the Esatates own considerable assets

Highway Issues:

- Width of Sheppenhall Lane is already a current issue with the number of HGV's using the road to access grain storage/milling
- No of properties on Sheppenhall Lane = 77 = 105 vehicles
- 43 new houses @ 1.5 vehicles per house = 65 which is an unacceptable level of increase taking the other highway problems into account
- No footpaths in Sheppenhall Lane or Wrenbury Road despite requests from the Parish Council dating back to 2005
- Restricted visibility at x roads
- Density of housing on A530
- Road markings are in a poor state with the double white lines at x roads an issue for many years
- A530 is a red route main link to east and west
- Road safety partnership signs clearly indicate the danger of the A530
- No survey of roads or effect on roads in application

- Road risk assessment should be requested
- No input from highways or police.
- Speed review – Parish Council have campaigned long and hard for a reduced speed limit on the A530. Most recently it was reported on 8 Dec 2008 that this road was 5th on the County Collision Index, however new calculations, based on ‘value for money’ approach place it at 20th. 31st March 2009, letter from Bill Keddie, CCC Projects Consultant, gave the following proposals for the A530 – 400m west of Dodds Green Lane, to 100m west of the crossroads – 40mph. 100 m west of Wrenbury Road to River Weaver – 30 mph. From River Weaver to Newtown – 50 mph 22nd March 2010, letter from Clr R. Menlove, Portfolio Holder for Environmental Services confirmed that the Speed Limit Assessment of all A and B Roads has been completed, with a recommendation of a reduced speed limit through Sound, Aston and Newhall.
- The applicant’s Transport Statement is limited and essentially inaccurate. If it is agreed that this development is similar in size to Sheppenhall Grove, it would be interesting to know how closely the traffic ingress and egress at busy times is in agreement with the estimates in the Transport Statement.

Sewerage:

- The present system is already totally inadequate with sewage discharging through gullies in Sheppenhall Grove on numerous occasions.
- An email of 17.09.2011 from Bob Godfrey (District Treatment Manager for the Crewe, Kidsgrove and Congleton Area of United Utilities) responding to an enquiry about the capacity of the Waste Water Treatment Plant serving Aston, which contains a technical statement from Paul Ashworth, his technical officer. This states, “I would be concerned if this proposal went ahead.” (appendix 1)
- Further the whole site is some 1m above Sheppenhall Lane, which already experiences flooding whenever it rains, and has been the source of letters between the Parish Council and Cheshire East Highways for some considerable time, such a development with run off from drives and roads will make the situation impossible to rectify.

Ecology

- The triangle of land between the A530 and Sheppenhall Lane, south from the Aston crossroads, is not extensively grazed and represents a valuable wildlife habitat. As well as Harvest mice and 7 species of bats, a breeding colony of Great Crested Newts has been identified by the applicant’s own ecologist, on land adjacent at Briarfields.
- Species Record; Sausage, Record, The Biodiversity Information System for Cheshire Survey conducted 5th September 2011. Area Proposed site and 1km around it. Of particular interest, Bats Newts Harvest Mice. 72 entries in report.
- No mention of Harvest Mice in application
- Applicants survey inadequate and incomplete

Services and facilities

- Education – Wrenbury and Sound Primary School must be able to show that they have the places available for an influx of new children
- Doctors – Audlem and Wrenbury Practices must be able to show that they can offer places to another 100 + patients

- Play Areas – there is no provision of any area for children to play, this in a village with currently zero space/facilities.

Consideration of Legal Position:

- as supplied by residents of the Parish:- Mr A.Leonard Murphy LLB(Hons)PgDpl(Bar) and Miss Jennifer Murphy LLB(Hons)PgDpl(Bar), and the Parish Council quote:-

“The application has been made by Newlyn Homes Limited “the Applicant” to East Cheshire Council “the Council” to erect 43 dwellings houses in Aston. Nantwich.

The Council has been entrusted by Parliament with statutory powers to consider the application. Its power to do so is vested in section 70 Town and Country Planning Act 1990, “the Act”, which provides:-

s70; Determination of applications: general considerations

(1) Where an application is made to a local planning authority for planning permission –

(a) subject to sections 91 and 92, they may grant planning permission, either unconditionally or subject to such conditions as they think fit; or

(b) they may refuse planning permission.

(2) In dealing with such an application the authority shall have regard to the provisions of the development plan, so far as material to the application, and to any other material considerations.

Further, I understand that the Applicant has expressed a willingness to be bound by s106 the Act which provides:-

S106; Planning Obligations

(1) Any person interested in land in the area of a local planning authority may, by agreement or otherwise, enter into an obligation (referred to in this section and sections 106A and 106B as ‘a planning obligation’), enforceable to the extent mentioned in subsection (3) –

(a) restricting the development or use of the land in any specified way;

(b) requiring specified operations or activities to be carried out in, on, under or over the land;

(c) requiring the land to be used in any specified way; or

(d) requiring a sum or sums to be paid to the authority.

The obligation that has apparently been discussed is an obligation to provide the sum of £1.6million to the owner of Combermere Abbey to allow her to restore of part of her home, “the Red Herring”.

The relevant part of the Council’s power under s70(2) of the Act for the purposes of this objection is its regard “to any other material considerations” – the cash donation and the related off-site benefit of the restoration.

Whilst I would very much like to take the credit for defining what constitutes “any other considerations” the issue has already been the subject of a discussion amongst seven of the sharpest legal minds in the UK sitting in the Supreme Court. On 12th May 2010 judgment was handed down in R (on the application of Sainsbury’s Supermarkets Ltd) (Appellant) v Wolverhampton City Council and another (Respondents) [2010] UKSC 20.

Albeit that the case concerned consideration of an “off site benefit” in a Compulsory Purchase Order setting, their Lordships and Lady Hale took advantage to fully rehearse the authorities and the law relating to the same consideration in a planning application setting. In particular their Lordships and Her Ladyship discussed “to what extent a local authority may take into account off-site benefits offered by a developer; and what offers (if any) made by a developer infringe the principle or policy that planning permissions may not be bought or sold”.

Collins LJ recognised that “powers to grant planning permission [are] rooted in the deep seated respect for private property” and that planning control [are] “solely creatures of statute”. He rehearsed the authorities including two Court of Appeal and one House of Lords decisions dealing with:- “what connection (if any) is required between the development site and off-site benefits for the purpose of material considerations”.

In paragraph 65 of the judgment His Lordship quoted Lord Keith of Kinkel who said in Tesco Stores Ltd v Secretary of State for the Environment [1995] 1 WLR 759:- “An offered planning obligation which has nothing to do with the proposed development, apart from the fact that it is offered by the developer, will plainly not be a material consideration and could be regarded only as an attempt to buy planning permission. If it has some connection with the proposed development which is not de minimis, then regard must be had to it. But the extent, if any, to which it should affect the decision is a matter entirely within the discretion of the decision maker and in exercising that discretion he is entitled to have regard to his established policy.”

I respectfully submit that the Applicant’s obligation under s106 of the Act and any subsequent restoration of Combermere Abbey has nothing to do with the Sheppenhall Lane development, apart from the fact that it is offered by the Applicant and could thus only be regarded as an attempt to buy planning permission. This flies in the face of the axiom of Lloyd LJ in Bradford City Metropolitan Council v Secretary of State for the Environment [1986] 1 EGLR 199, 202G :- “planning permission cannot be bought and sold”.

Lord Collins concluded his research of the law and authorities by stating unequivocally that:- “the question of what is a material (or relevant) consideration is a question of law, but the weight to be given to it is a matter for the decision maker...off-site benefits which are related to or are connected with the development will be material...There must be a real connection between the benefits and the development.”

It is my respectful submission that the planning obligation offered by the Applicant has absolutely nothing to do with the proposed development, apart from the fact that it is offered by the Applicant and hence it will plainly not be a material consideration for the Council and must be regarded only as an attempt to buy planning permission.

Lady Hale, at paragraph 93 of the judgment rather astutely set the scene in layman’s terms:- “Acquiring the whole of the Raglan Street site would facilitate the development of that site...Persuading Tesco to carry out a wholly unrelated development upon another site elsewhere in the city, desirable though that may be for the City and people of Wolverhampton, does nothing to facilitate the development of the Raglan Street site. Rather, it is the other way round.”

Putting that in context and borrowing her Ladyship’s line of thought, I would respectfully submit that acquiring the Sheppenhall Lane site would facilitate the development of that site...Persuading Newlyn to fund a wholly unrelated restoration in another site elsewhere,

desirable though that may be for the owners of Combermere Abbey, does nothing to facilitate the development of the Sheppenhall Lane. Rather, it is the other way round.

Phillips LJ ultimately dissented on the final judgment in the Sainsbury's case on the law of compulsory purchase but he did agree with his colleagues on the issue relating to planning applications and s70(2) the Act. At paragraph 128 of the judgment he stated:- "I align myself with Lord Collins' analysis. The passage from the judgment of Nicholls LJ, quoted by Lord Brown and Lord Collins at paras 169 and 56 of their respective judgments, and the passage from the judgment of Staughton LJ quoted by Lord Collins at para 57, demonstrate that each of those judges saw the need for a relationship between the undesirable and the desirable developments other than the simple fact that the one would subsidise the other...The relevant principle appears to me to be that a cross-subsidy between two developments cannot be considered unless there is some independent reason for considering the two developments together."

At paragraph 137 His Lordship opined :- "My conclusion in relation to the effect of the authorities is as follows. When considering the merits of an application for planning permission for a development it is material for the planning authority to consider the impact on the community and the environment of every aspect of the development and of any benefits that have some relevance to that impact that is not de minimis that the developer is prepared to provide. An offer of benefits that have no relation to or connection with the development is not material, for it is no more than an attempt to buy planning permission, which is objectionable in principle."

In my respectful submission therefore, there is a need for a relationship between the undesirable and the desirable developments other than the simple fact that the one would subsidise the other; the evidence is compelling that such a relationship is absent in this case. Further, I suggest that the cross-subsidy between Newlyn and Combermere Abbey cannot be considered as there is no evidence of some independent reason for considering the two developments together.

In addition, when the Council considers the merits of Newlyn's application it will be material to consider the impact on the community and the environment of every aspect of the development. As the evidence does not show any benefits that have some relevance to that impact let alone any that are not de minimis however, the Council should not have any regard to the off site benefit to Combermere Abbey as a material consideration.

It has no relation to or connection with the Sheppenhall Lane development, is not material and is no more than an attempt to buy planning permission, which is objectionable in principle.

Lord Hope, at paragraph 152 of the judgment, provided us with the benefit of his legal knowledge and many years experience as one of the UK's most senior judges :- "The situation in this case is that there was no physical connection of any kind between the two sites. Development of the Royal Hospital site could not contribute anything to the carrying out of development on the Raglan Street site in any real sense at all. They were not part of the same land. There is no doubt that the development of the Royal Hospital site would bring well-being benefits to the Council's area of the kind that section 226(1A) refers to. But to fall within that subsection they had to be benefits that flowed from the Raglan Street

development, not anywhere else. It follows that the Council were not entitled to conclude that the work which Tesco were willing to undertake on the Royal Hospital site would contribute to the well-being of the area resulting from its development of the site at Raglan Street...”.

Borrowing from His Lordship’s thinking, I respectfully submit that there is no physical connection of any kind between Sheppenhall Lane and Combermere Abbey. Further, there is no spiritual or community connection between the two. Restoration of the Abbey could not contribute anything to the carrying out of development in Sheppenhall Lane in any sense at all.

There is no doubt that the restoration of the Abbey would bring benefits to its owners but to fall within s70(2) the Act they have to be benefits that flowed from the Sheppenhall Lane development itself. It follows that the Council will not be entitled to conclude that the obligation on Newlyn to provide £1.6million to fund restoration at Comberemere Abbey will contribute to the well-being of the area resulting from its development of the site at Sheppenhall Lane.

As regards that obligation I respectfully submit that it fails to satisfy s106 of the Act in any event. Section106 lists the only types of planning obligations that may be considered as those:-

- (a) restricting the development or use of the land in any specified way;*
- (b) requiring specified operations or activities to be carried out in, on, under or over the land;*
- (c) requiring the land to be used in any specified way; or*
- (d) requiring a sum or sums to be paid to the authority. (Bold added)*

In my respectful submission, s106 does not allow for a cash donation to an owner of a private dwelling not matter how significant its heritage may be.

Conclusion

- Following the guidance of the Supreme Court as outlined above, unless the Applicant produces more than de minimis evidence of a link between it donating £1.6million to restore Combemere Abbey and the development in Sheppenhall Lane, Aston then, under s70(2) Town and Country Planning Act 1990, East Cheshire Council will be acting unlawfully if it has any regard to such a proposal whilst dealing with the above planning application”
- Aston is being asked to subsidise the development and upkeep of Combermere Abbey, which is outside our Parish and a private enterprise with public access not freely available nor any community involvement relevant to this Parish.
- The Parish Council dispute the claim that such a development will assist the Village of Aston to retain amenities and facilities as such amenities are already well supported, and the application will bring no benefit to the village.
- The residents of any new development would undoubtedly rely on cars for transport thus causing added danger to the local highways.
- As this Application is on a green field site, within open countryside and outside the settlement boundary it fails to meet current planning guidelines, and is totally opposite to Newhall Parish Council’s own Village Planning policy.
- The Applicant should be encouraged to generate funding for the restoration and business expansion through the assets of their own large estate.

- Having considered this Application thoroughly and taken notice of the opinions of our electorate Newhall P.C. urge the rejection of this application.
- The local community at Aston is being asked to make sacrifices whereas Combermere Abbey is making none. The applicant will get 100% of the benefit of this enabling scheme and is bearing none of the disbenefits, 100% which devolve to the community.
- Apart from the fact that this application is for 43 dwellings, which the Parish Council feel may not be enough to complete the work, it really is no different to the previous application in 2005 when the Inspector at the Public Inquiry 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”. The Secretary of State added “the disbenefits of the proposed enabling development outweigh the benefits”.

Dodcott-cum-Wilkesley Parish Council

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The Parish Council feels that, on balance, the 'enabling' planning application fails to convincingly demonstrate that the benefits outweigh the disbenefits. This viewpoint considers the historic asset at Combermere Abbey but also considers all other relevant planning interests relevant to the application.
- Whilst the Parish Council fully understands the need to raise finance for the renovation of Combermere Abbey, it is still, ultimately, a private estate. As a result all other options should be sought and exhausted to raise the necessary finance before submitting an 'Enabling Planning Application.' The Parish Council does not feel that this has been done. Indeed the estate could sell off some of its own land to help raise some of the necessary renovation costs. However, the proposal is to pay £250,000 to another landowner to develop the Sheppenhall Lane site when the capital could have been used directly towards renovation costs.
- Public access to Combermere Abbey has diminished over the last 20 years with the nature of the businesses being run from the abbey being incompatible with open access . This is despite the fact that an English Heritage grant was awarded several years ago towards scaffolding of the north wing on condition that access to the public was improved. Despite this the local community cannot, currently, visit Combermere to enjoy the splendours of the estate or Abbey. If the finance were raised for the renovation costs from this planning application the local community would still be unable to appreciate the architectural and historical benefits that renovation would bring. As far as the Parish Council is aware there are no future plans to open to the public should the application be approved.
- There is a lack of infrastructure necessary to support 43 houses on the site at Sheppenhall Lane. Specifically:-
 - o The development will put additional strain on existing highway provision. The Parish Council also state that the transport survey is flawed. The proposed development will overload an already dangerous junction where traffic emerging from Sheppenhall Lane has to move halfway into the carriageway in order to get a clear view of the main road.

- As public transport facilities are poor, this would result in a car dependant development which is at odds with a sustainable transport policy.
- The proposed development consists of predominantly larger 4 & 5 bed family homes. This will, undoubtedly put additional demands on the local educational establishments particularly at Sound which has already reached its pupil capacity. We know from the planning application that any financial contribution in respect of educational requirements has been waived which will only exacerbate the problem.
- The Parish Council does not agree with reducing the quota of affordable housing on the site to 5 units. If, despite the Parish Council's objections, the Planning application were to go ahead, then this would have at least given more local residents the opportunity to obtain affordable housing within the vicinity and continue to live in the local community.

6. OTHER REPRESENTATIONS

Historic Houses Association

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- The Historic Houses Association supports Combermere Abbey's application for enabling development.
- The Historic Houses Association represents the interests of 1500 of Britain's historic houses and gardens that remain in private ownership for the benefit of the nation and future generations. The cost of maintaining them thereby preserving the heritage they represent and the associated industry they sustain is huge and met by private individuals.
- The importance of the survival of such buildings considered to be of outstanding architectural and historic interest, together with their setting is well recognised by government. Combermere Abbey is in the top echelon of those historic houses.
- Government has recognised the need to protect the whole entity of an historic house, its buildings and setting. The incentive for private owners to spend substantial sums of money and effort is in the long term public and national interest, but in some cases this becomes well beyond the financial resources of the private owner. A point can be reached when the owner is discouraged from pouring capital into its constant maintenance in the way that all such buildings require. Combermere Abbey has reached that point where the Callander Beckett family need this application for enabling development to be approved, so that the necessary resources are released to undertake the repairs needed which are not disputed, and thereby safeguard the Abbey for the long term.

Council for the Protection of Rural England

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- Campaign to Protect Rural England (CPRE) regrets that it must once again object to Combermere Abbey's application for an enabling development to restore the ruined North Wing of the lakeside house on the site of the former Abbot's Lodging. In drafting the following

comments we have borne in mind the judgement on the previous application which was refused on appeal in 2005, and the Policy Statement of English Heritage which makes it clear that there should be a presumption against such development. The applicant must convincingly demonstrate “that on balance, the benefits clearly outweigh any disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.”

- The site adjacent to the parish of Aston is an unfortunate choice for the housing required to raise funds for the restoration. The sacrifice of a green field outside a settlement boundary, which would not under current planning policies receive permission for housing development, is not an unusual choice for an enabling development. However, with the exception of its popular public house, Aston has practically no amenities of the sort which make it suitable for sustainable expansion. Also, Sheppenhall Lane, fronting the site, is narrow, twisting and unsuitable for the additional traffic which would be generated by 43 new houses. Its junction with A530 is already hazardous due to limited visibility for vehicles emerging from the side roads and the high speed of traffic on A530. We also consider the amount of affordable housing offered is “token” and well below the normal proportion required. In any case there are more suitable sites for affordable housing in nearby Wrenbury on previously-developed land. The residents of Aston have shown themselves to be solidly opposed to this application.
- The Agricultural Land Classification of the field chosen has not, in breach of saved Policy NE.12, been declared.
- We now consider the all-important question of public benefit. If the grounds of the Combermere estate in the vicinity of the lakeside house were open to the public on, say, a regular weekly basis, as occurs with many other Cheshire historic houses, it would be easier to see some public benefit. However, the house and its grounds remain strictly private apart from occasional pre-arranged tours for parties of 20 or more. The only other visitors appear to be those attending weddings or renting the holiday cottages, but these activities are also private and take place in buildings other than that which is the subject of this application.
- We cannot find in the application documents any supporting submission from English Heritage, which we would have expected. Also, in view of the apparent growth in Combermere’s private business activities since the previous application, we would have expected to see some contribution to the restoration from its own funds.
- In conclusion, we consider that if the application were to be approved, the public disbenefits would outweigh the benefits.

The Women’s Institute

No comments received at the time of report preparation but made the following comments in respect of the previous application:

- Aston and District Women’s Institute would like to register their objection to the application. They are not in favour of green fields being taken for housing.

Objection

9 letters of objection have been received making the following points specifically in respect of the revised application:

- There is nothing new in this application except for the inclusion of a 'permissible footpath' in Comberemere Abbey Estate. This appears to be nothing more than an attempt to increase what the applicant and the council officer who suggested this under a S106 erroneously perceive as an extra so called public benefit which would accrue to the local community should this development be approved. This, to all intents and purposes, a blatant attempt to 'buy' the planning permission. As such it should carry little or no weight in your decision making process.
- However, notwithstanding the above point, by far the best argument offered as to why this resubmission must be refused is offered by the author of Cheshire East Council's (CEC) own letter to the Planning Inspectorate in Bristol. This is in opposition to the recently lodged appeal against CEC original decision to refuse the planning application 11/2818N. The writer of this letter remakes all the points of logical and rational opposition that have been raised by local residents and moreover, having full access to documentation and information in the council's possession, argues the case against this development with far more conviction and in greater depth whilst including points that we as residents have not made. The Council should remind itself of all these arguments so convincingly made by officers before reaching its decision.
- Perhaps before the decision, the Council might also like to think about the remark made in the letters pages of the (Nantwich) Chronicle dated 12 Sept 2012 by Councillor Sam Corcoran (Sandbach Heath and East) in his letter headed 'The truth behind the Local Plan'. In it, amongst other points he makes the following observation:
 - *"Each planning application has to be considered on it's own merits. There is usually a residents group formed to oppose a planning application to build houses. I would like to see these groups given support by the council in making their cases. At present the property developers usually meet with council officers at pre-application meetings. They are experts in their fields and have access to the professional council staff who write reports and recommendations on the planning applications. My experience is that the residents groups are not given the same level of access to council staff as the property developers. I would like to see both sides having equal access to council officers"*
- If what Councillor Corcoran sensibly puts forward in the above statement had happened in this case, perhaps we all would not be in the current situation whereby time and money is being wasted considering a planning application on land and in a locality which is completely inappropriate.
- It surely must be clear that, in keeping with the planning department's own objections to the appeal mentioned in point 2 above, officers cannot now recommend approval of this resubmission.

- There remains no benefit at all to the local community and enhanced danger on the local narrow roads, which again have been recently flooded with no improvements except the usual flood warning road signs.
- Yet again there are no gains for the locals of Aston only enhanced danger and greater sewage problems!!
- Please let common sense prevail and ensure the East Cheshire Council protects its local residents against private commercial gain
- The disbenefits to the local community far outweigh the benefits to either the Callender-Beckett family or to the community, local or otherwise, of restoring the North Wing of Combermere Abbey, "the Abbey", under the English Heritage Guidance set out in its policy entitled "Enabling Development and The Conservation of Significant Places".

The letters also reiterate the previous objections reproduced below:

Assessment Against Policy

- The application site lies outside the Settlement Boundary of Aston, a village where Policy RES.4 of the Borough of Crewe and Nantwich Replacement Local Plan would permit the development of land in the settlement commensurate with its character. Because the application site lies outside the settlement boundary it is subject to the requirements of Policies NE2, NE.12, RES.5 which treat the site as open countryside where residential development of the type proposed would normally be resisted.
- The Council cannot approve the application because it will be ignoring the above legislation.
- Residents suspect that the 'greater importance of preserving a so called national asset', (to which the public-local or otherwise, in general have little or no access), will prevail, and the committee will find a 'justifiable reason to ignore their own policy, to the planning committee's eternal shame if only for the reason that should it be rejected, it would involve the council and by implication, we the tax/ratepayers in extra and additional costs in this time of financial austerity, when the applicant appeals!
- In June 1999, English Heritage published a policy statement, "*Enabling Development and the Conservation of Heritage Assets*", *advocating a presumption against enabling development unless it met specified criteria, the most important of which was that the benefits should clearly outweigh the disbenefits*".
- It states "*Enabling development that would secure the future of a significant place, but contravene other planning policy objectives, should be unacceptable unless*" and then goes on to add amongst other points..... "*the public benefit of securing the future of the significant place through such enabling development decisively outweighs the disbenefits of breaching other public policies*"
- This is completely at odds with what is being proposed in Aston.
- There never will be any public benefit to this community by this development, never mind a decisive one!
- There are no benefits whatsoever for the renovation of Combermere Abbey for anyone living in Aston. Combermere Abbey is a private residence with very limited access by the general public.

- The only beneficiaries to the proposed repair and restoration are Sarah Callander-Beckett, her family and heirs and English Heritage, who would be able to shorten their list of properties at risk by one.
- Yet for the residents and wildlife of Aston there are considerable disbenefits as shown below.
- Furthermore the guidance goes on to say enabling development should only be permitted "*if it is decided that a scheme of enabling development meets all these criteria,*" This proposal does NOT and never will meet all the criteria for the reasons set out above and below.

Principle of Development

- The site is outside the settlement boundary.
- The area is green belt and should not be built upon.
- Planning is killing off the green and pleasant countryside.
- The proposal contravenes the key principles of PPS7- Sustainable Development In Rural Areas.
- Stating that the development is the only way that the money can be raised to restore a Grade 1 listed property is an emotional blackmail. No evidence other than a previous planning application is given.
- The application would result in the loss of good grazing land.
- This is Greenbelt development by the back door.
- The cost of restoring the abbey is not a problem for the residents of Aston to solve.
- There are no advantages for the local population.
- Mrs Callander Beckett only wants houses out of her sight. Why should Aston have them?
- Mrs Callander Beckett has no interest in the local community at all and is only interested in her own situation.
- This is not the first time the applicant has tried to build locally in order to raise money for her Abbey. Never on her own land and nowhere near her house.
- In her letter to residents Mrs. Callander Beckett states that there is no element of profit in the Scheme for the Combermere Estate. There may not be in the short term but once the repairs are completed the house will be considerably more valuable, with no ties to prevent her from profiting from this development in the future.
- The scheme by people who do not live in the parish and will probably never see it, is selfish and unfair and will cause distress to innocent people.
- The owner of the land used to live next to it. If he was still living there would he like the prospect of housing being built?
- 11 or so years ago Crewe and Nantwich Borough Council refused an application by Linden Homes to build a similar sized development on the Cricket Pitch just off Sheppenhall Lane, close to the proposed site. The reasons for the refusal of the Linden Homes project are just as valid now as they were then.
- Has English Heritage submitted a report and does it express its views on its guidance criteria? Have these criteria been modified since 2004?
- Newhall Parish have submitted plans for the development of this area to the Local Council since 1999. They have not been amended by the Local Council during that time.
- If Aston residents if could not afford to repair their homes, would the Council grant them planning permission to sell their land for development?
- Cheshire East has well devised plans for housing provision and regeneration. This proposal would cause serious imbalance and could seriously affect future planning.
- The need for housing in the UK has been well publicised. However the proposed development on the outskirts of a very small village with no amenities is of minimal benefit.

New homes should be built closer to shops, schools, places of employment and public transport links.

- This planning proposal is outrageous. What's happening to our rural community? Residents moved to South Cheshire because it is quiet with small communities. They enjoy cycling as much as possible. This will change if these numbers of houses are built.
- Aston is slowly being turned into a small town. Infilling is one thing, large development like this, quite another.
- Combermere Abbey has a long standing history of neglect (89 years it has always been the same). Why should Aston be spoilt because Combermere Abbey has been neglected?
- Mrs Callander Beckett's family have owned this property since 1991 and have never maintained it. A member of her family stored grain in the ballroom which caused the ballroom floor to collapse some years ago. That is how much they cared for it then.
- The long history of neglect to the house as evidenced by the fact that it is now estimated that it will now cost almost £2m to do the repairs does not reflect well on the family especially as she is now trying to raise the necessary money by trying to inflict an unwanted and unacceptable housing development on the residents of Aston and of Sheppenhall lane in particular.
- Why should the villagers of Aston have their environment spoiled to have a Victorian house renovated owing to the owners (who have many acres of land) who have allowed the house to fall into disrepair.
- English Heritage Enabling Policy and Guidance document. Paragraphs 1.2.2 – 1.2.4 inclusive discuss ways of reducing the need for enabling development. These paragraphs discuss how early intervention could reduce the need for situations such as this. They are relevant to this debate because had earlier action being taken, development on this scale would not have been required to fund the conservation deficit. For example if the owner had taken timely action to prevent or limit deterioration, or in default, the planning authority had used its statutory powers promptly; and/or the planning authority had adopted a supplementary planning document when it was clear that the problem would arise. PPG15, Planning and the Historic Environment (para 7.1) emphasises that 'regular maintenance and repair are the key to the preservation of historic buildings. Modest expenditure on repairs keeps a building weathertight and routine maintenance ... can prevent much more expensive work being necessary at a later date. Major problems are very often the result of neglect, and, if tackled earlier, can be prevented or reduced in scale. Regular inspection is invaluable.' In Buildings at Risk – A New Strategy (1998), English Heritage stressed the importance of local planning authorities monitoring the condition of their listed building stock and taking preventative action as soon as a place shows significant signs of neglect, not waiting until it is in extremis.
- Can Mrs Callander Beckett prove that she has done everything in her power to stop the deterioration of the building and keep it watertight?
- It is unfortunate that such an old buildings as Combermere Abbey is falling into disrepair and residents understand its great historical and architectural importance
- The need to maintain Combermere Abbey is not in dispute.
- Whilst appreciating the restoration of an interesting privately owned property requires funds, residents fail to see why this should involve adversely affecting an unconnected separate community and for whom the private Combermere Estate has little if any benefit being located over 2 miles away and rarely open to the public
- There is not one advantage for the local community like the previous enabling planning application except generating profit for the applicant and site owner at other peoples expense

- This fate of Combermere Abbey is not the concern of the people of Aston whose houses will be devalued and who would have to put up with the noise and mess involved in such a development.
- Aston residents find it extremely distasteful that proposals are being put forward to develop a greenfield site well away from the interested party's own property on the Cheshire/Shropshire border, so that the private owners of this smart country home, who presumably are unable to make ends meet with regard to the maintenance of their own property by traditional methods, can fund repair work to part of their home that has fallen into disrepair over a number of years.
- Neither the applicant nor the landowner live in Aston or even Newhall Parish.
- The applicant has no prior involvement or interest in this agricultural land.
- Not only would the scheme enable repairs at the house, (not the Abbey as this was demolished hundreds of years ago) it would also enable the landowner and developer to obtain a large financial gain.

Alternative Means of Securing Finance

- If the present owners cannot carry out the restoration from their own finances then they should consider selling the property to someone who can.
- This applies to a single occupant living in a one bedroom flat, or a family living in a country residence. Live within your means.
- Why do they not approach the National Trust to take it over as they have other places.
- Rise Hall in Yorkshire is being restored using the owners personal funds and through commercial activities and events. This is the way the restoration of Combermere should be funded, not through housing building application which will only benefit a few individuals and cause a lot of misery to many and the environment.
- The scheme is supposed to be a last resort when all other avenues have been exhausted and there do not seem to have been any attempts to raise funds like other local estates for example by opening to the public or raising funds from the estate itself. Even requests to use the grounds for local events for the community have been declined.
- This money could easily be raised by them if they sold off their 7 luxury holiday cottages, the Wedding Venue/Conference Centre, Park View Business Centre or some of their large estate.
- Has she fully explored the possibility of raising a loan secured on these assets? If so can she provide to CEC the proof that she has tried to do so and failed?
- Is this not something that the family should be maintaining themselves from the income they generate from weddings and holiday lets that they have been able to afford to develop.
- Many owners of large stately homes have had to diversify their activities in order to fund the ongoing maintenance of their homes, and Combermere Abbey is no exception to this. The recent development of the Abbey's business park is a clear example, and has in its own way impacted the locality, albeit not to the same levels as that proposed in this application. Income generation for the estate can and should be achieved without causing distress, disruption, pollution and nuisance to those individuals who choose to live in the surrounding areas, and who have no involvement with the Abbey other than by being its neighbour.
- If the building has any architectural value to Cheshire or the nation the money should be raised by lotteries, grants, or the heritage movement.
- A Parish Councillor stated at the meeting in September that approximately 30 years ago the National Trust had expressed an interest in buying the house and part of the estate. The family to retain the right to live in a wing of the house. This offer was refused by the family.

Had the National Trust bought the property they would no doubt have restored and maintained it very well and it would also have been open to the public on a regular basis.

Potential for Future Development

- Should the renovators at the Beckett's home encounter unforeseen problems creating expense beyond the £2m it could mean houses on the remaining section of the horse pasture field. This could readily be the two hectare-thin-end of a 10 acre-residential-wedge!
- In 2005 an enabling application by Sarah Callander-Beckett for Crosby Homes to build 100 houses as part of a new village on 14 acres of land on the Combermere Estate was turned down at enquiry. If 100 houses were considered necessary six years ago to produce the funding for the repair work, how is it that now 43 houses are deemed sufficient to cover the costs? Are we likely to see a future application for further development to complete the work? Building projects are notorious for going over budget, particularly when renovation and repair are the main objectives. We have already shown that it has not been possible accurately to determine the full extent of the work required.
- The application to build on green belt land on the edge of Aston would open the flood gates to further green belt land being built on.

Previous Appeal

- The 2004/5 application was based on a claimed need for £3.6 million. At the time the appellant was said to own assets well in excess of that amount. But (p.13 clause 49) "it is the insistence of the present owner to maintain the current pattern of ownership that demands the enabling development and limits the proper consideration of alternatives". The sum involved is now £1.9m, suggesting that the applicants need for an enabling development is very much reduced.
- This conundrum at best casts doubts on the reliability of the repair and maintenance costings both then and now - at worst there is something residents have not been told (See above comments on future development).
- The first application evoked much ill feeling locally preserving one person's lifestyle at the expensive of many disbenefits to the community."
- The previous application proposed "variation of the scheme for the original many be necessary." That any variation might affect the extent of development is repellent. Is such a clause in the application? Would and could the planners countenance it?
- The CPRE case for refusal in 2005 states "the historic buildings architects evidence referred wholly to the library and to work carried out. Reference to the north wing was negligible but half of the total expenditure relates to that wing. Is that wing comprised wholly of listed ancient building?
- In the case for local residents there was a claim that an alternative site could be found adjoining Crewe presumably owned by Mrs Beckett., the sale of which could meet the requirements. Has it been declared and considered this time. Such a site is close to jobs and facilities and national road and rail links.
- The CNBC case in 2004/5 states that the estate could be sold on the open market. Judging by advertisements in County magazines the demand is still there.
- The Inspector at the 2005 Public Enquiry into the planning application for 100 homes on 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". The Secretary of State said that "the disbenefits of the proposed enabling development outweigh the benefits.

-

Amenity

- The development seems to have squeezed 9 houses at the rear of Cloverley and the neighbouring property. The affect to will be abhorrent. Loss of privacy, creation of noise pollution, light pollution will have a detrimental bearing on the occupant's lifestyle. No consideration for anyone has been acknowledged.
- Residents living opposite the site are concerned about noise and light pollution from vehicles exiting and entering the development. Engines will be under load as they accelerate out of or into the development.
- Residents are also concerned about the construction noise and traffic noise / pollution while the houses and roads etc. are being built. This could go on for many years if the building is done in stages.

Loss of Trees

- The development will necessitate the removal of a tree that is in the region of 150 years old.
- There is a Tree Preservation Order in force for trees in Sheppenhall Lane Aston (CEC reference TPO 98-032 in force since 1975). The ancient oak tree which is scheduled for destruction under the application may be one mentioned in the Order along with others in the adjoining hedgerow.
- There is no reference to this in the Tree Report attached to the application - can CEC verify the situation regarding the TPO in Sheppenhall Lane Aston?

Drainage

- The drains in Sheppenhall Lane / Sheppenhall Grove are already unable to cope and endless problems are already well documented.
- Sheppenhall Lane is prone to flooding. More houses would make this worse.
- Residents have been regularly advised by the Council that the drainage system for the area is already overloaded.
- Residents already experience vile smells from the drains.
- Houses in Sheppenhall Grove have already been flooded because the drainage system is not sufficient to handle the number of houses within the area
- United Utilities are called on average once a month to remove blockages to the pipes and ground water systems.
- To add another 43 homes to an already failing sewage system would be asking for trouble.
- A responsible developer would have had the foresight to have implemented a reed bed system or at the very least septic tanks in the remainder of the field. The fact that it does not adds weight to the suspicion that even more houses are required to be built on the undesignated portion of the field.
- The capacity of the Waste Water Treatment plant at Woodcotthill Lane is also of concern if 43 more properties are to be discharging through this system. It is to be hoped that the Planning Committee would request a statement from United Utilities about this matter.
- The land on the opposite side of the road to Sheppenhall Grove is very prone to flooding.

Community Exclusion

- The local community has been progressively excluded from the Combermere Estate since Mrs Callander Beckett took over its running.
- Combermere Abbey is closed to the public. It is a private residence which is used to generate income in the form of a Wedding venue and Holiday Lets and is not open to the general public and is the private residence of the Beckett's.
- The only events that do take place are Bluebell Walks restricted to 2 or 4 weeks a year and the occasional wedding fair.
- The signs at the entrance to the Abbey at the start of a very long drive prohibit members of the public from entering.
- The Abbey does advertise as a venue for weddings but significantly, the Abbey itself is not the actual venue but rather marquees and/or a "glasshouse" constructed in the grounds of the Abbey.
- A local community group from Burleydam recently asked for permission to host a Queen's next Jubilee party in the Abbey grounds but were refused.
- The Abbey's historic reluctance to engage with the general public will continue even if the renovation works are completed under the enabling scheme notwithstanding any warranties or agreements that may be entered into.
- It would be interesting to conduct a poll of Aston residents to see if anyone has ever visited the Combermere site.
- The house is not visible from the road so will not even have a visual benefit to the larger public.
- Residents object to the use of enabling legislation in this instance since it is being applied to a private residence that is on the whole inaccessible to the public.
- It is therefore not the local residents who would benefit and as such the balance referred to in the enabling legislation between the effect on and the proposed benefits of the project to the local community cannot be applied to Aston.
- This development is alienating the local community rather than including them.
- Mrs Callander-Beckett should be more inclusive to the local community and get them to assist with the problem of funding.
- Under the guise of enabling development a 'free makeover' for the initiating person's own remotely-located, secretive private dwelling.
- Had key members of the community here been engaged at an early stage, the absurdity of Aston as a location would have revealed itself. This omission is a deep discourtesy to electors in Aston. This current furore could have been avoided.
- Local residents recall that some years ago Mrs Callandar Beckett's mother (who then owned Combermere Estate) successfully applied to have all the Public Footpaths which crossed Combermere Estate rerouted around the perimeter of the Estate, resulting in no public access. We believe a reference probably relating to the above is made in the London Gazette dated 11 November 1977, 28 April 1978 and 16 June 1978, under the headings Public Path Extinguishment Order and Notice of Public Path Creation Order. While this does not have direct relevance to the present application, it does, if correct, show the historical disregard for public benefit of the Callandar family. Ramblers and members of the local community who would enjoy walking through the no doubt beautiful Estate grounds are now not able to do so unless they pay a fee to Combermere Estate to go on the "Bluebell Walk" on one or two afternoons in May.

- Of recent years there has been some access for pre-booked groups of 20 or more for part of the year and more recently individual pre-booked tours on 3 mid week days. Residents wonder if this is to satisfy a funding arrangement.
- There are prominent notices stating "Closed to the Public" at the entrance gates.
- Mrs Callander Beckett does not engage with residents of Aston in any way and rarely are any locally organised events allowed to take place on the estate.
- By comparison, nearby Cholmondley Castle Estate is much more accessible and is visited and enjoyed frequently by local residents. It is open without pre-booking to the public at least 3 days a week between April and October and individuals are welcome to explore the beautiful gardens, parkland nature trails, play areas and tearoom. Many local events are hosted there including the Pageant of Power, Classic Car shows etc. It is also the venue for required charitable events, including for Hope House Children's Hospice and Help for Heroes. There is also a cricket club / pitch within the grounds.

Infrastructure

- The infrastructure in Aston cannot support this application.
- All Aston has in the way of amenities is a pub and a chapel!
- To access these facilities the residents must cross the busy A530.
- Where are the jobs, schools doctors etc for all these people?
- In a letter to local residents Mrs Callander-Beckett pointed out the proposed development would bring *'more customers within easy reach of the local pubs, and bring customers, pupils and worshippers to the shop, school and church in Wrenbury.'* Wrenbury is a village 2 ½ miles away. I would therefore challenge the use of the term 'easy reach'.
- The development would fall in the Sound school catchment area, not Wrenbury.
- It is only 2 years since Sound school was unable to accept siblings and although there are seven places available at present who can say there will be spaces when the houses are sold.
- Where are all the children going to go to school? Both local primary schools, Wrenbury and Sound are full with current waiting lists. Aston is a very small village with no facilities to offer. Apart from the cricket ground there is nowhere for the children to play it has no shops, no places of work, no schools or transport, it has only one pub and a chapel, it would therefore mean that each household would have to have at least 2 cars each.
- New residents would be unlikely to "increase the congregation" as Mrs Beckett says but would increase the level of crime and insurance premiums (from the so-called affordable housing)
- It would place further pressure on local water supply systems which are already at their limit.
- Sound Primary School is using a Portacabin for years 5 and 6.
- There are 6 places in Reception otherwise Sound is at capacity.
- Wrenbury Primary School, "not appropriate to this catchment area" - meaning there is no free transport for children, has only 7 places today mainly in Reception.
- Apparently the Education contribution is being waived in respect of this planning application. Residents find the waiver outrageous and would be prepared to withhold that element of their own Council Tax unless the Charge were reinstated.
- Whilst due process must be seen to take place, common sense must prevail and there must be a recognition of the blindingly obvious fact that the infrastructure in Aston is inadequate to support the development.
- The houses should be built near to Nantwich where there are adequate facilities, shops, schools and bus routes within walking distance.

- The resources are already stretched in terms power with regular power cuts being quite common.
- Further, as some residents of Aston already use the facilities of Audlem, Nantwich and Whitchurch the infrastructure of these areas will also become stretched with developments in those areas already. Concerns over the provision of emergency services in an age of cut backs.
- Poor ambulance response times are common and there has not been a permanent police presence in the area for many years.
- At present there is an excellent medical service at Wrenbury Health Centre with reasonably short waiting times for appointments. What effect would another 160 patients have on the practice?
- There are no play areas for children. The cricket club is private and padlocked.

Ecology

- The location is grassland of the “agriculturally poor semi-improved” category which provides an opportunity for wildlife habitat in an area of intensively farmed land. That it should remain so is crucial to the overall ecology of this locality.
- This field shares a boundary with “Briarfields” where the owners have facilitated the development of a wildlife conservation area of woodland, wetland and grassland habitats extending to 10 acres.
- Neighbouring gardens in Aston run on wildlife friendly principles, (one has CWT’s gold award and Pond 2 on the survey is on this property). Residents are aiming to create a corridor linking to another habitat triangle on the east of Sheppenhall Lane.
- The area is abundant with wildlife especially bats and slow worms and great crested newts.
- There are owl boxes up in the fields and there has been great success with the, barn owls which regularly hunt across the field in question.
- In 1997 a breeding colony of harvest mice (*Micromys minutus*) in Cocksfoot grass (*Dactylis glomeratus*) was discovered amongst newly planted woodland. This was verified by Cheshire Wildlife Trust who, in 1999 – 2000, conducted a county wide survey of the harvest mouse as a result of this find. The discovery of a breeding population of these small mammals was the first sighting of the species in Cheshire since the 1970s.
- Over a three year period with the Cheshire Bat Group using their Anabat Ultra-sonic Detection equipment, six species of bat were identified at Briarfields in addition to the Long-eared bat (*Plecotus auritus*) mentioned in 7.1.2 of Mike Freeman’s bat survey for SDC Consultancy.
- There is a breeding population of Great Crested Newts (*Triturus cristatus*) in the larger of the two ponds at Briarfields. They have also been found stormwater drain gullies near the house and in some of our ditches. All these locations are within 250 metres of the proposed development site.
- The ecological consultant used an OS map to identify other sites in the area. It would appear that he was not aware of Briarfields ponds or the permanently wet ditches and so was not able to suspect the presence of great crested newts adjacent to the proposed development area.
- There is a breeding population of barn owls in a property on Heatley Lane and the adults are often seen feeding over our fields and those adjoining our property on the Sheppenhall side. There is less than 1.5 kms between the breeding site and the proposed development site in a

straight line. This is well within the hunting range of barn owls, which are also very regular in their habits and will cross the same land night after night in the same pattern.

- Buzzards breed locally and feed over our land and the surrounding fields on a daily basis. Their young can be heard in the trees on our boundaries in late summer.
- Grass snakes have recently bred in local compost heaps and will almost certainly be present in the uncut grassland of the field boundaries.
- At Briarfields there are large populations of amphibians such as frogs and toads together with the moth, butterfly, dragonfly and damsel fly species usually associated with woodland, grassland and wetland habitats. There is a wide range of birds feeding and breeding in the woodland, hedges and hedgerow trees. These do not recognise ownership boundaries and will be using adjoining fields, trees and hedges as part of their natural habitat.
- There is an identifiable triangle of land between Sheppenhall Lane and the Whitchurch Road of which Briarfields is in the centre that has become an important habitat for local wildlife. Surrounded by intensely farmed land, this area of agriculturally poor semi-improved grassland has a key role to play. It is vital that its present integrity is preserved. The loss of 2 hectares to bricks, mortar and tarmac would represent an act of ecological vandalism which could never be reinstated.

Alternative Sites

- There are far more suitable locations for building than the present site.
- There are brownfield sites available on the estate and at Wrenbury with safer access to the A530.
- Brownfield sites such as that close to Wrenbury Station should be looked into, rather than a greenfield site such as that on Sheppenhall Lane. The Wrenbury site has better transport links (not least with the railway line on its doorstep), and improved access to the facilities offered in Wrenbury village (shop, surgery, pubs, school, village hall, marina etc).
- The Combermere Estate would appear to have more than adequate options for fund raising development within their own boundaries as the estate farm appears to be being developed for other commercial uses.
- Would it not serve everybody's purposes to relocate the development to Combermere land?
- At the time of her 100 house village proposal, Sarah Callander-Beckett was prepared to use 14 acres of her own land.
- Relocate the current proposal on a mere 2 hectares of her own land near her smart new Park View Business Centre which was funded by more grants.
- This would require fewer houses because she does not have to buy the land. The impact locally of such a small development could be much less and the enabling schemes criteria could be met.
- Here residents of the affordable housing might find employment at Park View Business Centre converted from barns on the Combermere estate farm.
- Here there is already a degree of infrastructure. Moreover should the £2m prove insufficient when renovators encounter extra problems, as they invariably do, there would still be room for expansion to recoup any shortfall in restoration and maintenance funds.
- Here there would be the space to green-up her development by having independent ecological drainage SuDS together with a reedbed/wetland filtration system which would further enhance the already rich wildlife habitat on her own estate. A Geo-thermal Energy Bank there would reduce the heating costs and carbon footprint of every home.
- A little more thought and it could be a flagship development in Cheshire East for the 21st century.

- Residents request that when the Strategic Planning Board members make a site visit to Sheppenhall Lane, Aston, they also include a visit to the area around the Park View Business Centre on the Combermere Estate, with a view to considering it as a more suitable site for the proposed development.

Accuracy of Application

- There are conflicting statements from Arrol & Snell Ltd. (Architects and Surveyors) written in July 2011 and John Pidgeon Partnerships (Quantity Surveyors) written in August 2011.
- In their submission Arrol & Snell Ltd state: *The existing scaffolding has been in place for more than ten years and is not capable of being used to access or inspection purposes.*
- They further state: *Before any measured survey work can take place, it would be necessary to make sure there is safe access to all interiors in order to be able to properly inspect it and measure it and also to verify its condition.*
- If this is true, how can the quantity surveyors reliably produce a detailed specification and costing for the repair of the building to be £1,608,823.65?

Sustainability

- The properties appear to have no green credentials.
- There are limited public transport links.
- Transport Statement point 10 refers to “The principal bus service” –this is the only bus service apart from a Wednesday.
- There are only 3 people in Aston that use the bus service.
- In theory it could serve a commute but only to a strictly 9.00 – 5.00 job and only in Nantwich. There one person in Aston who finds this bus service acceptable in terms of accessing his employment.
- Public transport services are not available at the junction of Whitchurch Road and Sheppenhall Lane because a bus stopping on the A530 even a safe distance from that junction would inconvenience other users on this busy, winding road causing a tailback. It is not a pick-up point.
- There is no bus stop signage, no bus timetable displayed nor any safe pick up point (i.e. road markings or lay-by)
- To travel by bus to Nantwich or Whitchurch residents must cross over the A530 to Wrenbury Road which is dangerous walk down Wrenbury Road where there is no footway wait in the drive of a bungalow and step out into the road as it is a “hail & ride” service so users need to be seen.
- The additional traffic will increase carbon emissions in the area.
- There are no jobs locally so residents would have to travel to other locations increasing pollution and harming the environment.
- The local shop health centre and school are 2 1/2 miles away at Wrenbury which would mean use of car to get there.
- This is not a development for the 21st Century in terms of building design. It offers no concession to low-carbon, low-energy living. I read nothing of rainwater harvesting, Solar-thermal panels, Photo-voltaic roof tiles, Geo-thermal Energy Bank or reed bed filtration system. The development is inappropriate for this age of global warming, carbon concern and “Peak Oil”.
- 2 cars per family will be needed for everyday life to travel to large towns such as Crewe, Chester, Shrewsbury or Stoke-on-Trent to access employment.

Affordable Housing Issues

1. Out of 43 homes, five are to be affordable. In the current climate, that is very unlikely.
2. They will not be affordable after the first resale as no vendor is going to forego a profit on the housing market simply to make the house affordable for the next buyer. Indeed a low starting price might even attract property speculation. Affordable houses are not needed in Aston where there is no employment and a scant public transport system. They need to be built on brownfield sites with good transport links and a realistic chance of a job.
3. If the Borough Council wants to promote low cost housing, there has been a derelict Brownfield site at Wrenbury Station and also a plot of land on Lodmore Lane owned by the Council.

Impact on the form of the Settlement

- Historically, the centre of Aston, original Aston, is to the north of the A530. It was and remains moderately compact. Original Aston still has some good community-focusing features, including the Bhurtpore pub, the Chapel (and a graveyard). Original Aston has 2 junctions that ease light-traffic access/egress to/from the A530. The A530 in an earlier local authority document was likened to a by-pass, a beneficial feature for Aston at that time.
- Simple reference today to an Ordnance Survey map shows the practical relationship of the original Aston with the A530. Immediately evident to the eye is the present-day, striking anomaly to the south of the Aston cross-roads, the bulging, unbalancing outgrowth of the Sheppenhall Grove development.
- The Sheppenhall Grove development in the 1970's defied good policy and denies commonsense (it is also the subject of a deeper investigation into the background of such seemingly dubious 'planning').
- To the south there is only one junction with the A530 and Sheppenhall Lane and it already adds to the unwarranted confusion of local traffic at the Sheppenhall Lane/A530 cross-roads. It also ruinously divides the north/south community in terms of community coherence.
- Any further development spreading south of the Aston A530 cross-roads could defeat the present by-pass role of the A530 and lead to the need and the expense of a new Aston by-pass!
- Residents object to any further development to the south of the Aston A530 cross-roads and object to citation of Sheppenhall Grove in support of such development.
- Aston Village is split by the A530 and the southern half itself split by the single entry, un-integrated Sheppenhall Grove estate, which despite its maturity has no community spirit and sends no resident to the Parish Council. The proposed development will be of the same nature and as the product of a seriously resented imposition its residents even more at a social disadvantage.

Highway Issues

Sheppenhall Lane

- It is impossible to see oncoming traffic when turning right out of Sheppenhall Grove and now that the tractors are even larger it has become more dangerous.
- This development would be within the narrowest length of the whole lane.

- Mothers have difficulty keeping children safe.
- Sheppenhall Lane already experiences high volumes of HGV traffic from the Aston Mill, and also from Graham Heath Construction Ltd and lorries are getting bigger all the time.
- These HGV's also cause dangerous occurrences on the right angle corners through the village every day.
- These huge trucks and tractors have difficulty passing cars and it is dangerous for cyclists and pedestrians.
- At peak times the frequency of these vehicles between Aston Mill and Salesbrook Farm is almost industrial in volume.
- Traffic on Sheppenhall Lane was the subject of a heated Parish Council Meeting early this year and has yet to be resolved.
- The road needs repairs.
- Sheppenhall Lane is also congested with farm vehicles and is struggling to cope
- Most vehicles proceeding down Sheppenhall Lane have to stop and pull in when they pass opposite the bungalow known as Middlefield as it is impossible for two vehicles to pass making it impossible for pedestrians to walk with safety.
- Sheppenhall Lane has a dangerous bend where the estate is planned. This would be too dangerous for the proposed traffic.
- There is no continuous footpath along Sheppenhall Lane and no footpaths at all past Sheppenhall Grove.
- There is a national speed limit on Sheppenhall Lane which would make it too dangerous to have an estate there. (Fast cars driving past the proposed entrance, on a blind bend).
- There is particular concern for the safety of mothers with pushchairs, children, elderly people, horse riders and cyclists.
- It will not be safe to walk to the cricket ground.
- It has become increasingly dangerous pulling out onto Sheppenhall Lane from Sheppenhall Grove and residential drives.
- HGV's from building traffic would also make matters worse.
- Homes in Sheppenhall Lane are built on sand which transmits vibrations and houses shake whenever the 44 tonne trucks pass by. The lane was not constructed with its current level and type of traffic never mind adding a further 43 homes worth of traffic to it.
- Based on vehicle use in the adjacent Sheppenhall Grove, another 120 vehicles would be added onto the lane.
- Pedestrians between the proposed development and the crossroads must in practice use one side of the Lane only to allow intervisibility.
- Towards the crossroads pedestrians must deal with oncoming traffic, intermittent footway, narrow private verge of varying materials at house fronts and driveways and puddles and potholes at the lane edge. It is not for shopping trolleys or children's buggies.
- Walking towards the site there a bend in the lane on the right hand side means loss of intervisibility. This coincides with a higher, narrower grass verge so pedestrians cannot readily step into safety when a large tractor is coming. If two large vehicles meet the verge is mounted.
- The lane regularly floods opposite the proposed access points (there are no rainwater gullies / grids) and in the winter black ice forms.
- The lane is rarely gritted or salted in bad weather.

A530

- A530 has the worst accident rate in Cheshire. There is no speed limit.

- It has transport department notices telling users of 7 casualties in 3 years, and 35 accidents in 3 years.
- There are many holdups caused by large HGV's milk tankers, tractors etc, cars, horses, pedestrians on the bad bend at the other end of the village.
- There are no services on the side of the A530 which will mean that more people will need to cross the road to go to the Doctors, School, Railway station that are all in Wrenbury.
- The main road is designated as a red route.
- This is the road that the locals have to use to get either to work or school each day.
- The A530, into either Nantwich or Whitchurch is so busy with many accidents each year.
- The new estate would increase the risk and further serious accidents would be inevitable. There would also be further deaths. It is a winding, unregulated road.
- The Parish Council has been trying to get a speed limit on the A530 for at least 25 years. There have not been enough accidents at the Crossroads to date and those that have taken place have not been serious enough to warrant a speed limit.
- More fatalities must occur before a speed limit can be imposed, which may well come about should the development go ahead.
- The A530 at the Nantwich end goes into a single carriage way controlled by traffic lights. The other exit road via Audlem by the Church is of a similar standard.

Sheppenhall Lane / A530 junction

- The Sheppenhall Lane / A530 junction is already a notorious accident spot has no visibility whatsoever and is recognised as one of the most dangerous in the county. The junction is located on a blind corner onto a 60 MPH limit.
- An extra 100 + cars at 8.30 - 9.00 (the school run) would cause a serious problem at this junction.
- There are no plans for road improvements on the A530 / Sheppenhall Lane junctions e.g. traffic lights.
- This cross roads has seen a number of collisions over the years with the speed and increase of traffic.
- This junction is constantly having accidents occurring.

Proposed Access

- Full and safe visibility would be difficult when exiting the site especially if the hedgerows are to be maintained as in the proposal (and to disturb the hedgerows would have detrimental effects on the fauna / flora.
- Larger vehicles (e.g. to supply the LPG tank or refuse vehicles) would have difficulty turning to and out of the development because the lane is so narrow.

Traffic Generation

- It is ridiculous to suggest that 43 homes will generate only 17 traffic movements in peak hours for commuters.
- The transport statement says that traffic will only turn left out of the development towards the A530. This is an assumption without evidence. Local people know that Sheppenhall/Rookery Lane is a valuable short-cut between the A530 and the A525 towards Audlem and Woore. Therefore, some traffic will turn right towards Audlem and Market Drayton. This road is totally unsuitable for increased traffic especially as it is on the Cheshire Cycle Way.

- The vast majority of the 43 homes are family homes, and would at least have 2 cars per household and possibly more.
- Aston is a rural village with winding narrow lanes that is already having to cope with an increased level of traffic that is having a detrimental effect on people's homes and quality of life.
- Road transportation makes an important contribution to the national economy. Many thousands of commercial and other vehicles safely (on balance) use the important A530/A525 trunk roads and their links beyond Whitchurch and Nantwich. The application would lead to restriction to the present-day free-flow of such traffic.
- The route to Wrenbury from Aston has its own perils, in particular the sharp left-hand bend a short distance beyond The Bhurtpore.
- Wildlife including endangered species and domestic pets will be put at risk by increase in vehicles.

Other Matters

- There are salt mining flashes nearby, contrary to the application details on local water. This also makes it unsuitable for building on.
- Yew Tree House is a Grade 2 listed building which already suffers from damage caused by traffic. Restrictions on this type of property means residents cannot protect it from the noise and vibrations from the road.
- No provision for children to play which will cause them to venture into fields and private land with the potential for injury.
- Many of the comments of support are general ones to help the Restoration many seeming unaware that the actual development is not at Combermere - possibly because most of these comments come from other parts of the country.
- It is important that councillors unfamiliar with the area are not misled by the "Abbey" designation. This does NOT indicate a onetime consecrated building for monastic worship. English Heritage terms the site "a landscape park associated with a country house", the said house "rebuilt by Richard Cotton in 1563". It is now the Becketts' private home.
- There has not been any Abbey at Combermere in living memory. It is not even known where the abbey stood and it is very misleading to ask for help to restore the abbey when in fact it is a Grade I listed privately owned house neglected by the Callender Becket family for the past 50 years.
- Are people whose houses will be severely devalued by this scheme going to receive compensation?
- Mrs Callender Beckett in an article in the Whitchurch Herald said that Combermere Abbey is a working dairy and arable farm. This is untrue, they have not milked cows at Combermere for some years now and the land is rented out to other farmers.
- All the applicant's friends have written in support of this development yet they live nowhere near it. (London and Scotland in some cases). If it was near their property they would be the first to be up in arms about it. Their comments should not even be considered. They have no idea the impact that this would have on the rural village of Aston.
- There are comments of support for this application but they are merely that, comments. They show no justification for the development of the site in Sheppenhall Lane, simply that the north wing of the 'Abbey' should be restored. Protecting our heritage and restoring Grade I listed buildings, is something that as a society we should support, but not at the expense of our countryside or rural communities. Supporting the restoration of a grade 1 listed building is not the same as supporting a development of 43 new houses on greenbelt land!

- This is neither good P.R. for Mrs Callander-Beckett, for English Heritage or for Cheshire East.
- The Parish Council have raised strong objections to this development.
- Should the application be successful, and should the funds from, the enabled planning be released to Mrs Callander-Beckett, what is to stop her selling her home in 5 years time and profiting from doing so?
- Would a development of 100 houses be allowed in Richmond Park to allow a wing of Buckingham Palace to be restored?
- The Abbey's own website has a page about the parlous state of the North Wing, with the comment that they have submitted plans for a housing development which "...involves the building of a number of homes to the north of the Abbey." This implies that the current proposal lodged with the council aims to see new houses (no mention of how many) built within the grounds of the estate, not several miles down the road from the property, on the doorsteps of others and well away from the Abbey's idyllic and tranquil setting, something which the owners make great play of in their marketing.
- The proposed structural work at the Abbey is nothing more than an attempt by the developer to purchase planning permission and to by-pass existing policies and established procedures.
- The notification on the Abbey website states that it needs £2million whereas the proposed plan will only generate £1.6million. The Council is requested to explore the finances of the proposed plan fully.
- Enquiries should be made to establish the truth in a local rumour that Mrs Callender-Beckett was offered restoration of the Abbey by English Heritage or the National trust but refused assistance on the grounds that she would have to allow public access to the Abbey itself.
- Further to all of the above English Heritage has a duty to conserve and protect the Green Belt just as much if not more than its duty to preserve places of significance.
- Mrs Callandar Beckett states in her letter to Aston residents that "English Heritage is fully backing this application". However residents have not seen any written confirmation from English Heritage that this is indeed the case, or any communication from them regarding justification for the merits of the proposal or why in their view the merits of the proposal exceed the considerable disbenefits to the local community. If Cheshire East Council is giving so much credence to English Heritage "Enabling Scheme" criteria why are there no statements as referred to above?
- At an open Parish Council Meeting in September there were approximately 100 local residents objecting to the scheme.

Support

25 letters of support have been received reiterating the following points:

Benefits of Housing

- The housing development would be good for the local community on its own merits.
- It seems like a wonderful opportunity to enhance the neighbourhood.
- Aston requires inward investment to improve the value and vibrancy of the area. The value of this should be reflected in property prices and improvement to infrastructure.
- This is an ideal site for property as it has good access to a pub, church, and buses and ideal for some low cost houses.
- The UK needs new housing stock.

- The struggle to get the application through to protect the fate of Combermere Wing is amazing.
- There is no impact on other neighbours. The only problem will be if we lose the heritage.
- The plans look good and very reasonable.

Benefits to Combermere Abbey

- The Scheme would fund the restoration of the north wing of Combermere Abbey.
- The profit which would go towards an independently administered fund, secured by trustees for the development of the Abbey.
- At a time of economic cutbacks finances have to be prioritised, but it is hoped that this project will be supported.
- The proposal is fully supported by English Heritage.
- Historic houses once renovated can these days be relatively simply maintained, owing to advances in building techniques and new technology in general. Combermere Abbey is enormously important to our architectural heritage and it is a great shame that the owners have been unable to address its condition before now.
- Many public events are held at the Abbey to support general conservation of this place, but clearly much more work and many more funds will be needed to complete the work.

Historical Significance of the Abbey

- Combermere Abbey is Grade I listed and on the at risk register.
- It is of local, national and regional significance.
- It is one of the historic and architectural jewels in Cheshire's crown.
- The Abbey dates from 1133 and it is set in the context of a small rural estate which itself has great significance.
- It is one of the most beautiful buildings of its type in Cheshire in a stunning and unique setting.
- The north wing has been in a dire condition now for many years.
- Loss of any part of the Abbey would be a national travesty.
- Such a beautiful and historically important site is too precious to be allowed to become neglected.
- It is imperative that the work on the North Wing goes ahead for the conservation of the Abbey, and restoration is in the interest of Cheshire as a whole.
- The more one learns about the Abbey, the more one realises how special it is.
- The North Wing of Combermere Abbey has a history of almost 1000 years and is of interest to the local, regional and national arena, as this Grade 1 historical building played a large part in the social history of these borderlands.
- Even in the 1970's and 80's the North Wing was desperately in need of repair and looked as if it could collapse any day. The present owners have spent the last 20 years working incredibly hard to maintain and improve Combermere and they deserve all the support they can get.
- We must not let Britain's history crumble.
- This is such a beautiful building that it needs to be restored for future generations and for the nation to enjoy.
- It is plainly evident that the current owners have every wish to nurture and carry forward this history for generations to come, in all that they have achieved at the Abbey so far.

- There are very few examples left of the neogothic architecture of the early 19th century, such as Strawberry Hill, that Combermere Abbey must be rebuilt as it was then. Strawberry Hill has just been completely renovated for the same reasons.
- This building is intrinsically woven into not just Shropshire's history but that of Britain. Every hook, nook and cranny of this property is able to tell layer upon layer accounts of historical importance.
- It is disappointing that planning has been turned down in the past, and the building deserves to be preserved in its entirety.
- The saving of this historic building is long overdue.
- It is important to continue to remove buildings, especially those Listed Grade 1, from the Buildings at Risk Register.
- Combermere Abbey is one of the few Grade 1 list sites in the south of Cheshire and its restoration will be a benefit to the local economy as a local tourist attraction. There are very few houses of this period and with this type of history in Cheshire.
- Combermere Abbey is a very special country house in a stunning situation with historic 18th century Gothic features.
- It would be a great loss to our National Heritage if the North Wing was to be lost through lack of restoration and maintenance.
- The cost of this work is understandably beyond the means of the Applicants and an Enabling Scheme seems the only logical way forward.
- The present (amended) proposal is proportionate and realistic, bringing benefits for the local community as well as enabling the necessary works to the Abbey to proceed.
- Time is of the essence as the North Wing is now in a serious state of decay.
- Combermere Abbey - a jewel in Cheshire - at risk and it would be a travesty to allow any part to collapse.
- The owners absolutely should, be allowed, encouraged and supported to restore the North Wing.
- It is important to preserve heritage for future generations, particularly in this area and as part of such a beautiful site which is available for so many of the public to enjoy.
- It would be wonderful to see it fully restored and repaired after so many years being covered in scaffolding. The north wing is clearly in a poor state and it will only get worse unless this application is approved which will release the funds to do the work that is so urgently required.
- There is no doubt that Mr and Mrs Beckett will only enhance, improve and restore the North Wing to the best of their capabilities to ensure this Grade 1 part of the house will continue to survive for subsequent generations to enjoy.
- The current owners are to be congratulated for being prepared to undertake such an ambitious and expensive project as responsible guardians of such an important part of our national heritage.
- It is incumbent on the Local Authority to act equally responsibly and do everything within its power to encourage such initiatives by granting permission for the sensitive works proposed.
- A sensible planning permission should be granted to protect a Grade 1 building.

Value of the Estate to the Local Community

- Combermere has played a responsible part in the stewardship of this part of Cheshire for many years and the current application will ensure that not only is one of South Cheshire's most important historic buildings gets restored but also that it continues to play a beneficial part in the local community.

- The current owners have brought the estate to life and deserve support.
- In the last 10 years the estate has seen a surge in activity and has been an asset to the local community both in terms of employment direct and indirect.
- People appreciate the efforts the current owners have been making to restore such an impressive building to its former glory.
- Combermere Abbey is a great local asset with its brilliant holiday accommodation; local coarse fishing and other supporting amenities open to the public, its year round events and wonderful wedding facility.
- The Combermere Estate has been developing a business over the years that has not only created employment but supported local businesses and towns.
- We must keep these "old landed estates" intact for the benefit of future generations.
- The owners are committed to appropriate conservation and restoration of this Abbey and deserve the support of their scheme to save it.
- Members of the public have such frequent access there through a variety of events, it would be totally appropriate to support this application.
- Local groups have been holding charity events at Combermere Abbey over the past few years. Last year they held a Xmas event inside the Abbey which saw a huge number of local people attend just to have a chance of seeing the great rooms inside.
- With the work that desperately needs to be done on the building they can no longer have local people inside and are now not holding a charity fair there this year. This is a great sadness and a loss to a local charity.
- Combermere is run by a family and a business team that are clearly passionate about its heritage and restoration.
- The estate and house are a place of great tranquillity and history. They must be seen to be believed. The restoration of the North Wing will only add to this and will make the location even more of a visitor attraction than it already is, contributing to the economy of the region.
- Mrs Callander-Beckett is not responsible for "the sins of the fathers" which left her to deal with a long-neglected, crumbling country house. She has barely been in charge for 20 years. And she is to be admired for the way in which she has created a business which has breathed restorative life back into a truly lovely estate.

7. APPLICANT'S SUPPORTING INFORMATION:

- Tree Survey Report
- Transport Statement
- Ground Investigation
- Habitat Survey
- Bat Survey
- Newt Survey
- Justification Statement
- Methodology
- Development Appraisal
- Design and Access Statement
- Planning Statement
- Flood Risk Assessment

8. OFFICER APPRAISAL

Principle of Development.

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where there is normally strictly control over new development. However, exceptions can be made to the general policy of restraint for “enabling development”.

The Concept of Enabling Development.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case the 43 new dwellings that are proposed are contrary to planning policies because they would constitute development within the Open Countryside, where there is a general presumption against new residential development. Accordingly, the application has been advertised as a departure. The case for enabling development is that the funds that would be generated by the development of these 43 units would enable the Abbey to be restored in the most appropriate manner.

English Heritage’s 2008 publication *Enabling Development and the Conservation of Significant Places* provides guidance on the issues that should be considered in reaching planning decisions on schemes where such development is proposed. Although this guidance is not statutory it has been widely used in planning decisions on cases of this type, including those that have been determined by the Secretary of State following a public inquiry.

On 27 March 2012 the Government Published its new National Planning Policy Framework, which supercedes the previous national planning guidance including PPS5 (Planning Policy Statement 5: Planning for the Historic Environment). It should be noted, however, that the English Heritage Guidance has not been superceded by the NPPF. Furthermore, the general principles of the Guidance are supported by the policies within the Framework, which state that:

“To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as” (inter alia) “where such development would represent the optimal viable use of an heritage asset or would be appropriate enabling development to secure the future of heritage assets”

The NPPF goes on to say at paragraph 140:

“Local planning authorities should assess whether the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, outweigh the disbenefits of departing from those policies.”

In determining this application, 3 issues must be addressed. The first question is whether or not the Abbey, as a heritage asset, is sufficiently significant as a heritage asset, to warrant consideration of enabling development. The second question is, whether the enabling development is necessary to secure the restoration of the Abbey having regard to its structural condition and the availability of alternative means of securing the necessary funding. Thirdly a judgement must be made as to whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan, having regard, not only to the heritage considerations, but also to all relevant planning considerations such as the character and appearance of the open countryside, highway safety, drainage and ecology.

Significance of Combermere Abbey as a Heritage Asset

According to English Heritage, Combermere Abbey is a complex building of many historical layers. A Cistercian abbey was founded in 1133. It was granted at the dissolution of the monasteries to Sir George Cotton, who demolished the abbey church and converted the early 16th century Abbot's Lodgings to his primary residence. New half timbered wings were added in the mid 16th century, and further remodelling for the Cotton family was done in the 17th, 18th, and 19th centuries.

From 1799 to 1865 it was the seat of Sir Robert Stapleton Cotton, later Viscount Combermere, who served with distinction under Wellington in the Peninsula War, became Field Marshall and was Commander in Chief in the East Indies. In 1919, the estate was purchased by Sir Kenneth Crossley, in whose family it remains today.

The first floor hall that forms the library is part of the Abbot's dwelling dating from 1502 and has one of the finest late medieval open hall roofs in the country that is concealed by the ceiling inserted in 1539. An outstanding screen from 1580 reflects early renaissance work and contains contemporary portraits of two members of the Cotton family. The chimney breast and ornamental plasterwork date from 1563 and incorporate heraldry and portraiture. While it is this sole surviving element of the abbey that forms the heart of the house, the later extensions were architecturally ambitious. A large oil painting from the 1720s and a print by the Buck brothers from the same period show the survival of medieval masonry at that time, including the traces of a cloister. The origins of the ambitious designed landscape spreading into the park can also be seen in the oil painting. Paintings in the library, together with a range of fixtures and fittings, also illustrate some of the main phases in the historical development of the abbey and its landscape.

There are a number of phases of gothicisation, with interior treatment from 1795-7 and the addition of cladding and battlemented parapets and finials to the exterior in the 1820s. Further waves of gothic ornament unified the various elements of the abbey, including the late 18th century service wing. The stable blocks were built in 1837 to the design of Edward Blore.

The North Wing was built in the 17th century and remodelled in 1820 in advance of a visit by the Duke of Wellington. It is a significant part of the development of Combermere and is a prominent element in providing balance to both the principal elevations of the house

The parkland, which was redesigned and enlarged in 1830 by John Webb includes a mere, (said to be the largest stretch of open water of any park in England), lodges, an early 19th century walled kitchen garden, and the obelisk commemorating the death of the first Lord Combermere.

The present owner's family have occupied the house since 1919. They acquired from the Cotton family two important pictures - the 1720s oil painting of the abbey and a large painting of Lord Combermere's triumph at Bhurtpore in 1825, together with other paintings in the library and a chest, that come from the original Cotton inventory. There are also some fine individual items of furniture that have been in the house for over 50 years, including a Jacobean refectory table and good quality Regency Gothic furniture.

More recently the present owners have added to this collection.

The Abbey and service wing are listed in grade I, the game larder is grade II*, the stable block and other estate buildings are grade II, and the park is registered in grade II. Taken as a whole, the buildings and park display a very high level of heritage value and significance.

The estate currently comprises 540 acres of farmland and 280 acres of woodland: The mere is a sheet of water that covers an area of 160 acres.

The Necessity of the Enabling Development.

The Abbey was included in the first English Heritage register of buildings at risk in 1998. The North Wing is in category A, the highest priority for remedial action. It is in exceptionally poor condition and survives largely by merit of the scaffold and temporary covering introduced by the present owner. Its physical attachment to the earlier part of the abbey also poses a risk to this main part of the house as a result of the structural connections between the two.

The current owner has worked exceptionally hard to reduce the level of risk to heritage assets on the estate and has developed businesses that help to sustain these assets.

This programme of repairs and improvements has removed the Game Larder from the at risk register, brought the stable complex into good repair and economically beneficial use as holiday accommodation, and conserved the roof and external wall of the west wing and library, as well as providing the temporary support and cover for the North Wing. The farming business has been significantly improved, and weddings and corporate events contribute revenue to the maintenance of the estate. In 1993 English Heritage offered £209,947 in grant aid to assist the owners with repairs and conservation work to the abbey and in 2000 a further grant of £157,528 was offered. This is focussed on repairs to the library. However there is a limit to how much funding English Heritage is able to contribute to the deficit between the cost of repair to Combermere Abbey and its value when restored to good condition. In cases such as this, English Heritage are able to contribute a proportion of the costs only, rather than the full amount.

Notwithstanding the excellent progress that has been made by the owner in bringing the historic assets at Combermere into good repair and sustainable use, the North Wing in particular remains at very high risk. A sum of £2m is needed to bring the structure into good repair and use.

In 2005, enabling development proposals put forward by the owner were considered at a Local Public Inquiry. These proposals were refused planning permission by the then Secretary of State in a decision letter dated 28 November 2005. Since then the owner has explored other ways of securing the investment needed to save the North Wing and has concluded that this cannot be achieved without enabling development. With the encouragement of the then Crewe and Nantwich Borough Council, the owner therefore undertook work to determine whether it was possible to devise

a scheme that addressed the reasons for refusal set out in the decision letter and accompanying Inspector's report.

Assessment of Benefits / Disbenefits

According to the NPPF, Local Planning Authorities should assess whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan (having regard to the requirements of section 38(6) of the Planning and Compulsory Purchase Act taking into account whether:

- it will materially harm the significance of the heritage asset or its setting
- it will avoid detrimental fragmentation of management of the heritage asset
- it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation
- it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
- there is a source of funding that might support the heritage asset without the need for enabling development
- the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

In the case of Combermere; the matters arising from the Inspector's report and Secretary of State's decision of 28 November 2005 also need to be taken into account. In order to address the above questions and to establish the benefits and disbenefits of the scheme in conservation terms, the advice of English Heritage has been sought. This forms the basis of the assessment below.

Will it materially harm the significance of the heritage asset or its setting?

The location of the proposed development, somewhat removed from the Combermere estate, avoids completely any harm to the heritage values of the historic buildings and designed landscape of Combermere.

The land at Sheppenhall Lane was selected by the applicant in response to the conclusions drawn by the Planning Inspector in his 2005 report (paragraph 89) that the proposed development's "entry arrangements would materially detract from the historic and landscape interest of the asset and would materially harm its setting". Bearing in mind that this location is the least sensitive in relation to the Grade II registered landscape and highly graded listed buildings, it is difficult to see how new development could be achieved at Combermere that did not damage the historic landscape. It is this that provides the justification for the "off site" location of the proposed development.

The location of the proposed development on land next to an existing settlement reduces the scale of what is needed in terms of infrastructure for housing and community facilities compared to an entirely new settlement in open countryside. This reduces the amount of development necessary to secure the future of Combermere Abbey, from what was previously proposed. The development at Sheppenhall Lane will not have a harmful effect on heritage assets, as there are no designated assets and no sites recorded in the Historic Environment Record in the immediate locality.

Will it secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation?

The owner has, over a long period, demonstrated that any building or structure on the estate, once put into good order, has been used successfully in ways that respect distinctive historic character and keep the building in continued good repair. There is every reason to believe that a fine historic structure, such as the North Wing will, once the capital costs of repair have been met, have a sustainable long term future.

The owner has a simple succession plan under the terms of which the Estate is held in trust for her son, who will inherit the abbey and estate on her death or retirement; the family commitment to Combermere should therefore remain.

Should this not be the case, the repair of the North Wing would allow the property to be sold as a going concern. The risk to the principal buildings of Combermere Abbey will therefore be removed in the long term, albeit harm would be caused to the historic entity, were some of the contents that are not fixtures or fittings and therefore not subject to listed building consent to be removed from the house following a sale.

Will it avoid detrimental fragmentation of management of the heritage asset?

The enabling development is critical to avoiding the fragmentation of the historic entity. If it does not go ahead it is very hard to see how the North Wing will be saved, and its loss could have implications for the main part of the house and the monastic fabric that it incorporates. One way of avoiding this loss would be if a new owner could be found who would be prepared to repair the building from his or her own resources. However if this happened there is a real risk, as noted above, that the essential components of the historic entity, for example the paintings and prints and landholdings that are an integral component of the Estate would be sold. The owner and her family have demonstrated that they are committed to the long term future of the estate as a whole: this commitment could be further secured through the use of a Section 106 agreement.

Is it necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid?

Central to the consideration of this issue is whether or not the Combermere estate is an historic entity in the terms set out in English Heritage's 2008 guidance. The reason why this is relevant is that an historic entity is likely to be harmed by sale and disposal.

The requirement to advertise the property on the open market, to establish if there is a more appropriate owner, should not be applied in such cases. The best interests of sustaining an historic entity as a whole are best served by retaining the existing ownership.

English Heritage have therefore used the tests set out in their guidance at paragraphs 4.9.6 to 4.9.12 inclusive to determine whether or not the Combermere Estate should be regarded as an historic entity. They have also taken account of the views of the Inquiry Inspector, as endorsed by the Secretary of State, in 2005, who did not consider the estate to be an historic entity, noting that their conclusions were reached prior to the detailed consideration given to this matter in the 2008 guidance.

Paragraph 4.9.6 requires the ensemble to be of outstanding importance in a national context and goes on to say "either the house or its historic landscape (often but not necessarily both) are

included in the statutory list or landscape register at Grade I or II*, and the collection must make a significant contribution to the significance of the entity” In addition 4.9.7 requires that “contents or other artefacts...are historically associated with the building or landscape, such that the significance of the whole is greater than the sum of the parts.” As noted above, the Abbey and service wing is listed in grade I, the game larder is grade II*, the stable block and other estate buildings are grade II and the park is registered in grade II. The large oil painting of the 1720s that shows the abbey as it was then in its landscape setting, as does the Buck brothers’ print and the pictures in the library. All cast significant light on the historic development of the abbey and its landscape. The painting of Lord Combermere’s triumph at Bhurtpore in 1825, and numerous fine items of furniture that have been in the house over 50 years all contribute to an understanding of the history of the abbey and the Cotton family. English Heritage believe that the tests in 4.9.6 and 4.9.7 are met on this basis.

Paragraph 4.9.8 refers to the need to have adequate succession planning in place in order to minimise the possibility of the ensemble subsequently being broken up and the value of the enabling development realised as a private gain. As noted above, the Estate is held in trust for the son of the current owner. He will inherit the Estate on the death or retirement of the current owner. There is every reason to suppose that the strenuous efforts that have been made over the last twenty years to retain the Estate as an historic entity and to bring all the historic assets into good repair will best be continued by a member of the family.

English Heritage suggest that the extent to which a Section 106 agreement could be used to secure the continuation of integrated management should be considered and will be happy to advise further on this point in terms of the detailed drafting of the agreement.

Many of the necessary provisions for public access required by 4.9.9 are already in place, but we advise that assurance on public access should also be secured in a Section 106 agreement. Care will however be needed to ensure that the level of access is compatible with the business operations of the estate that are essential to its future wellbeing.

Paragraph 4.9.10 seeks to ensure that the estate, once subsidised, will be sustainable in revenue terms. In this particular case, it is reasonable to assume that that once the North Wing has been repaired and refurbished it will become a sustainable part of the estate as a whole and that there will be sufficient income to sustain it as part of a going concern. The current owner has a proven track record of making capital investment, for example in the stable block, pay in revenue terms and become self sustaining.

Paragraph 4.9.11 deals with the matter of whether enabling development can be legitimately used to provide a maintenance fund or endowment for subsequent maintenance of the property. The advice is that any such fund should not extend beyond exceptional costs related to the significance of the property. In this case, there is no intention to establish such a fund, so this particular test is satisfied.

Paragraph 4.9.12 requires consideration of whether any estate assets could be realised without harm to its significance or long term viability. The potential to find sites for enabling development within or close to the estate has already been dealt with above, and is not considered to be achievable. The sale of large areas of agricultural land that would be needed to generate sufficient resources without development would be likely to result in the fragmentation of the estate and pose a risk to its long term sustainability. Likewise, the sale of works of art or furniture would be harmful to the integrity of the historic entity.

In summary, it is considered that Combermere is an historic entity in the terms of our 2008 guidance. On this basis, it is clear that it is the needs of this entity, rather than the owner, that is driving the enabling development proposal

Is there a source of funding that might support the heritage asset without the need for enabling development?

English Heritage are satisfied that there are no other sources of funding that have not already been explored by the owner. The owner has raised money from charitable foundations, from English Heritage grants and from the businesses that she has established on the estate. These remain inadequate to tackle the problem of the North Wing.

English Heritage and Cheshire East Council, have jointly commissioned an independent financial appraisal of the proposed development off Sheppenhall Lane. The consultants report states that they have spoken with the Estate Administrator regarding current income generating activities and having undertaken an inspection of the Abbey we have considered a number of further potential revenue streams. However, these activities are unlikely to generate the capital needed to secure the future of the heritage asset, certainly not in the short term. The sale of part of the estate for agricultural use may generate a significant capital sum, as there is evidence of farm land in the area selling for in excess of £10,000 per acre. However, having regard to the need to maintain the estate as a single historic entity, as referred to above, English Heritage would object to the piecemeal sale of areas of land in order to fund the necessary works. Consequently, this is not considered to be a suitable option.

Is the level of development the minimum necessary to secure the future conservation of the heritage asset and of a design that minimizes harm to other public interests?

The most recent estimate of the repair liability for the historic assets across the Combermere Estate is £4.1m. The uplift in value from putting these assets into good repair is estimated at £1.9m, leaving a shortfall (known as a conservation deficit) of £2.2m. Within this it is the repair of the North Wing that is the most significant cost factor. As part of the application, the owner's conservation accredited architect has provided a schedule of the repairs needed to bring the North Wing back into good condition and use. The English Heritage Historic Buildings Architect has assessed this schedule and believes that it sets out clearly what is needed to achieve this objective. The costs of the work, estimated at £1,98m, have been assessed by our Quantity Surveyor who believes that these costs are in line with current market rates.

The independent consultants report showed that the scale of development is the minimum necessary to raise the £2m necessary to repair the North Wing and to reduce the overall conservation deficit on the Estate of £2.2m to a manageable amount. The report concludes:

“We are of the opinion that the calculations regarding the amount of development necessary to meet the conservation deficit are realistic. We have spoken with the quantity surveyor who prepared the appraisal and referred to BCIS by way of cross check and are of the opinion that the adopted costs appear reasonable. There is a small variance in end values with a differential of 1.4% overall on the projected GDV.”

A profit level of 22% to include the developers cost of finance does not appear unreasonable. The inherent risk in our opinion is quantifying the level of demand for 43 units in a small village location.

We are of the opinion that the amount of enabling development is the minimum necessary to secure the funding needed to secure the future of the heritage asset.

Compiling a development appraisal with our own assumptions and projected GDV actually produced a shortfall in the level of funding necessary which is largely attributable to the finance rate adopted which is in the order of 6%. We stress the sensitivity of a development appraisal approach and minor variations in costs and end values can have a significant impact on the resultant residual value.”

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.

In response 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.

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.

In response to other points raised by the independent consultant, it is acknowledged that, although allowance has been made for inflation in the development appraisal, tender prices can vary widely and therefore the development costs and costs to repair the north wing are subject to change. However, all development appraisals are like any other forecast and unforeseen changes in the circumstances can affect their accuracy. However, this does not mean that they are not a useful tool and should not be used or given weight in the determination of a planning application.

In summary, the independent consultant and English Heritage are both satisfied that the amount of enabling development proposed is indeed the minimum necessary to secure the future of the Combermere Abbey.

However, to ensure that the resources derived from the enabling development are used to repair the North Wing of Combermere Abbey and to bring it back into sustainable and financially viable new use, a Section 106 agreement should be reached between the Council and the parties concerned.

Alternative sites

The search for alternative sites for the proposed enabling development has been an on-going process since the previous Appeal was dismissed in 2005.

The previous Inspector and English Heritage both made it clear that a site within the Historic Park and Garden would be unacceptable on the grounds of:

- sustainability,
- visual impact on the character and appearance of the open countryside
- the effect on the setting of the Abbey and the integrity of its historic parkland.

The Inspector therefore directed the applicants towards sites on the edge of existing settlements.

Following the earlier planning application and appeal the owners of Combermere Abbey were invited by the then Crewe and Nantwich Borough Council to discuss how a more acceptable enabling scheme could be put together in order to save this important heritage asset. It having been established by the Council, English Heritage and the planning inspector that there was nowhere within the Combermere Estate where a development could be satisfactorily located the search for a suitable site was directed towards neighbouring settlements with existing infrastructure and where visual impact would be minimised.

As part of the initial site search the developer contacted all of the estate and land agents operating in the Crewe and Nantwich area. This exercise resulted in a few meetings with agents who were asked to identify potential sites but in all cases negotiations failed to progress. This was due to a number of reasons, primarily either the location of land being in open countryside or the requirement of landowners for development 'claw back' provisions in the event that planning consent could be achieved. The developer also placed an advertisement in Cheshire Life magazine inviting landowners who felt they had unallocated sites with potential to respond. This resulted in one site near Wilmslow coming forward which was considered too distant to the heritage asset.

During this period the developer was in contact with the local firm of surveyors who had represented the Council at the earlier planning appeal. As part of their work on the appeal they had identified two sites which were considered to have potential for enabling development. One of these was under option to a housebuilder and could not be acquired at less than development value and the other was Sheppenhall Lane, Aston. Discussions took place with the owner of the Aston land over a period of time regarding the possible acquisition. Whilst these negotiations proceeded the ongoing search also identified a number of other sites.

Therefore, in 2008, a number of sites including the application site and one much further south along Sheppenhall Lane were put forward by the applicant to the planning department of the former Crewe and Nantwich Borough Council. Planning Officers visited all of the sites concerned. However, of those identified, only the Aston site fulfilled the requirement of being located on the edge of an existing settlement.

Subsequently further sites were examined at Hollyhurst Wood, to the west of the Combermere Estate and Heatley Lane, Broomhall. Planning Officers visited both of the sites in question and their principle concern with both of them was their lack of sustainability in terms of proximity to shops and services. Both sites are over 2 miles from the nearest settlement, along very narrow unlit country lanes with no footpaths. This would discourage walking and cycling and would add to car use and traffic volume on rural roads. Neither site appears to be served by buses or rail. It was also noted that the Heatley Lane site contains a pond and is very marshy. Consequently, it may provide a habitat for Great Crested Newts.

Officers also expressed concerns about the visual impact of the proposals. This would have been dependent to some extent on the number of dwellings proposed. However, given the lack of services in both locations, the number of dwellings is likely to have been greater than that proposed at Aston in order to cover additional infrastructure costs. Whilst both sites are adjacent to farmsteads, neither could be described as "edge of settlement" and consequently a development of the size and nature which was previously proposed would undoubtedly appear as a very isolated, prominent and an alien feature in this locality.

Consequently Planning Officers re-iterated their previous advice and that of the Inspector at the previous appeal and recommended that the developers seek a site on the edge of an established settlement with good access to shops, services and transport links.

The developer has confirmed that the possibility of locating the enabling development at Burleydam has been considered, but dismissed for the following reasons. Unlike Aston, Burleydam is a collection of dwellings rather than a recognised settlement and its infrastructure could not stand the amount of enabling development required. Aston has the benefit of close proximity to Wrenbury and therefore ready access to a range of facilities. In contrast Burleydam is remote from any local facilities other than a church and a public house.

Furthermore, market research indicated that there would be insufficient housing demand in such a location for a development of the size necessary to generate the required level of funding. The effect of this would be that it would be necessary to have more than one enabling development which in turn would mean a far greater number of dwellings being required to cover infrastructure costs.

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.

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 supporting information 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.

In response to concerns expressed by Members when they considered the previous application, the following is also proposed:

- The existing 28 days when the Abbey is open to visitors will be extended by a further 12 days. This will provide 40 days per annum in total
- In addition, there will be 6 open days a year when there will be public access to the gardens.
- Combermere Abbey have also made an offer of 2 days each year to both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.

Following the refusal of the previous application, the following additional benefit is also now put forward:

- A concessionary footpath around the Combermere Estate and associated car park.

Officers consider that these proposals, which will be incorporated into the Section 106 Agreement, will considerably enhance the public benefit of the scheme and will add significantly to the case that the benefits arising from the restoration of the Abbey outweigh the harm to the public interest in terms of loss of open countryside.

Conclusion

From the English Heritage perspective, they are convinced of the outstanding historic and architectural significance of Combermere Abbey and of the need to keep the collection with the estate in order to sustain this significance. This has clear and distinct heritage benefits that will be lost forever were sale of the estate to be forced.

The new enabling development scheme, properly secured through a Section 106 agreement, could:

- keep the collection in place,
- see the repair of the important North Wing
- leave the management of the estate in the hands of the current owner, who has demonstrated herself to be committed to the conservation of the estate and to opening it up to public access in a way that is compatible with the running of the businesses that sustain it.

However, English Heritage have stated that the establishing where the balance of public benefit lies is clearly a matter for Cheshire East in its role as planning authority with an overview of all relevant planning considerations. These are considered in more detail below.

Other Relevant Planning Considerations

Enabling development is, by definition, contrary to Planning Policy, which has been formulated to protect the public interest. Therefore, it is inevitable that some degree of harm will result from the development.

The nature and magnitude of the harm caused must be balanced against the benefit in terms of restoring the listed building. In considering the extent of any harm, regard must be given to the impact on the character and appearance of the surrounding open countryside and landscaping, including the impact on existing trees, hedgerows and ecology. Consideration must also be given to the suitability of the layout and design and the extent to which it will blend in visually with the existing settlement and its open countryside setting. Given that it is located in a rural area, the sustainability or otherwise of the site's location is also relevant. Any potentially adverse impact on neighbour amenity, highway safety, drainage and flooding, or infrastructure provision should also be considered. The contaminated land and noise implications of the development are also important.

However, it is also necessary to consider any other potential benefits arising from the scheme, which are also material considerations. These include affordable housing, as well as the contribution to housing land supply and economic growth. All of these issues are explored in more detail below.

Impact on the Character and Appearance of the Open Countryside

Planning Officers are of the view that it would be impossible to argue that the loss of such a large area of open agricultural land would not have some adverse visual impact on the character and appearance of the locality. This is particularly true when viewed from the existing village fringe and Sheppenhall Lane looking out towards open countryside. Where currently there are views of fields and trees, this would be replaced by views of urban development. However, the area does not benefit from any special landscape designations. It is fairly flat and open farmland. It is therefore not in a visually prominent location. The surrounding land is also generally flat in nature and as a result the site is not especially visible from any surrounding vantage points. Surrounding field boundaries benefit from native hedgerows and hedgerow trees which will soften the visual impact, given the relatively low building heights proposed (up to 2.5 storeys).

When viewed from the open countryside, the development would be seen against the backdrop of the existing settlement.

Furthermore, the public dis-benefit that would result from the loss of open countryside must be weighed against the wider public interest in terms of restoring the listed building and housing delivery as well as economic growth, regeneration and recovery, which are discussed in more detail below. Therefore, on balance, it is considered that the negative visual impacts are acceptable.

Landscape

The proposed development would extend the built area of Aston into open countryside. The development would be visible from Sheppenhall Lane and several properties in the vicinity.

The introduction of buildings to the site would have immediate landscape impact.

The submission includes landscape proposals which would include planting throughout the site, a proposed hedgerow with trees to the southern boundary and infill hedge / replacement tree planting to the Sheppenhall Lane frontage.

It is understood that in early discussion a 5m buffer was recommended for the southern boundary and this would have provided a stronger buffer than the hedgerow with trees proposed. In principle, should the development be deemed acceptable, the landscape proposals for the remainder of the site appear reasonable. Nevertheless, on the southern boundary it may be necessary to amend the landscape plan to make clear that new planting would be on the external boundary. This could be achieved through a landscaping condition.

Forestry

The main features of the site are a number of trees (mainly mature Ash and Oak) situated along the eastern boundary, bordering Sheppenhall Lane, a small number of trees on the western boundary and mature native hedgerows that are of both landscape and wildlife benefit to the west and east.

Several trees on the eastern boundary are subject to TPO protection -The Crewe and Nantwich Borough Council (Sheppenhall Lane, Aston) TPO 1975

The tree survey is dated January 2011 and the survey date cited is January 2010. Given the time which has lapsed and it is considered that an update is required. This could be secured by condition prior to commencement.

The immature tree proposed for removal is a poor specimen and the loss could be mitigated by replacement planting.

The proposals would place areas of hard surfacing within the root protection areas of protected trees. Protection measure and special construction techniques were considered acceptable in principle in relation to the previous submission and whilst further information and an alternative final surface will be required, this could be secured by condition.

Hedgerows

The prominent tall and spreading hedgerow on the western boundary is an important feature of landscape and wildlife value. The applicants' arboricultural consultant has recommended that any development should consider means of maintaining the integrity of the hedgerow, and avoid possible fragmentation. The proposed layout would result in this hedge being the rear garden boundary for properties to the west with fragmented ownership and the likelihood of inconsistency of future management. In its present form, the hedge would extend some distance into the plots, and if retained as existing would reduce the usable area of private amenity space. In addition, the proposed location of soakaways, close to the hedge and trees, would be likely to have a detrimental impact on these features.

However, it is considered that conditions could be imposed requiring the retention of the hedgerow in perpetuity to prevent householders from removing and replacing it with an alternative boundary

treatment and permitted development rights for gates, walls and fences could be removed. The private amenity spaces of the properties concerned are all considerably in excess of the recommended minimum of 65 square metres and therefore the reduction in the usable garden area is not considered to be problematic. Conditions can be imposed requiring details of soakways to be provided to ensure that these are sympathetically sited where they will not adversely affect retained hedges or trees.

Proposed site boundary treatments are not clear on the submitted plans and no design details are provided. This will need clarification. It is considered that it would be essential to ensure that any proposed fences to external site boundaries to the south, west and east were set on the development side of hedgerows/ trees. (If necessary, temporary protective fencing could be erected until proposed new planting was established).

The site layout plan indicates that it would be necessary to remove some of the hedgerow on the Sheppenhall Lane frontage in order to accommodate the access to the proposed development.

Under the Hedgerow Regulations, the lengths of hedgerow proposed for removal must be checked against various archaeological, historic and ecological criteria to ascertain if it qualifies as 'Important'. The site ecological survey identifies that the eastern site boundary hedgerow is species rich and was found to be 'important', as defined by the Hedgerow Regulations 1997.

The main site entrance and visibility splay are positioned in an area partly occupied by an existing gateway and gappy area in the hedgerow. This will reduce the length of hedgerow that needs to be removed. Consequently, the proposed works would result in a relatively small loss of existing hedgerow. The woody species present within the entrance points and visibility splay hedge reduction areas are as follows:

- To the north of the main site entrance point: blackthorn, hawthorn, oak, sycamore, field maple and holly.
- To the south of the main entrance point: hawthorn, elder, hazel, blackthorn, oak, and rose species.

The hedgerow will also need to be crossed to accommodate a foul rising main diversion. However, it is believed that the pipe is of reasonably small diameter and the hedge crossing can be tunnelled under the hedge to reduce disturbance. The crossing point has been chosen to fall within one of the more sparsely vegetated areas of the hedgerow, to minimise disturbance to the root zone of the hedgerow and mature trees.

To mitigate the ecological impact of the proposed development works it is proposed that any gappy areas of the remaining hedgerow within the development area will be planted up with native woody species. These will be chosen to mirror those species already present within the hedgerow. Some additional native, standard trees will also be introduced to the hedgerow, to increase age diversity.

Approximately 150m of new hedgerow will also be created along the southern boundary of the site to create a 'wildlife corridor' between existing hedgerows. This will be planted using the same hedging species that are present within the existing hedgerow, and a similar species mix ratio will be used. A number of native, standard trees will also be included. This should mirror the species rich character of the existing hedgerow and, once established, should provide a valuable wildlife corridor

feature. Measures to further enhance this new hedgerow for wildlife are proposed within the great crested newt mitigation strategy for this development

Whilst the loss of a comparatively small section of existing 'important' hedgerow would be an unavoidable consequence of the proposed development, a significant net gain in species-rich hedgerow would result overall.

The Shared Services Archaeologist has confirmed that the hedgerows have been checked against the Cheshire Historic Environment Record under the following criteria as defined in Schedule 1, Part II of the Hedgerow Regulations and that these hedgerows are not covered under the stated criteria. Consequently, they are not considered to be of archaeological importance. They incorporate no archaeological features included in the schedule of monuments. The hedgerows are not situated wholly or partly within an archaeological site included in the schedule of monuments and are not associated with any such feature.

To turn to historic importance, the County Archivist has confirmed that the hedgerows do not form part of a boundary between two historic parishes or townships. There is no evidence to suggest that they form a boundary of a pre-1600 estate or manor. There is no evidence to suggest that they form an integral part of a field system pre-dating the Inclosure Acts.

Provided that this is not the case, the hedgerows on-site would not be classed as "important" under the 1997 Regulations and the proposed hedgerow removal would be considered to be acceptable. However, a hedgerow protection condition will be necessary to ensure that all hedgerows to be retained as part of the development are protected during the course of construction operations.

To turn to proposed landscaping, the submission includes landscape proposals which would include planting throughout the site, a proposed hedgerow with trees to the southern boundary and infill hedge / replacement tree planting to the Sheppenhall Lane frontage. In principle, this, along with the landscape proposals for the remainder of the site, is considered to be acceptable and can be secured by an appropriate condition.

Proposed site boundary treatments are not clear on the submitted plans and it would be essential to ensure that any proposed fences to external site boundaries to the south, west and east were set on the development side of hedgerows/ trees. However, these details could be secured by condition.

Design

The development has been laid out with a row of large detached dwellings fronting on to Sheppenhall Lane. This continues the existing pattern of ribbon development and creates an active frontage to the lane, which adds visual interest and improves the security of this area. All of the dwellings on the frontage are served via a shared drive from the main site access which minimises the impact on the protected trees and on the site frontage and reduces the need for hedgerow removal. The main gateway to the development is from a T-junction access at the northern end of the Sheppenhall Lane frontage with a main spine road running due west from this junction. The road is lined with detached dwellings to either side, creating a further active frontage. The large dwelling on plot 16 terminates the vista from the site entrance. At this point, the road narrows to form a cul-de-sac to the south side, and courtyard of smaller mews properties to the north side, thus creating two distinct character areas, and a distinct sense of place. Shared surfaces have been utilised in

both these areas in accordance with Manual for Streets best practice, to slow vehicle speeds, reduce the visual impact of highway over-engineering and to give pedestrians natural priority.

Generous rear gardens have been provided to the rear of all the properties which adjoin the open countryside to the south and west. This gives the opportunity for boundary landscaping and softens the edge of the development and its impact on the surrounding countryside.

To turn to the elevational detail, the surrounding development in the village to the north and east comprises a mix of modern, suburban, cul-de-sac development. On the adjacent housing estate on the opposite side of Sheppenhall Lane, inter-war and post war detached and semi-detached houses and bungalows, as well as older vernacular cottages and farm buildings are located. To the south and west is open countryside with sporadic traditional farm buildings, which pre-date the expansion of Crewe. There is consistency in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles.

The proposed house types have been influenced by the form and mass of surrounding residential properties. The dwellings include traditional features such as, stone cills and brick heads to windows. The use of projecting gables and bay windows to feature house types helps to break up the massing of the buildings and maintain visual interest. The roof forms are gables, which reflect the predominant form in the surrounding area. It is therefore considered that the proposed development will sit comfortably alongside the mix of existing development within the area.

The proposal is therefore considered to be acceptable in design terms and compliant with the requirements of Policy BE2 (design) of the adopted Local Plan.

Sustainability

Due to its Open Countryside location, the site is inherently unsustainable in terms of its location and runs contrary to the general principle of locating new development within and adjacent to existing centres of population in order to minimise car travel. In this case, a judgement must be made as to the extent to which the site is unsustainable and whether this is sufficient to outweigh the conservation benefits of the scheme.

The site is located on the edge of Aston and within walking distance of village, which is a small settlement, comprising only c.140 dwellings, but which does have the benefit of a village pub, Methodist Church and cricket ground. Within Wrenbury, which is 1½ miles away, and within easy cycling distance, there are shops, health facilities, pubs, a railway station, church and school. Nantwich and Whitchurch have a full range of shops and services and are accessible by train from Wrenbury.

According to the applicants Transport Statement, public transport services are also available at the junction of Whitchurch Road with Sheppenhall Lane. The walking distance between the site access and the crossroads is some 250m, which is within the recommended 400m walking distance for acceptable access to public transport services.

The principal bus service passing through the junction is the service 72. This operates 6 services per day from Nantwich and 4/5 services per day from Whitchurch, Marbury and Wrenbury. An extract from the bus timetable is attached to the Transport Statement as Appendix 1 and shows that there is a service linking the crossroads (Departs 08:05) to Nantwich (arrives 08:23) for the morning

commute and in the evening there are services leaving Nantwich (16:35 and 17:35) and serving the crossroads (16:53 and 17:53)

Therefore, in light of the above, it is not considered that the site's lack of sustainability is of such magnitude, in this case, to outweigh the benefits of the scheme to the heritage asset.

Amenity

A distance of 21m between principal windows and 13m between a principal window and a flank elevation are generally regarded to be sufficient to maintain an adequate standard of privacy and amenity between residential properties. The layout provided demonstrates that distances in excess of 35m will be maintained to the nearest neighbouring dwellings on the opposite side of Sheppenhall Lane to the east. A distance of approximately 21m will be maintained between the nearest proposed dwelling (plot 6) and the rear elevations of the properties on the west side of Sheppenhall Lane. This measurement is taken from the corner of the proposed dwellings, and therefore greater separation will be achieved between the actual elevations and principal windows will not be directly opposing.

A distance of only 5m will be achieved between the flank elevation of the proposed dwelling on plot 1 and the flank elevation adjoining property, known as Stanley Bank, immediately to the north. This dwelling includes a principal window at ground floor level in the side elevation close to the back of the building. However, there is no recommended minimum separation between two flank elevations and similar relationships already exist between the existing properties on the western side of Sheppenhall Lane. Furthermore, the dwelling on plot 1 has been stepped forward slightly to avoid any loss of direct sunlight from the south to the principal window in question. The proposed dwelling is also stepped forward of the front building line of Stanley Bank and the application of the 45 degree test demonstrates that there would not be any loss of light to the principal windows in its front elevation as a result.

To turn to the amenity standard that would be achieved within the development, in the majority of cases the recommended minimum separation distances set out above would be achieved. However, there are a number of cases where separation distances between principal windows have been reduced to 16m to the front of properties.

In respect of separation distances to the front of dwellings, modern urban design principles encourage tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements. Furthermore, those rooms which face on to the highway are always susceptible to some degree of overlooking from the public domain. On this basis, it is considered that, where it is desirable in order to achieve wider urban design objectives, a reduction to 16m between dwellings could be justified.

Furthermore, if the minimum standards were to be achieved, it would not be possible to accommodate the number of dwellings which are currently proposed and additional greenfield land would be required in order to generate the required amount of revenue to fund the restoration of the Abbey.

A private amenity space of c.50-60sq.m is also usually considered to be acceptable for new family housing. The indicative layout indicates that this can be achieved in all cases. It is therefore

concluded that the proposed development would be acceptable in amenity terms and would comply with the requirements of Policy BE.1 of the Local Plan.

Ecology

According to the interim policy, it must be demonstrated that proposed developments and their infrastructure must not impact on designated or candidate European Sites (Special Areas of Conservation; Special Protection Areas; Ramsar Sites and Offshore Marine Sites) protected under the European Habitats Directives 92/43/EEC or the Conservation of Habitats and Species Regulations 2010

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places. Art. 16 of the Directive provides that if there is no satisfactory alternative and the derogation is not detrimental to the maintenance of the populations of the species at a favourable conservation status in their natural range, then Member States may derogate "in the interests of public health and public safety or for other imperative reasons of overriding public interest, including those of a social and economic nature and beneficial consequences of primary importance for the environment" among other reasons.

The Directive is then implemented in England and Wales by the Conservation (Natural Habitats etc) Regulations 1994 ("the Regulations"). The Regulations set up a licensing regime dealing with the requirements for derogation under Art. 16 and this function is carried out by Natural England.

Regulation 3(4) of the Regulations provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of their functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must have regard to the requirements for derogation referred to in Article 16 and the fact that Natural England will have a role in ensuring that the requirements for derogation set out in the Directive are met.

If it appears to the planning authority that circumstances exist which make it very likely that the requirements for derogation will not be met then the planning authority will need to consider whether, taking the development plan and all other material considerations into account, planning permission should be refused. Conversely if it seems from the information that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements will be met or not, a balanced view taking into account the particular circumstances of the application should be taken and the guidance in the NPPF .

In line with guidance in the NPPF, appropriate mitigation and enhancement should be secured if planning permission is granted. In respect of this site, a number of ecological surveys have been undertaken. The Council's ecologist has examined the surveys and commented that the likely impacts of the proposed development upon protected species is restricted to; great crested newts, badgers and breeding birds (including barn owl).

Great crested newts have been recorded at one pond within 250m of the proposed development and a second pond beyond 250m of the development. The ecological consultants appointed by the

applicant could not gain access to survey a third pond (a garden pond) in close proximity to the proposed development. The Councils Ecologist advises that whilst no survey of this pond has been undertaken it is unlikely to support a significant great crested newt population.

Additionally, there is a fourth pond within 250m of the development that was dry at the time it was visited by the applicant's ecologist. If this pond and the associated ditch habitat were to hold water during the spring/summer period it is likely that newts breeding at the nearby ponds would also breed here. The status of great crested newts at this pond is unknown due to the lack of a full survey. However, considering the pond's small size, the Councils Ecologist advises that it is unlikely that to support anything other than a small population.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected, the planning authority must have regard to the Habitat Regulations when determining this application. In particular, the LPA must consider whether Natural England is likely to grant a derogation license. The Habitats Regulations only allow a derogation license to be granted when:

- the development is of overriding public interest,
- there are no suitable alternatives and
- the favorable conservation status of the species will be maintained.

For the reasons set out in detail above, it is considered that this proposal which will enable the restoration of a nationally significant listed building at risk constitutes an overriding public interest in the light of the Habitat Regulations. The applicant has demonstrated that there are no suitable alternative sites and, subject to conditions, as detailed below, it is considered that the favorable conservation status of the species will be maintained.

The Councils Ecologist advises that the proposed development is likely to have an adverse impact on great crested newts through the loss of relatively small area of terrestrial habitat within 250m of a known breeding pond. The proposed development also poses the risk of killing/injuring any newts present on the site when the works are undertaken. The impacts are likely to be relatively low. However, in the absence of mitigation, the risks of an offence occurring are significant enough to warrant the implementation of proportional mitigation/compensation.

To mitigate the risk posed to great crested newts, the applicant's ecologist has recommending the trapping and exclusion of newts from all parts of the application site within 250m of both the pond known to support breeding great crested newts and any 'dry' pond. The mitigation proposals have therefore been formulated to mitigate for the worst case scenario which may occur if conditions at the 'dry' pond were favourable for breeding newts.

In addition, the remainder of the application site will be enclosed with temporary amphibian fencing and will be hand searched for amphibians prior to development commencing.

The construction of two amphibian hibernacula and an additional length of native species hedgerow is also proposed to compensate for the loss of terrestrial habitat associated with the proposed development.

One of the hibernacula appears to be on third part land outside the application site boundary. If planning consent is granted, thought needs to be given as to whether a section 106 agreement may be required to secure the implantation of this aspect of the proposed mitigation.

The Council's Ecologist advises that the proposed mitigation is appropriate and proportional to the potential impacts of the proposed development and is likely to maintain the favorable conservation status of the great crested newt.

There appears to be a loss of potential badger foraging habitat associated with the proposed development. The detailed survey report before he is able to fully assess the level of impact of this.

The mature trees on site have the potential to support barn owls. Confirmation of whether any evidence of barn owls was recorded during the surveys of the trees is required prior to the determination of the application. This information has been requested from the applicant and an update will be provided to Members at committee.

The proposed development has the potential to have an adverse impact breeding birds, potentially including the more widespread BAP priority species. If planning consent is granted standard conditions will be required to safeguard breeding birds.

The proposed development will result in the loss of neutral grassland habitat. The grassland habitats on site are of some relatively limited nature conservation value on the local context.

In summary, subject to the imposition of conditions to secure appropriate compensation / mitigate, it is considered that the proposal will be acceptable in ecological terms, and that the favourable conservation status of the relevant protected species will be maintained. The proposal therefore complies with Policy NE.5 (Nature Conservation and Habitats)

Highway Safety

The Parish Council and other objectors to the scheme have expressed concerns about traffic generation from the development, given the narrow width of Sheppenhall Lane. Other areas of concern relate to the junction of Sheppenhall Lane with the A530, as well as the A533 itself which has a poor accident record.

A transport statement has been submitted which explains that the internal site layout is designed to be accessible by a refuse vehicle, and turning opportunities for service vehicles are provided at regular intervals within the development

The site access will be in the format of a traditional residential street where it meets Sheppenhall Lane. This will include a 5.5m wide carriageway and a 2.0m footway on both sides of the access road. The internal roads will be designed to an adoptable standard.

Visibility of a minimum 2.4 x 43m will be provided in both directions from the new site access and standard junction radii will be provided on the access. A number of dwellings are shown with a front access to Sheppenhall Lane, although these would be served via a private driveway that will effectively run parallel to Sheppenhall Lane and link to the internal site road. A single dwelling on the north side of the access is shown to have an independent and direct access driveway to Sheppenhall Lane and this will also be provided with a turning area to allow cars to enter and leave that plot in forward gear.

A footway is to be provided from the site access to the north east boundary of the site along Sheppenhall Lane. There is limited footway provision along Sheppenhall Lane although the Sheppenhall Grove housing area, opposite the development site on Sheppenhall Lane, is provided with footways throughout and has provided some footways for a limited section of Sheppenhall Lane, specifically around the Sheppenhall Grove junction.

Sheppenhall Lane is subject to 30mph speed limit, between the site access position and the A530 Whitchurch Road. South of the site access, the road narrows to a single track and becomes a rural lane. There is anticipated to be no material traffic impact to and from the south along Sheppenhall Lane arising from this proposal.

Whilst there is only intermittent footway provision along Sheppenhall Lane to link the site to Whitchurch Road, there are verges along the road that can be used by some pedestrians and generally traffic flows and traffic speeds are very low. The presence of pedestrians in the carriageway is not uncommon in this area, and intervisibility between vehicle drivers and pedestrians is excellent such that there is no material danger arising from these activities.

The traffic impact arising from the development has been assessed with reference to the TRICS database of previously surveyed residential development sites. Trip rates per household are likely to be as follows: AM Peak Hour 0.190 0.395 0.585; PM Peak Hour 0.391 0.249 0.640.

For the development of 43 dwellings, the above trip rates would lead to the following traffic movements at the site access, and to and from the north along Sheppenhall Lane: (AM Peak Hour 8 17 25; PM Peak Hour 17 11 28) From this information, using the industry standard for predicting the likely level of traffic movements, it can be seen that the proposed development is likely to result in less than 1 vehicle movement every 2 minutes in the busiest hour of the day. At all other times of the day the traffic movements would be less.

The level of the proposed development impact can be compared with the development opposite, at Sheppenhall Grove. That development consists of some 48 dwellings, compared to the 43 dwellings on the proposed site. However, the Sheppenhall Grove site consists of all detached dwellings, with some having been extended to 6 bedrooms. As such, the current proposal can be expected to have a reduced impact when compared to that existing development.

Notwithstanding the difference in scale of dwellings and the increased number of dwellings, the report concludes that the highway network comfortably accommodates the demand arising from the existing houses and it should be accepted that a similar, or more likely slightly less level of impact from the application site would similarly not lead to any difficulties. For the reasons set out, the applicant's transport consult considers that there would be no difficulties in accommodating the impact of the proposed 43 dwellings on the application site.

The Strategic Highways Manager has examined the application and the accompanying report and concurred with its conclusions.

The internal site layout is considered to be acceptable and an adequate level of parking is proposed for all of the units, having regard to the rural nature of the site.

The proposed access point is considered to be safely designed with adequate visibility and the level of traffic generation on both Sheppenhall Lane and the A530, and at the junction of the two roads is

not considered to be sufficient to generate any adverse impacts or the requirement for any junction improvements or mitigation.

Although there is no continuous footway between the site and the A530, given the relatively low traffic volume and vehicle speeds in this location, it is not considered that the proposal would be detrimental to the safety of existing or future pedestrian's users of the road. A new footway would be provided under a Section 278 agreement between the site entrance and the end of the existing highway verge to the north side of the site, which would improve pedestrian accessibility for both the existing and proposed development in this location.

The developer has agreed to make a financial contribution of £8000 towards the cost of implementing the two speed limits proposed. This can be secured through the Section 106 Agreement. The Strategic Highways Manager has confirmed that this sum will be sufficient to cover the necessary costs, although he has pointed out that the A530 speed limit is subject to further consultation and approval and therefore, a claw back clause will be required to enable the financial contribution to be paid back to the developer in the event that, following due process, a decision is taken not to proceed with the proposed speed limit. The standard time period for use in such clauses is 5 years.

On this basis the Strategic Highways Manager recommends approval, subject to the imposition of appropriate conditions. Therefore, whilst the concerns of the Parish Council and local residents are noted, in the absence of any objection from the Strategic Highways Manager, it is not considered that a refusal on highway safety, traffic generation or parking grounds could be sustained.

Drainage and Flooding

The applicant has submitted with the application, a detailed Flood Risk Assessment, which concludes that the site is located in an area identified as having a low probability of flooding and therefore a Flood Risk Assessment has been prepared. The land use falls into 'more vulnerable' and this is appropriate for Flood Zone 1. The surface water run-off is to be discharged via infiltration, both for the highways and for the private plot drainage. Detailed design considerations in relation to the proposed adopted foul and surface water systems can be dealt with by way of Grampian style conditions. The planning layout drawing indicates the proposed impermeable area on the site will be circa 0.736 hectares. If the surface water run-off is managed correctly, then there will be no increase in flood risk to the development or to others. In summary, the development can be considered appropriate for Flood Zone 1.

United Utilities and the Environment Agency have considered the report and raised no objections subject to the imposition of appropriate planning conditions. Therefore it is concluded that the proposed development will not adversely affect onsite, neighbouring or downstream developments and their associated residual flood risk. Whilst resident's concerns about the capacity of existing sewerage infrastructure are noted, in the absence of any objection from the statutory drainage consultees, it is not considered that a refusal on drainage or flooding grounds could be sustained.

Affordable Housing

According to Policy RES.7, in settlements of 3,000 population or less, a threshold of 5 units will be applied, for the provision of affordable housing and, where there is a proven need, the threshold will be sites of more than 1 unit.

The Strategic Housing Market Assessment 2010 identified that for the Audlem sub-area where the site is located there is a net requirement for 6 new affordable units per year between 2009/10 – 2013/14. A rural housing needs survey was carried out in 2007 for the Audlem Ward, which included the Newhall Parish. The survey was conducted by sending out a questionnaire to all the households in the Audlem Ward. 306 questionnaires were sent out and 98 returned for the Newhall Parish giving a return rate of 32%. The rural housing needs survey identified that in Newhall there were a total of 18 hidden households (households with at least 1 adult in them who wished to form a separate household), 13 of which gave lack of affordable housing as a factor. 9 of the hidden households stated that they would prefer shared ownership or rented tenures. The survey also established that there are 9 people who left the Hankelow Parish and would wish to return if there was cheaper housing available. The Audlem Rural Housing Needs Survey 2007 has identified that there is a need for at least 9 new affordable homes in the Hankelow Parish.

The applicant is offering 5 units of affordable housing which is 11.5% of the total dwellings proposed on this site. Although the affordable housing provision offered is lower than the normal requirement for 30% affordable housing (which would be 12 units out of the 43) the provision of the full policy requirement in terms of affordable housing within the scheme would increase the overall costs of the development and would necessitate further enabling development to cover the shortfall. 30% of the additional units would also need to be affordable, which in turn would lead to even more units being constructed and more harm to the character and appearance of the open countryside, until the costs of providing affordable units and the revenue generated from the site were in balance.

Set out below is a summary of the key figures referred to in the financial viability study submitted as part of the application.

1 John Pidgeon Partnership Cost Plan.

- Works to Combermere Abbey as shown in summary £1,608,823.65
- Plus professional fees to include architect, QS, engineers and CDM @ 19.5% £313,720.61
- Plus pre planning expenditure as agreed with Crewe & Nantwich Borough Council and English Heritage £58,090
- Total Costs = £1,980,634.26
- Enabling Sum to be paid under Section 106 Agreement = £2,000.000
- Surplus/Contingency = £19,365.74

2 John Pidgeon Partnership Financial Appraisal

- Total Development Costs including land and enabling sum £8,769,128
- Sum to include Profit and Interest Charges £1,929,208 (22% on cost)
- Interest Charge estimated by Drivers Jonas Deloitte (consultants to the Council and English Heritage) £517,557
- Projected Profit excluding Interest Charge £1,411,651 (16% on cost).

Drivers Jonas Deloitte confirm within their report that the projected profit level is realistic and that the amount of development proposed is the minimum necessary to generate the required enabling funds.

When they considered the application previously, Members commented that the indicated profit level at 22% was very generous when compared to the previous application on the agenda which they had discussed, where a profit margin of 16% was referred to. This formed the basis for a suggestion that a higher proportion of affordable units could be considered.

However, the developer has confirmed that the development appraisal submitted by John Pidgeon Partnership with the planning application did not actually show a projected profit level, but a figure to include both profit and interest charges. The interest charges were not identified separately. Drivers Jonas Deloitte were asked to advise the Council and English Heritage on the financial information submitted and to confirm that the proposed enabling scheme represented the minimum size necessary to generate the required level of funding for the works to the Abbey. During this exercise Drivers Jonas Deloitte carried out their own appraisal, as a check against the one submitted, and calculated that interest charges during the development period would be about £517,557. If one deducts their interest figure from the sum in the appraisal (which represents both interest and profit) one is left with just a projected profit. As illustrated in the figures below this shows a projected profit at 16% on cost.

By removing interest from the overall sum the projected profit is reduced to 16%, and can be compared to the figure quoted in the case of the other scheme referred to at the last committee. As noted above Drivers Jonas Deloitte confirm within their report that the projected profit from the development is at an acceptable level. It is worth noting that in their appraisal DJD assume a profit level of 20% in addition to finance charges. Therefore, the developer is operating at a very modest margin.

If additional costs were to be imposed upon the scheme, for example a requirement for more affordable housing, this would significantly reduce the already modest profit level and could make the scheme non-viable or impossible to fund. If this were the case, the restoration of the Abbey could not take place.

The developer has stated that projected profit at 16% will only be achieved if the project can be delivered within budget and sales can be achieved at the prices estimated and within a reasonable period. If, during the construction phase the developer encounters higher costs or a weak market, the projected profit will reduce significantly. However, all of the developer's assumptions in this regard have been looked at and verified by Drivers Jonas Deloitte. Furthermore, the enabling funds will be handed over in full at the commencement of development so this risk is entirely carried by the developer and there is no risk of the funding for the Abbey failing to be delivered or a worst case scenario occurring whereby the enabling development is started and/or completed out and the works to the Abbey are not.

In the light of the above and the consultation response from Drivers Jonas Deloitte it is considered that the developer's figures are sound. It has been adequately demonstrated that additional affordable housing could not be provided without jeopardising the viability of the scheme. This would either necessitate further enabling development to cover the shortfall which would be to the detriment of the open countryside or would result in the enabling development failing to go ahead. This would in turn mean that funds for the restoration of the Abbey would not be forthcoming and its condition would continue to deteriorate with the risk of this historic building being permanently lost.

In summary, for the reasons set out above, it is unusual for any affordable housing to be secured as part of an enabling development application. Consequently, the fact that in this case it has been

possible to achieve 11.5% affordable housing provision is considered to be a significant benefit of this proposal. Therefore, in this case, having regard to the detailed financial information which has been submitted and the sensitive nature of this site, it is considered to be acceptable to reduce the affordable housing requirement.

The Housing Section have agreed that the affordable units should be 3 x 2 beds and 2 x 3 beds, to be delivered on a discounted for sale basis at a discount of 40% from open market value. In the event of the developer experiencing difficulties in selling the discounted units, another form of intermediate tenure housing would also be acceptable provided it was as affordable as the discounted for sale units and was in line with the Affordable Housing Interim Planning Statement.

The Affordable Housing Interim Planning Statement also states that, "where the applicant is not a registered social landlord, planning permission may be granted for the whole scheme providing the applicant enters into a legal agreement whereby there are secure arrangements to ensure that the benefits of the affordable housing will be enjoyed by subsequent occupiers as well as the initial occupiers. Therefore, subject to the Section 106 agreement making provision for the discounted units to be retained in perpetuity, there are no objections on affordable housing grounds.

Infrastructure

Objectors to the scheme have expressed concerns about the impact of 43 additional dwellings on infrastructure provision including education and public open space.

According to the applicant's submission, discussions have taken place with the relevant Council officers in respect of education and open space requirements. It has been confirmed that no specific financial contributions will be required which ensures that the maximum funds generated by the enabling scheme will go to the Abbey restoration. By email dated 9 March 2011, Mr C Lawton of the Council confirmed that there would be no open space requirements for the development.

However, during their consideration of the previous application, Members expressed concern about the lack of public open space provision within the new development.

Further clarification has therefore been sought from the Greenspaces Officer, as to the reasoning behind his advice. He has commented that he does not consider that the provision of open space on site is necessary, because in the nearby village of Wrenbury, there is more than adequate provision of open space/facilities for young persons on the Parish Council owned open space next to the school. This is the nearest school to Aston and therefore there is potential for linked trips. There are 7 items of play equipment, plus a multi use games area on this site.

Copies of an inspection reports provided last year have been provided which give more detail in respect of the equipment on site. The reports also highlight a number of maintenance requirements at the site. The Greenspaces Officer has commented that, although a need has not been identified at present, the provision of an additional piece of equipment at the site would cost in the region of £10,000.

The developer has noted Members concerns and has offered a commuted sum payment in respect of off-site open space/recreation provision of £10,000 to be spent on upgrading current facilities or the provision of new facilities within Aston or Wrenbury. It is proposed that funds would be paid over prior to the occupation of the first dwelling in the enabling development. The developer has agreed

that this sum would not need to be committed to a specific project immediately and can be held by the Council pending the identification of a suitable project, within the area identified above.

Officers consider that, given the existing high quality provision of open space within the neighbouring village of Wrenbury, The provision of on-site open space could not be justified in this case. However, the contribution towards the improvement of the existing facility in Wrenbury would off-set the impact of any increase in demand for the use of that development arising from the proposed development.

A planning obligation must comply with the following three tests as set out in the Community Infrastructure Regulations 2010:

- necessary to make the development acceptable in planning terms
- directly related to the development; and
- fairly and reasonably related in scale and kind to the development.

It is considered that the above proposal would meet the three tests as set out above.

By email dated 3 December 2010, Ms S Davies confirmed that the Council did not require an education contribution for the development. Verification of this has been provided by the Council's Greenspaces Section. However, the Education Department has commented that the situation has changed a little since the advice was given in 2010 and projections show that the local schools (Wrenbury and Sound) will be oversubscribed from 2016, without considering this development. The development of 43 dwellings with 2+ bedrooms will generate 7 primary and 6 secondary aged pupils. Based on the standard multiplier formula, they have therefore requested a contribution of £75,924.

The developer, has advised that a contribution of £30,000 is the maximum that can be achieved without rendering the development unviable and generating the need for further enabling development as a result. As with the affordable housing provision, this would be undesirable as these dwellings would in themselves generate a further requirement for education contributions, which in turn would lead to even more units being constructed and more harm to the character and appearance of the open countryside, until the costs of providing the education contribution and the revenue generated from the site were in balance.

In the light of the above, therefore, it is considered that a contribution of £30,000 is fairly and reasonably related in scale and kind to the proposed development, in accordance with the Community Infrastructure Regulations 2010.

Noise

Due to the proximity of the site to the A530 road, Environmental Health has recommended that an assessment of traffic noise be carried out and any necessary mitigation measures identified and implemented. This can be secured through an appropriate condition.

Contaminated Land

The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The reports submitted in support of the planning application recommend that a watching brief is maintained during the site works. As such, Environmental Health recommends that the standard contaminated land conditions, reasons and notes be attached should planning permission be granted.

Section 106 Mechanism for Release of Funds

Unlike many enabling development proposals which involve a phased release of funds as the new units are constructed, in this case the developer is proposing that the money would be paid in a lump sum on commencement of development. This has the advantage of allowing work to commence on the Abbey as soon as work starts on the enabling development and completion of the restoration is not dependent upon completion of the enabling development.

The Council's consultants have stated that the availability, rate and dependence on bank funding is likely to play an important role in terms of whether or not the enabling development goes ahead. Without the certainty of significant affordable housing income and in a small village location with unproven demand, it may be difficult to secure bank finance, particularly against the current difficult economic back drop. In addition to the level of bank funding required and the timing of that funding, the borrowing rate is also of importance as this was a major differentiator between the development appraisal undertaken by the quantity surveyor and the one we have undertaken. As development work cannot get underway until the £2m enabling sum is paid, the timing and availability of bank funding may well create a major hurdle to the total proposed enabling arrangement.

The developers are confident that the availability of finance for the project will not be problematic and it is considered that this issue should be given limited weight in the consideration of the application. In the event that funds could not be secured, the enabling development would not take place, and therefore no harm would occur to other planning interests barring work to the Abbey. There is no danger of a worst case scenario occurring whereby the enabling development is started and/or completed out and the works to the Abbey are not. The payment of the lump sum on commencement also helps to guard against this eventuality.

Legal Position

Newhall Parish Council have not obtained an opinion from Counsel in the usual sense, although legally trained local residents (who have attended Bar School) have offered a view. The Borough Solicitor notes that the proposed development and Combermere Abbey are in the same locality and, whilst noting the observations of Newhall Parish Council, disputes the applicability of the quoted case law in this particular situation. The proposal is for enabling development, which is designed to secure the long term future of a heritage asset in the local area, in accordance with the NPPF. Accordingly the Borough Solicitor is satisfied that the proposed contribution is a material consideration to be taken into account when making a determination on this particular application. The mechanism to be used for the collection and administration of the proposed contribution will be constructed so as to fall within the terms of section 106 of the Town and Country Planning Act 1990 (as amended).

Housing Land Supply

The proposal would also assist the Council to meet its housing land requirements, which would be a further significant benefit.

Whilst PPS3 'Housing' has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates at paragraph 47 the requirement to maintain a 5 year rolling supply of housing and states that Local Planning Authorities should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Strategic Housing Land Availability Assessment (SHLAA) which was adopted in March 2012. The SHLAA has put forward a figure of 3.94 years housing land supply.

The NPPF clearly states at paragraph 49 that:

“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites”

Clearly the above indicates that the Council’s policies in relation to the supply of housing should not be considered up-to-date.

Paragraph 14 of the NPPF provides specific advice for decision makers. It states that where the development plan is “out-of-date” in a particular area, local planning authorities should grant planning permission unless:

- *“any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
- *specific policies in this Framework indicate development should be restricted”*

On the later point, it then gives examples as sites protected under the Boards and Habitats Directives, land designated as Green Belt, Local Green Space, an Area of Outstanding Natural Beauty, Heritage Coast or within a National Park, designated heritage assets and locations at risk of flooding or coastal erosion.

Furthermore, the Written Ministerial Statement: Planning for Growth (23 March 2011) by The Minister of State for Decentralisation (Mr. Greg Clark) states that:

“The Government’s top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government’s clear expectation is that the answer to development and growth should wherever possible be ‘yes’, except where this would compromise the key sustainable development principles set out in national planning policy.” It goes on to say that *“when deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore, inter alia,*

- *consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;*
- *take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- *consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- *ensure that they do not impose unnecessary burdens on development”*

The proposal will help to maintain a flexible and responsive supply of land for housing, which is specifically identified above as a “key sector”. The proposal will also create jobs and economic growth in the construction industry and all the associated supply networks. The Secretary of State for Communities and Local Government has made it clear that he will take the principles in this statement into account when determining applications that come before him for decision. In particular, he will attach significant weight to the need to secure economic growth and employment.

With regard to housing land supply, the publication of the NPPF has reinforced the position that, because Cheshire East does not have a five year housing land supply, the Council should give favourable consideration to applications for new housing unless “*any adverse impacts of doing so would significantly and demonstrably outweigh the benefits*”.

In this case the benefits of the scheme are the restoration of Combermere Abbey, improved public access to the building, 5 units of affordable housing within the rural area and a contribution of 43 dwellings to the 5 year housing land supply. Any adverse impacts in terms of traffic generation and open space provision have been adequately mitigated through financial contributions. Subject to the imposition of appropriate conditions the proposal is considered to be acceptable in terms of drainage and flooding, ecological impact, tree and landscape concerns, contaminated land and noise implications.

The proposal will have no adverse effect in terms of privacy and amenity of neighbouring occupiers and education provision. The only disbenefits of the scheme are the loss of open countryside, which is generally protected for its own sake.

Consequently, it is considered, that the benefits of the enabling development would outweigh the level of harm that would be generated. As a result, the development complies with the relevant national guidance as set out in the NPPF, which in this case is sufficient to outweigh the provisions of the development plan policy. However, a legal agreement will be required to ensure that the benefits to the heritage asset are fully secured.

9. CONCLUSION

The site is located within the Open Countryside, as defined in the Replacement Local Plan, where there is normally strictly control over new development. However, exceptions can be made to the general policy of restraint for “enabling development”.

Enabling Development is that which would normally be rejected as clearly contrary to other objectives of national, regional or local planning policy, but is permitted on the grounds that it would achieve a

significant benefit to a heritage asset. Such proposals are put forward on the basis that the benefit to the community of conserving the heritage asset would outweigh the harm to other material interests. Therefore, the essence of a scheme of enabling development is that the public accepts some disbenefit as a result of planning permission being granted for development which would not otherwise gain consent, in return for a benefit funded from the value added to the land by that consent.

In this case the enabling development would generate funds to restore the north wing of Combermere Abbey, a Grade 1 Listed Building which is in Priority Category A on the English Heritage Register of Buildings at Risk, as a building being in immediate risk of further rapid deterioration or loss of fabric with no way forward agreed. The proposed works, are the conversion of The North Wing to form a dwelling involving its repair, alteration and refurbishment on the ground and first floor and remodeling and simplifying its roof structure attics.

Combermere Abbey is thought to have originated in 1133 as a Cistercian monastery, but nothing of this survives. In 1774, it was recorded as largely timber framed but alterations took place in 1795 and after 1814 including the addition of new service wings. The abbey is set in its own extensive grounds next to a mere, with service ranges, a sundial and game larder close by to the south and an ice house and stables to the north east, all set within the open countryside. Therefore, the Abbey is considered to be a significant heritage asset worthy of enabling development.

This programme of repairs and improvements has removed the Game Larder from the at risk register, brought the stable complex into good repair and economically beneficial use as holiday accommodation, and conserved the roof and external wall of the west wing and library, as well as providing the temporary support and cover for the North Wing. The farming business has been significantly improved, and weddings and corporate events contribute revenue to the maintenance of the estate. In 1993 English Heritage offered £209,947 in grant aid to assist the owners with repairs and conservation work to the abbey and in 2000 a further grant of £157,528 was offered. This is focussed on repairs to the library. However, there is a limit to how much funding English Heritage is able to contribute to the deficit between the cost of repair to Combermere Abbey and its value when restored to good condition. In cases such as this English Heritage are able to contribute a proportion of the costs only, rather than the full amount.

Notwithstanding the excellent progress that has been made by the owner in bringing the historic assets at Combermere into good repair and sustainable use, the North Wing in particular remains at very high risk. A sum of £2m is needed to bring the structure into good repair and use. It is therefore considered that enabling development is necessary to secure the restoration of the Abbey, having regard to its structural condition and the availability of alternative means of securing the necessary funding.

English Heritage's 2008 publication *Enabling Development and the Conservation of Significant Places* and the NPPF provide guidance on the issues that should be considered in reaching planning decisions on whether the benefits of an application for enabling development to secure the future conservation of a heritage asset outweigh the disbenefits of departing from the development plan. The judgement must be made having regard not only to the heritage considerations, but also to all relevant planning considerations such as the character and appearance of the open countryside, highway safety, drainage and ecology.

Having assessed the application carefully, and following advice from both English Heritage, and independent external consultants, it is considered that the proposal meets all of the tests set out in these documents. In particular:

- it will not materially harm the significance of the heritage asset or its setting
- it will avoid detrimental fragmentation of management of the heritage asset
- it will secure the long term future of the heritage asset and, where applicable, its continued use for a purpose sympathetic to its conservation
- it is necessary to resolve problems arising from the inherent needs of the heritage asset, rather than the circumstances of the present owner, or the purchase price paid
- there is a source of funding that might support the heritage asset without the need for enabling development
- the level of development is the minimum necessary to secure the future conservation of the heritage asset and of a design and type that minimises harm to other public interests.

English Heritage, are convinced of the outstanding historic and architectural significance of Combermere Abbey and of the need to keep the collection with the estate in order to sustain this significance. This has clear and distinct heritage benefits that will be lost forever were sale of the estate to be forced.

The new enabling development scheme, properly secured through a Section 106 agreement, could keep the collection in place, see the repair of the important North Wing and leave the management of the estate in the hands of the current owner, who has demonstrated herself to be committed to the conservation of the estate and to opening it up to public access in a way that is compatible with the running of the businesses that sustain it.

However, English Heritage have stated that the establishing where the balance of public benefit lies, is clearly a matter for Cheshire East in its role as planning authority, with an overview of all relevant planning considerations.

Enabling development is by definition contrary to Planning Policy, which has been formulated to protect the public interest and therefore it is inevitable that some degree of harm will result from the development. The nature and magnitude of the harm caused must be balanced against the benefit in terms of restoring the listed building.

In this case the benefits of the scheme are the restoration of Combermere Abbey, improved public access to the building, 5 units of affordable housing within the rural area and a contribution of 43 dwellings to the 5 year housing land supply. Any adverse impacts in terms of traffic generation and open space provision have been adequately mitigated through financial contributions. The revised application now also includes the further benefit of a concessionary footpath around the estate. Subject to the imposition of appropriate conditions the proposal is considered to be acceptable in terms of drainage and flooding, ecological impact, trees and landscape contaminated land and noise implications.

The proposal will have no adverse effect in terms of privacy and amenity of neighbouring occupiers and education provision. The only disbenefits of the scheme are the loss of open countryside, which is generally protected for its own sake.

Consequently, it is considered, that the benefits of the enabling development would outweigh the level of harm that would be generated. As a result, the development complies with the relevant

national guidance as set out in the NPPF, which in this case is sufficient to outweigh the provisions of the development plan policy. However, a legal agreement will be required to ensure that the benefits to the heritage asset are fully secured.

10. RECOMMENDATIONS

APPROVE subject to a legal agreement to secure:

- 1. the delivery of the heritage benefits of the scheme**
- 2. affordable housing comprising 3 x 2 bed units and 2 x 3 bed units, to be delivered on a discounted for sale basis at a discount of 40% from open market value or as another form of intermediate tenure housing which is offered at the same level of affordability and complies with the requirements the Councils Interim Statement on Affordable Housing.**
- 3. An education contribution of £30,000**
- 4. Great Crested Newt Hibernacula**
- 5. A total of 40 days per annum in total when the Abbey is open to the public for Guided Tours**
- 6. 6 open days a year when there will be public access to the gardens.**
- 7. 2 days each year for both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.**
- 8. A commuted sum payment in respect of off-site open space/recreation provision of £10,000 to be spent on upgrading current facilities or the provision of new facilities within Aston or Wrenbury.**
- 9. A financial contribution of £8000 towards the cost of implementing a speed limit on the A530 through Aston and the extension of the existing 30mph limit on Sheppenhall Lane to beyond the application site southern boundary.**
- 10. Provision of permissive footpath within the Combermere Estate in accordance with submitted plan.**

and the following conditions:

- 1. Standard**
- 2. Plans**
- 3. Materials**
- 4. Submission of detailed landscape proposals**
- 5. Implementation of landscape proposals.**
- 6. Arboricultural Method Statement and specification for all works within tree root protection areas.**
- 7. Tree Protection.**
- 8. Implementation of Tree Protection**
- 9. Submission/ approval /implementation of Programme of Arboricultural works**
- 10. Submission/ approval /implementation of Boundary treatment**
- 11. Submission/ approval /implementation of drainage and service routes.**
- 12. Retention of hedgerow on site frontage to south of access point**
- 13. Submission/ approval /implementation of Drainage details**
- 14. Submission/ approval /implementation of a scheme to limit the surface water run-off generated by the proposed development,**

- 15. Submission/ approval /implementation of a scheme to manage the risk of flooding from overland flow of surface water,**
- 16. Site must be drained on a separate system, with only foul drainage connected into the foul sewer.**
- 17. Submission/ approval /implementation of Vehicular access details**
- 18. Provision of Parking**
- 19. Submission/ approval /implementation of drawing showing provision of footpath link.**
- 20. Surfacing materials**
- 21. Details of bin storage**
- 22. Removal of permitted development rights**
- 23. Submission/ approval /implementation of assessment of traffic noise from the A530 and any recommended mitigation**
- 24. Restriction of construction hours Monday – Friday 08:00hrs – 18:00hr Saturday 09:00hrs – 14:00hrs With no Sunday or Bank Holiday working**
- 25. Restrict any piling to Monday – Friday 08:30hrs – 17:30hrs Saturday 09:30hrs – 14:00hrs Sunday Nil**
- 26. Restrict “floor floating” to: Monday – Friday 08:30hrs – 17:30hrs Saturday 09:30hrs – 14:00hrs Sunday Nil**
- 27. Submission/ approval /implementation of external lighting**
- 28. Submission/ approval /implementation of contaminated land assessment and any recommended mitigation**
- 29. Safeguarding Breeding birds**
- 30. Provision of Bird and Bat Boxes**
- 31. Landscape proposals – including hedgerow gapping up, provision of rough grassland buffers associated with hedgerows etc.**
- 32. Implementation of GCN mitigation**

(c) Crown copyright and database rights 2012. Ordnance Survey 100049045, 100049046.

