

Strategic Planning Board

Agenda

Date:	Wednesday 11th April 2012
Time:	10.30 am
Venue:	Council Chamber, Municipal Buildings, Earle Street, Crewe CW1 2BJ

Members of the public are requested to check the Council's website the week the Strategic Planning Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence

2. Declarations of Interest

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determination in respect of any item on the agenda

3. Minutes of the Previous Meeting (Pages 1 - 10)

To approve the minutes of the meeting held on 21 March 2012 as a correct record

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact:	Gaynor Hawthornthwaite
Tel:	01270 686467
E-Mail:	gaynor.hawthornthwaite@cheshireeast.gov.uk

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the Ward Councillors who are not members of the Strategic Planning Board.

A period of 3 minutes is allocated for each of the planning applications for the following individual/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

MORNING SESSION

5. **11/2818N - Land Off Sheppenhall Lane, Aston: Erection of 43 Dwelling Houses (including 5 Affordable Dwellings), Creation of New Access to Sheppenhall Lane for Newlyn Homes Ltd (Pages 11 - 94)**

To consider the above planning application

6. **11/3414C - Land off Hassall Road, Sandbach, Cheshire: Outline Planning Application for 39 Residential Dwellings over 1.29HA. Access from Hassall Road with Landscaping Reserved for Mr C Davey, Muller Property Group (Pages 95 - 112)**

To consider the above planning application

A break for lunch will be taken here and the meeting will resume at 2.00 pm for the following items

AFTERNOON SESSION

7. **10/2647C - Lane North of Twemlow Lane, Twemlow Green: Erection of 13 No. Affordable Houses, Associated Parking and Landscaping and New Vehicular Access for McInerney Homes and Plus Dane Group (Pages 113 - 132)**

To consider the above planning application

8. **11/4434C - Land South of Tudor Way, Congleton: Construction of 16 Dwellings including 11 Bungalows and a Terrace of 5 Affordable Bungalows together with the Formation of a New Access for Plant Developments Ltd (Pages 133 - 148)**

To consider the above planning application

9. **Proposal Alterations to the Section 106 Agreement to Allow Affordable Rent Provision in Scheme (11/1879N) for up to 400 Residential Units at Parkers Road, Crewe** (Pages 149 - 152)

To consider a report proposing to amend the resolution passed by Strategic Planning Board in respect of applications 11/1879N

THERE ARE NO PART 2 ITEMS

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 21st March, 2012 at Council Chamber, Municipal
Buildings, Earle Street, Crewe CW1 2BJ

PRESENT

Councillor H Davenport (Chairman)

Councillors J Hammond, Rachel Bailey, D Brown, D Hough, J Jackson,
J Macrae, B Murphy, C G Thorley, G M Walton, R West, S Wilkinson and
J Wray

In attendance

Councillors D Brickhill, J Clowes and S Hogben (afternoon session only)

Officers

Rachel Bolton (Section 106 Officer)
Maria Cotton (Planning Enforcement Officer)
Nigel Curtis (Principal Development Officer)
Daniel Evans (Principal Planning Officer)
Rachel Goddard (Senior Lawyer)
Adrian Fisher (Strategic Planning and Housing Manager)
Paul Mountford (Democratic Services Officer)
Ben Haywood (Principal Planning Officer)
Stephen Irvine (Planning and Development Manager)
Neil Jones (Principal Development Officer)

128 **DECLARATIONS OF INTEREST**

Councillor J Hammond declared a personal interest in respect of application number 12/0009C on the grounds that he was a member of the Cheshire Wildlife Trust, which had been consulted on the proposed development. In accordance with the code of conduct, he remained in the meeting during consideration of this item.

Councillors C Thorley and G Walton declared personal interests in respect of application number 12/0009C on the grounds that they were members of the Cheshire Brine Board, which had been consulted on the proposed development. In accordance with the code of conduct, they remained in the meeting during consideration of this item.

129 **MINUTES OF THE PREVIOUS MEETING****RESOLVED**

That the minutes of the meeting held on 29th February 2012 be approved as a correct record and signed by the Chairman.

130 **PUBLIC SPEAKING**

RESOLVED

That the public speaking procedure be noted.

131 **11/4549N - LAND ON ROPE LANE, SHAVINGTON, CHESHIRE:
OUTLINE PLANNING PERMISSION FOR ERECTION OF UP TO 80
DWELLINGS INCLUDING DETAILS OF ACCESS LAND**

Councillor D Brickhill (local Ward Member), Mrs G Macintyre (Vice-Chairman of Shavington-cum-Gresty Parish Council), Dr P Lovie (Shavington and Gresty Residents' Association) and Mr P Jones attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application, a written update and an oral report of the site inspection.

RESOLVED

That the application be REFUSED for the following reasons:

1. Whilst it is acknowledged that the Council does not currently have a five year housing land supply and that, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing, the current proposal is not considered to be "suitable" as it would undermine the spatial vision for the area, wider policy objectives and the strategic function of the Green Gap in that it would result in the erosion of the physical gap between the built up areas of Shavington and Crewe. The proposal is therefore contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS3 and the Council's Interim Housing Planning Policy On The Release Of Housing Land.
2. The proposed residential development, which is located within the Open Countryside and Green Gap, is considered to be an unsuitable location for development by virtue of the adverse impact that the proposals would have on the visual character of the landscape and the erosion of the physical gaps between built up areas. The proposed development would therefore be contrary to Policies NE.2 and NE.4 of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS1, PPS3 and PPS7.
3. The application is an outline application for new residential properties which are a sensitive end use and could be affected by any ground contamination present on site. No Phase I desk study and walkover survey have been submitted with the application and the applicant has therefore failed to demonstrate that the site is not

constrained by contamination. The application therefore fails to comply with Policy BE.6 of the of the Crewe and Nantwich Replacement Local Plan 2011 and guidance contained within PPS23.

4. Insufficient archaeological or historical information has been submitted to determine whether the hedgerow to be removed is of significance according to the criteria set out in the Hedgerow Regulations, contrary to policies Policy NE.5 (Nature Conservation and Habitats) of the Crewe and Nantwich Replacement Local Plan 2011, Policy DP7 (Promote Environmental Quality) of the North West of England Plan Regional Spatial Strategy to 2021 and the provisions of PPS9 Biodiversity and Geological Conservation.

(Note: Councillor R Bailey arrived at this point.)

132 **12/0009C - FORMER TEST TRACK SITE, FORMER FODEN FACTORY SITE, MOSS LANE, SANDBACH, CHESHIRE: RESIDENTIAL DEVELOPMENT COMPRISING 124 DWELLINGS, ACCESS, PUBLIC OPEN SPACE AND ASSOCIATED LANDSCAPING**

Ms A Snook attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above planning application and an oral report of the site inspection.

RESOLVED

That the application be APPROVED subject to the following conditions and the satisfactory completion of a S106 Agreement comprising:

Heads of terms

- A provision of 10% affordable housing (12 units) all of which are to be provided as Affordable Rent or Social Rent
- Overage provision to capture any uplift in value with any additional sums paid to the Council to invest back into affordable housing provision within the borough
- A contribution towards local education provision of £120,000
- The provision of a Public Open Space and footway/cycle link which should be retained in perpetuity and a scheme of management (the scheme of management shall include the bridge link)
- A provision of a foot/cycle bridge or a contribution to provide a foot/cycle bridge and secure the landing and access rights for any foot/cycle bridge and/or footpath and from the adjacent Canal Fields site
- An Interim Residential travel plan in accordance with DfT guidance document

- A commuted sum for the necessary Traffic Regulation Orders and local traffic management orders (£44,000)

Conditions:

1. Standard time – 3 years
2. Materials to be submitted to the LPA and approved in writing
3. Submission of a landscaping scheme to be approved in writing by the LPA
4. Implementation of the approved landscaping scheme
5. No trees to be removed without the prior written consent of the LPA
6. Boundary treatment details to be submitted to the LPA and approved in writing
7. Remove PD Rights for extensions and alterations to the approved dwellings
8. Prior to any commencement of works between 1st March and 31st August in any year, a detailed survey is required to check for nesting birds.
9. Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by breeding birds.
10. 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.
11. 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.
12. Before the development commences, and during the course of construction period, temporary protective metal fencing shall be erected 5 metres from the canal and drain.
13. Acoustic mitigation measures to be submitted and agreed
14. The hours of construction shall be limited to 08:00 – 18:00 Monday to Friday, 09:00 – 14:00 Saturday and not at all on Sundays or Bank Holidays
15. Any piling works shall be limited to 08:30 – 17:30 Monday to Friday, 09:00 – 13:00 Saturday and not at all on Sundays or Bank Holidays
16. Prior to the development commencing, a Remediation Statement shall be submitted to, and approved in writing by, the Local Planning Authority.
17. A Site Completion Report detailing the conclusions and actions taken at each stage of the works, including validation works, shall be submitted to, and approved in writing by, the LPA prior to the first use or occupation of any part of the development hereby approved.
18. Prior to development commencing, a comprehensive gas risk assessment shall be undertaken subsequent to the remedial works in order to prove the site is suitable for its intended use, and the results of these shall be submitted to, and approved in writing by, the LPA.
19. No building within 3 metres of the public sewer which crosses the site

20. Completion of the proposed off-site highway works
21. An Environmental Management Plan (EMP) to be submitted with respect to the construction phase of the development. The EMP shall identify all potential dust sources, and outline suitable mitigation. The plan shall be implemented and enforced throughout the construction phase.
22. Measures to show how mud, clay or other material is not deposited on the highway
23. Waste Management Strategy to be submitted to the LPA and approved in writing
24. Details of external lighting to be approved in writing by the LPA
25. Conservatories to be provided in accordance with approved plans and shall exclude two Souter House Types
26. Additional fenestration to side elevations of the plots either side of the foot/cycle link
27. 100mm reveals to windows
28. details of surfacing materials to be agreed with LPA
29. arrangements for the future maintenance and reinstatement of surfacing to be agreed with LPA
30. satisfactory recycling facilities to be provided for the apartment blocks
31. precautions against brine subsidence be taken in the design of all proposed buildings at the site

(Note: Councillor J Macrae arrived during consideration of this matter and took no part in the discussion or voting thereon.)

133 **11/3389N - WHITTAKERS GREEN FARM, PEWIT LANE, BRIDGEMERE, CHESHIRE CW5 7PP: VARIATION OF CONDITION NO 9 ON PERMISSION 7/2009/CCC1**

Councillor J Clowes (local Ward Member) and Mr R Frodsham attended the meeting and addressed the Committee on this matter.

The Committee considered a report regarding the above waste application, a written update and an oral report of the site inspection.

RESOLVED

That the Board agrees to the partial change of the wording of conditions 9 and 11 of permission 7/2009/CCC/1 to read:

The importation of green waste to the site and the unloading of green waste vehicles shall only take place within the following periods:

0800-1800hrs Monday to Friday between 1st March and 31st October.
0800-1200hrs Saturday.

0900-1500 Monday to Friday between 1st November and 28th February.
0800-1200hrs Saturday.

No importation of green waste taking place outside these times or on Sundays.

Bank Holiday operations:

The importation of green waste to the site and the unloading of green waste vehicles on Bank or Public Holidays shall only take place between the hours of 0830 – 1600.

No importation of materials or unloading is permitted outside of these hours or on Christmas Day, Boxing Day or New Years Day.

Condition 11

Between 1 April and 31 October:

- The maximum number of vehicle movements over 5.5 day week (Monday to Saturday) is limited to a maximum of 198 green waste vehicle movements (99 in, 99 out) of which, no more than;
- A maximum of 40 (20 in, 20 out) on any one day Monday – Friday;
- A maximum of 18 (9 in, 9 out) on Saturday mornings (between 0800 and 1200)
- A maximum of 10 (5 in, 5 out) on Bank or Public Holidays (between 0830 – 1600)

No green waste vehicle movements on Sundays.

Between 1 November and 31 March:

- the maximum number of vehicle movements over a 5 day week (Monday to Friday) is limited to a maximum of 140 green waste vehicle movements (70 in, 70 out) of which, no more than;
- A maximum of 32 (16 in, 16 out) on any one day Monday to Friday.
- No green waste vehicle movements on Saturday or Sunday
- A maximum of 10 (5 in, 5 out) on Bank or Public Holidays

The approval of the application is also subject to a condition that a local liaison committee be established.

At this point, the meeting adjourned and reconvened at 2.00 pm.

134 **DEED OF VARIATION TO A SECTION 106 AGREEMENT -
KERSHAW MILL, NEWTON STREET, MACCLESFIELD, SK11 6QJ**

The Board considered a report on an application to vary a Section 106 agreement and an oral report by the S106 Officer.

RESOLVED:

That the deed of variation to the Section 106 agreement be approved on the basis outlined in the report.

135 **INTERIM POLICY ON THE RELEASE OF HOUSING LAND**

The Board considered a report setting out proposed changes to the Interim Policy on the release of housing land.

On 24th February 2011 the Council had approved an Interim Planning Policy for the release of Housing land. At the Council meeting on 13th October 2011, an attempt was made to rescind the policy. The matter was remitted to the Strategic Planning Board for consideration. At the meeting of the Board on 21st December it was agreed that the interim Policy be retained but that revisions to it be considered. The report now before the Board considered a number of amendments. The proposed amended Policy was set out as Appendix 2 to the report.

Since the report had been produced, a further minor change had been recommended to the Proposed Policy set out in Appendix 2. As well as excluding sites within the green belt, it was also suggested that sites within the Green Gap should also be excluded. This change would make Section 3 of the Policy consistent with Section 1; the revised wording would read as follows:

“3. Adjacent to the settlement boundary of Macclesfield and the nine Key Service Centres (Alsager, Congleton, Handforth, Knutsford, Middlewich, Nantwich, Poynton, Sandbach and Wilmslow), provided that the applicant can demonstrate that the site meets all of the following criteria:

- is not within the Green Belt or the Green Gap;”

A letter objecting to the Interim Policy had been received from Indigo Planning Ltd. It was noted, however, that the Board was being asked to recommend the policy for consultation purposes only at this stage.

RESOLVED

That subject to the amendment to the proposed Interim Policy set out above, Cabinet be recommended

- (1) to approve the Draft Policy set out in Appendix 2 to the report for consultation purposes; and
- (2) to delegate the approval of the wording of the accompanying consultation document to the Cabinet Member for Performance and Capacity.

136 **APPEALS RECORD IN JANUARY/FEBRUARY 2012**

The Committee considered a summary of appeals for the first two months of 2012.

RESOLVED

That the Board notes

- (1) the Council's appeals performance for January and February 2012 (77.77%) and its success in most instances in defending planning appeals; and
- (2) the reasons the Council lost some appeals and a recent Cheshire West and Chester appeal that raised issues in relation to housing land supply.

137 **NOTICE OF MOTION: SYDNEY ROAD BRIDGE - CREWE**

The Board considered a report on a Notice of Motion submitted to Council on 23rd February 2012 regarding the impact of development on Sydney Road Bridge in Crewe.

The motion, which had been proposed by Councillor S Hogben, was as follows:

*"Coppenhall East Crewe
No large scale housing plans in Coppenhall East should be approved or signed off until essential improvements to the road bridge over the Crewe to Manchester railway line on Sydney Road, as well as the northern relief road from Crewe Green roundabout to the A530 Middlewich Road, have been approved."*

Councillor Hogben attended the meeting to explain the background to the motion.

Sydney Road was an important distributor route in northern Crewe. It connected the Leighton and Coppenhall areas of Crewe with the Crewe Green Roundabout.

On 19th October 2011, the Strategic Planning Board approved a planning application for 650 homes during the spring of 2011 on a site at Coppenhall East.

The Council had a duty to consider and determine planning applications provided they were properly made. If any future application had an impact on the Sydney Road bridge, this would be a material consideration in its determination. However, the Council could not rule out the proper assessment of development proposals which may come forward at a future time.

The Motion did, however, serve to emphasise an area of concern on the local highway network. It would be appropriate for the Strategic Board and other planning committees to explore the impact of proposed development on the bridge and examine whether applications were accompanied by suitable measures to mitigate any identified impacts. In addition, the forthcoming Cheshire East Local Plan would be underpinned by further traffic studies and would be accompanied by an Infrastructure Plan.

RESOLVED

That

- (1) the Board notes that a decision was made on planning application 11/1643 for Coppenhall East on 19th October 2011;
- (2) the Board further notes that the Council has a duty to consider and determine any fresh planning application in the Coppenhall area strictly on its planning merits; and
- (3) the Officers be asked to pursue the inclusion of a scheme for the improvement of the Sydney Road Bridge in the Local Transport Plan to enable the scheme to receive suitable prioritisation, and the improvement of the Bridge be identified as an issue within the Local Plan Infrastructure Plan at the appropriate time.

The meeting commenced at 10.30 am and concluded at 4.00 pm

Councillor H Davenport (Chairman)

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Application No: 11/2818N

Location: LAND ON SHEPPENHALL LANE, ASTON

Proposal: ERECTION OF 43 DWELLING HOUSES (INCLUDING 5 AFFORDABLE DWELLINGS), CREATION OF NEW ACCESS TO SHEPPENHALL LANE

Applicant: NEWLYN HOMES LTD

Expiry Date: 15-Nov-2011

UPDATE REPORT – 28th March 2012

BACKGROUND

This application was placed before the Strategic Planning Board at its meeting on 8th February 2012 at which it was resolved that the application be deferred for the following reasons:

- Further information with respect to alternative sites
- Further information with respect to highways works
- Further information with respect to a new access scheme
- Further information with respect to affordable housing

This report deals with these issues in turn. (It should be read in conjunction with the Original Officer's Report and the update report dated 7th February 2012.)

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.

Highways works

In respect of highways works, Members were seeking additional information in respect of two matters. Firstly, the imposition of a speed limit on the A530 through Aston and the extension of the 30mph speed limit on Sheppenhall Lane to a point south of the application site. Secondly, Members were concerned that the proposed access to the site would result in the loss of an Oak Tree on the Sheppenhall Lane frontage which has been identified as Category A in the Tree Survey accompanying the application.

Speed Limit

With regard to the first issue, 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.

Oak Tree

To turn to the issue of the Oak Tree, an amended plan has been submitted which shows the tree in question retained, and the access point located further to the north and one of the two properties from the north side of the relocated to the south side accordingly.

The Councils Landscape Officer has examined the amended plan and confirmed that it addresses her concerns regarding the Grade A Oak tree and will enable its retention. However, she has commented that it is important to ensure that visibility splays can be achieved without harm to trees and hedges.

The Strategic Highways Manager has also viewed the plans and commented that the visibility can still be provided and that the proposed access arrangements and site layout are acceptable in highway safety terms, in all other respects.

He has also commented that the footpath linking the site to the existing pavement on Sheppenhall lane will need to be provided through a Section 278 Agreement.

Access scheme

At the previous meeting Members expressed concerns regarding the extent of public access to Combermere Abbey. In conjunction with the owner of the Abbey, the Developer has reviewed the proposed offer in respect of:

- 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.

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.

Affordable Housing

At the previous meeting Members queried the key figures which had been referred to at a number of different points in the main report in respect of the relationship between the cost of restoration, the funds that the enabling development would generate for the Abbey and the level of developers profit.

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.

At the last meeting 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 the 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.

Other Matters

Public Open Space

The Officer's Report notes that the Council's Greenspaces Officer had confirmed that there would be no open space requirements for the development. However, although it did not specifically form a reason for deferral, at the previous meeting, 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.

The proposal would therefore meet the three tests for a Section 106 Agreement 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.

Additional Representations

An e-mail has been received from the occupier of Carus, Whitchurch Road making the following points:-

- the Whitchurch Road A530 is struggling to cope with the volume of traffic at present the road surface is completely worn out on its entire length,
- if this application is approved along with the development at Stapeley it will grid lock the town of Nantwich.

It is considered that the highway issues have been adequately addressed as set out in the earlier Officers Report and highways section. Therefore, whilst the comments are noted it is not considered that a refusal on highways grounds could be sustained.

A letter has been received from Elm House, Sheppenhall Lane making the following points:-

- The Nantwich Chronicle dated March 7th contained several articles concerning planning applications; they draw your attention to two specifically.
- The first was concerning a rejection by the Strategic Planning Board, despite planning officers recommending approval, of a proposal for 165 homes in Shavington-cum-Gresty. The article mentioned the usual issues, angry residents etc., etc., but ended with comments attributed to Cllr. Chris Thorley who was quoted as saying..."Quite honestly this five year supply of housing that the council keeps quoting is a load of rubbish. There are around 4,000 empty homes around Crewe and plenty more with planning permission. It's just greedy developers who just want an easy buck." In the light of such a comment, how on earth, and with what justification, can Cheshire East recommend approval of the above application?
- The second article was in the Nantwich Chronicle, concerning the proposed concrete works in Wrenbury (Planning App. 12/0447N). Apart from all the other issues identified in this article and written about elsewhere in letters of objection, one of the biggest concerns must surely be the increase (potentially estimated at least 24 per day) in HGV movements at the Aston crossroads. If you combine this (should both these proposals be approved), with the increase in HGV movements which will be attributable to the proposed development of the land off Sheppenhall Lane (11/2818N) which will also be

using these crossroads, never mind the bulk grain HGVs currently accessing Aston mill from the A530 and Salesbrook Farm along Sheppenhall Lane, you will present the local residents of Aston and Wrenbury with a totally unjustifiable nightmare traffic problem.

- Further more, an article published on the front page of the Daily Telegraph, Thurs. March 8th, contains the following: *"Property developers will be forced to build in town centres before digging up the countryside under revised planning reforms"*. This apparently is part of the final draft of the new planning rules which will be published later this month. It (the article) continues with this comment... *"The rules remove the need for councils to set aside land for 20 per cent more housing than they need over a five year period."*
- In the light of the above and all the other issues concerned with these planning applications, the Council can not approve either.

Newhall Parish Council

Further the deferment of the following application, Newhall Parish Council after great further discussion and representation from Parishioners unanimously agreed to make the following representation with regard to the changes now submitted to the original application:-

Proposal

- the existing 28 days when the Abbey is open to visitors should be extended by a further 12 days. This will provide 40 days per annum in total
- The developers have also offered additional provision for public access – there will be 6 open days a year when there will be public access to the gardens.

Response

- The additional days will be of no benefit to the residents of Newhall Parish

Proposal

- days each year to both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.

Response

- This will be of no benefit to Newhall Parish – if they wish to hold a local event they would do so within their own Parish

Proposal

- the amended plans will be submitted to allow the oak tree to remain.

Response

- The Parish Council are pleased that this is now saved but this is not a benefit to the community as it already exists

Further

- The Parish Council request a formal response to be submitted to the Strategic Planning Committee at the meeting to discuss this application, regarding the legal submission that was made by the Parish Council as part of their objections to this Planning Application, and by Mr A. Murphy, local resident, which states that “the Supreme Court has ruled that for an Enabling Application to be considered it must be proved that there is a real link between the applicants site and the development site”. The Parish Council ask that Cheshire East formally respond to state that this submission has been received, considered, and dismissed as inappropriate to the application.

CONCLUSION

In the light of the above, it is considered that Member's previous concerns and queries which led them to deferral of the application have been adequately addressed. Accordingly, it is recommended for approval subject to an appropriate legal agreement and relevant conditions.

RECOMMENDATION

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 of PPS3 and 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.

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

Application No: 11/2818N

Location: LAND ON SHEPPENHALL LANE, ASTON

Proposal: ERECTION OF 43 DWELLING HOUSES (INCLUDING 5 AFFORDABLE DWELLINGS), CREATION OF NEW ACCESS TO SHEPPENHALL LANE

Applicant: NEWLYN HOMES LTD

Expiry Date: 15-Nov-2011

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.”

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:

- PPS1 (Delivering Sustainable Development)
- PPS3 (Housing)
- PPS4 (Planning for Sustainable Economic Development)
- PPS5 (Planning Policy Statement 5: Planning for the Historic Environment)
- PPS7 (Sustainable Development in Rural Areas)
- PPS9 (Biodiversity and Geological Conservation)
- PPG13 (Transport)
- PPG17 (Open Space Sport and Outdoor Recreation)
- PPS25 (Development and Flood Risk)

4. OBSERVATIONS OF CONSULTEES

Highway Authority

- 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

- 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. No development shall commence until an assessment of traffic noise from the A530 Nantwich to Whitchurch Road, which is less than 100m away, has been submitted to and approved in writing by the Local Planning Authority. The recommendations in the report, to protect the proposed dwellings from traffic noise, shall be implemented and completed in accordance with the approved details prior to first occupation.
3. 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
- Should there be a requirement to undertake “floor floating” the process of mechanical smoothing of concrete to a floor area these operations are restricted to:
Monday – Friday 07:30hrs – 20:00hrs

Saturday 08:30hrs – 14:00hrs

Sunday Nil
- 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 PPS23, 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

- 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

- 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
- $7 \times 11,919 \times 0.91 = £75,924$

5. VIEWS OF THE PARISH / TOWN COUNCIL

Newhall Parish Council

Further to meetings and extensive work by Newhall Parish Council, in conjunction with residents, the Parish Council wish 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:

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 Cllr 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; Sauce, 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 is 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. Section 106 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 Combermere 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

- 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.
 - o As public transport facilities are poor, this would result in a car dependant development which is at odds with a sustainable transport policy.
 - o 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.
 - o 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

- 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

- 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

- 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.

Petition

A petition containing approximately 268 signatures has been submitted objecting on the following grounds:

- The proposed housing development is inappropriately located in the open countryside outside the Settlement Boundary of Aston.
- The infrastructure in Aston, in particular sewerage – already perennially problematic is insufficient to support such a development.
- The proposed housing estate will result in another car depended community and an unsustainable development.
- The proposal will generate a significant increase in traffic in a country lane already under volume and intensity pressure from grain lorries.
- The potential additional volume of traffic discharging onto the A530 at Aston Crossroads at peak times, without speed restriction or traffic lights there, increases the likelihood of collisions, casualties and deaths and is a matter of profound concern.

- Mrs Callender Beckett has still failed to engage the local community in finding alternative ways to fund the restoration of her Grade I listed home.

Objection

Letters of objection have been received from the occupiers of Maida Vale, Cedar House, Whitehaven, Anniesland, 1, 2, 3, 15, 19, 32 and 42 Sheppenhall Gove; Moreton House, West View, Rowan Cottage, Workhouse Cottage, Rosemount, Eaton House, Middlefield Sheppenhall Lane; Rose Cottage, Briarfield, Yew Tree House, Sandford Cottage, Sandford Farm, "Carus", The Manse, Newhall Cross, and 97 Whitchurch Road: Rose Cottage, Whitmore Hall Cottage, Elm House, Briar Cottage, The Lilacs, Cloverley, Ballacraine, Moreton Croft, West View, Sheppenhall Lane; Withymoor Cottage, The Card House, Burleydam; Newhaven, "Brook Bank", Ashville, Wrenbury Road; Ashville, Burleydam; Kingswood Green Farm, Back Coole Lane; Eagle Hall Cottage, Pinsley Green Road, Wrenbury; making the following points:-

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 Callendar 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 whey this should involve adversely effecting 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 expense 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 owner 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.
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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 held 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 damselfly 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 21/2 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 Beckett 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 Callander-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

- Letters of support have been received from the occupiers of: Hampton Bye, Malpas; Aston Grange, Aston-by-Stone; The Cliffe, Cliff Road, Acton Bridge, Northwich; Crewe Hill, Farndon, Chester; Tissington Hall, Ashbourne, Derbyshire; Willow Cottage, Huxley Lane, Huxley; Whitchurch Lodge, Old Woodhouses, Whitchurch; 25 Squarey Street, London; Haughton Hall, Tarporley; Ash Corner, Whitchurch; Bank Farm, Wrockwardine, Telford; Hamlet House, 63 High Street, Eccleshall; New House Farm, Breaden Heath; Fairfield, Brook Lane, Alderley Edge; Knockin Hall Farm, Knockin, Oswestry; School House, Burleydam; The Dower House, Kings Road, Wilmslow; Nook House, Cliff Road, Acton Bridge, Northwich; 2 Sunnybank, Yorton, Shrewsbury; The Woodlands, Calveley Hall Lane, Calveley; St. Andrew House, Priest Lane, Mottram St. Andrew; Massey's Lodge, Tarporley Road, Oakmere; Chillington Hall, South Staffordshire; The Butlands, Whitchurch Road, Spurstow; 33 Clonners Field, Stapeley, Nantwich; High Legh House, Nr Knutsford; 5 Brechin Place, London; Duddon Hall Barn, Duddon, Tarporley; Willow Field, Fords Heath, Shrewsbury; 21 Sheppenhall Grove, Aston; Twemlows Hall, Whitchurch; The Walks, Hall Lane, Haughton; Parme Farm, Jones Lane, Middlewich; The Old Hall, Cholmondeley; 36 Broad Street, Ludlow; Mona Cottage, Lightwood Green, Overton; Bolesworth Castle, Tattenhall; 4 The Monklands, Abbey Foregate; Carden Bank, Tilston, Malpas; Lodmore House, Lodmore Lane, Burleydam; 2 Abberley Hall Alderley Edge Cheshire; Brankelow Folly, Combermere; Hawthorn Farm, Marton Grange Myddle; 20 Tinkersfield Stapeley; Plas yn Grove, Ellesmere; Longmeadows, Prees; 16 York Drive, Mickle Trafford; 20 Linden Close, Bridgwater; The Grange, North Rode; 3 Beatty Road, Nantwich; 41 Sands Lane, Bridlington; Stokesay Court, Craven Arms; 15 Abbeyfields, Crewe; Woodend Cottage, Horsley Lane Beeston; 11 Shoplatch Shrewsbury; Flat 1a, 29 Clevedon Rd., Glasgow; making 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. Policy HE11 of PPS5 relates to enabling development and sets out the factors to be taking into account by the local planning authorities. The policy follows on from the English Heritage guidance referred to earlier.

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 Policy HE.11.1 of PPS5, 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. 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.

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 and Tree Issues

The main features of the site are:

- a number of mature Ash and Oak trees situated along the eastern boundary, bordering Sheppenhall Lane,
- a small number of trees on the western boundary
- 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 under the Crewe and Nantwich Borough Council (Sheppenhall Lane, Aston) TPO 1975

The proposed development would involve removal of a section of hedgerow and a large mature Oak tree on the Sheppenhall Lane frontage, with an access road, areas of hard standing and services provision within the crown spread and root protection areas of the remaining trees on this boundary. The mature hedgerow with trees on the western boundary would form the rear boundaries to gardens and soak ways are indicated in this area.

The loss of the mature Oak tree and hedgerow on the Sheppenhall Road frontage and the introduction of buildings to the site would have immediate landscape impact. The removal of a prominent and mature TPO protected Oak tree, (graded Category A for retention by the

applicants' arboricultural consultants) must be considered a significant loss. However, the proposed landscaping, which is discussed in more detail below, does present the opportunity for a considerable amount of additional tree planting both on the boundaries and within the site. This is discussed in more detail below.

In addition, the proposed layout route services and provides an access road, driveways and other significant areas of hard standing within the root protection areas of further trees, several of which are protected. Whilst details of drainage, tree protection measures and special construction techniques for hard surfacing could be required by condition, the risk of harm to the trees must be considered significant. The developer has been made aware of these concerns and an amended layout has been requested in order to address them. This was awaited at the time of report preparation.

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.

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 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 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 from 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, whilst the minimum density standard of 30 dwellings per hectare has been omitted, Government advice in PPS.3 indicates that local planning authorities should still have regard to the need to make effective and efficient use of land in the consideration of planning applications. 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 paragraph 116 of PPS9.

In line with guidance in PPS9, 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 Councils 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.

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 in accordance with PPS 25. The site falls within Flood Zone 1. PPS 25 confirms that 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 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 in accordance with PPS 25.

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. For this reason, 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 PPS3 and 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.

Housing Land Supply

The proposal would also assist the Council to meet its housing land requirements, which would be a further significant benefit of the proposal. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. It is acknowledged that the Council does not currently have a five year housing land supply and, accordingly, in the light of the advice contained in PPS3 it should consider favourably suitable planning applications for housing.

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.

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. 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.

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.

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, and in accordance with PPS23, 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 Policy HE11 'Enabling Development' of PPS 5. 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).

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.

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.

English Heritage's 2008 publication *Enabling Development and the Conservation of Significant Places* and Policy HE11 of PPS5 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.

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 impact of the development is considered to be acceptable in terms of its impact on the character and appearance of the surrounding open countryside, the layout and design, the sustainability of the site's location, neighbour amenity, hedgerows, highway safety, drainage and flooding, greenspaces provision, education provision, ecological impact, contaminated land and noise implications, when weighed against the restoration of the listed building. Subject to the receipt of amended plans, it is considered that the impact on protected trees can also be adequately mitigated. There are also considered to be 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.

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 and these are material considerations, which in this case are 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.

Accordingly, the recommendation is that Strategic Planning Board should approve the application, as a departure from the Development Plan.

10. RECOMMENDATIONS

APPROVE subject to a legal agreement to secure

- 1. the delivery of the heritage benefits of the scheme and to secure 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 of PPS3 and the Councils Interim Statement on Affordable Housing.

2. An education contribution of £30,000
3. Great Crested Newt Hibernacula

and the following conditions:

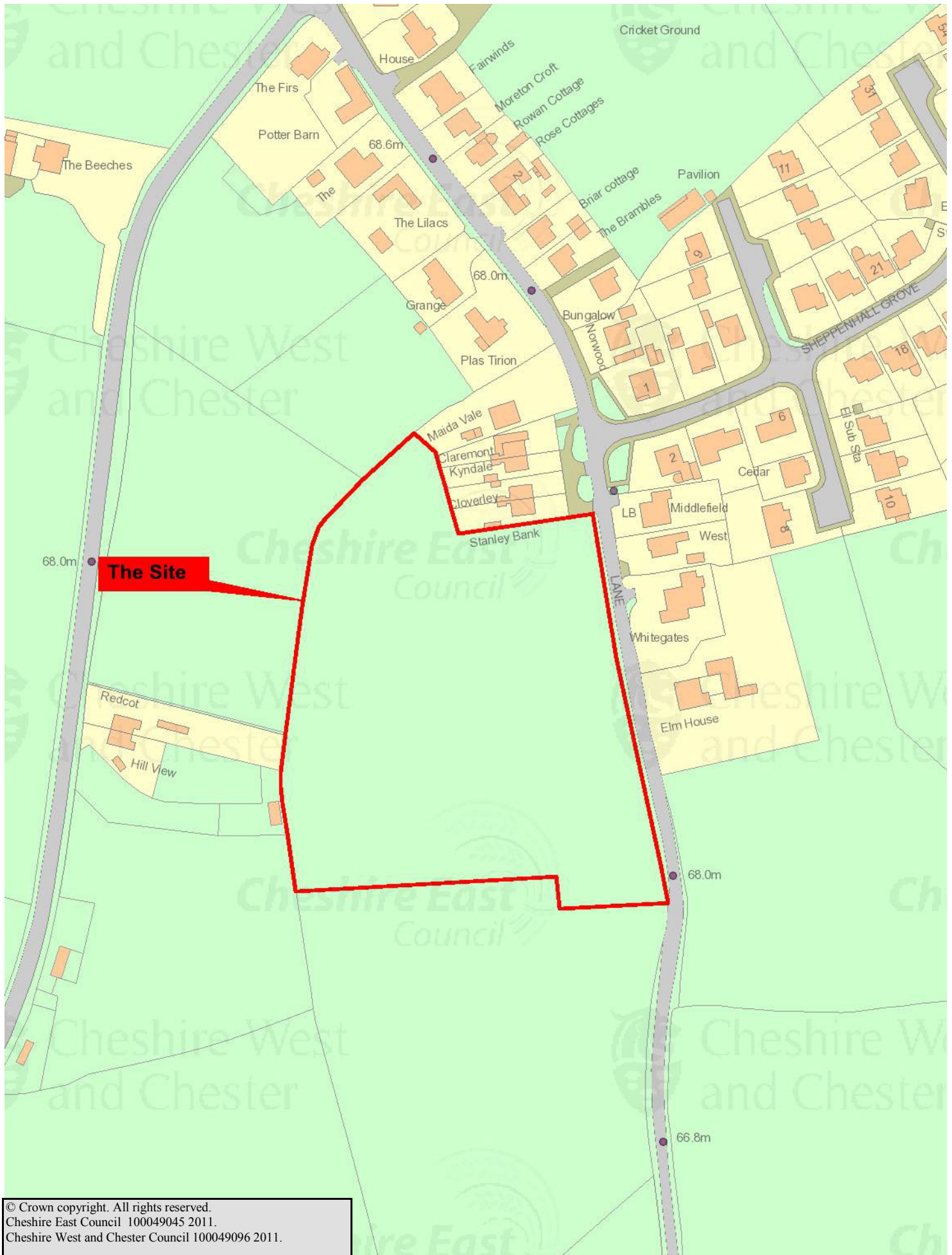
1. Standard
2. Plans
3. Materials
4. Submission of detailed landscape proposals
5. Implementation of landscape proposals.
6. Arboricultural Method Statement and specification for all works within tree root protection areas.
7. Tree Protection.
8. Implementation of Tree Protection
9. Submission/ approval /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	07:30hrs – 20:00hrs
Saturday	08:30hrs – 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**



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Application No: 11/3414C

Location: LAND OFF HASSALL ROAD, SANDBACH, CHESHIRE

Proposal: OUTLINE PLANNING APPLICATION FOR 39 RESIDENTIAL DWELLINGS OVER 1.29HA. ACCESS FROM HASSALL ROAD WITH LANDSCAPING RESERVED.

Applicant: Mr C Davey, Muller Property Group

Expiry Date: 16-Dec-2011

SUMMARY RECOMMENDATION

APPROVE subject to conditions and signing of a S106 legal agreement

MAIN ISSUES

**Principle of Development
Housing Land Supply
Sustainability
Design Considerations
Highway Safety and Traffic Generation
Landscape and Tree Matters
Provision of Open Space
Impact on Protected Species
Impact on Residential Amenity
Flooding and Drainage
Affordable Housing
Impact on Education Capacity
Loss of Agricultural Land
S106 / Contributions**

1. REFERRAL

The application has been referred to Strategic Planning Board because the proposal represents a departure from the development plan as it is situated outside of the settlement zone line for Sandbach.

2. PREVIOUS MEETINGS

At the 29th November 2011 Strategic Planning Board, Members resolved to defer the planning application pending the receipt of further information to help clarify issues that were raised at the meeting. These issues related to the following:

- Traffic impact
- Harm to the landscape character of the area
- Sustainability
- Housing need and supply
- The effect on brown field sites
- The agricultural land
- Consideration of further contributions in the Legal Agreement
- Education provision

This report is an updated version of the November 2011 report and includes further information on the above.

1. SITE DESCRIPTION

This application relates to a site positioned on the south east of Sandbach and comprises an irregular parcel of land situated to the east of Hassall Road.

The site is adjoined to the north and the west by residential properties fronting Hassall Road and open countryside designated fields to the east and south. The access to the site falls within the Settlement Zone Line of Sandbach with the remaining part of the site situated within Open Countryside as designated in the adopted Congleton Borough Local Plan First Review (2005).

The site is irregular in shape and occupies an area of approximately 1.3 ha in size. The topography is generally flat but there is a slight fall down towards the rear boundary of the site. The majority of the site is undeveloped and has been used as a paddock for grazing. There are some single storey stable buildings positioned in the far north-western corner of the site.

2. DETAILS OF PROPOSAL

Outline planning permission is sought for the erection of 39 residential units on land to the east of Hassall Road, Sandbach. Details of access, appearance, layout and scale are to be considered as part of this application with details of landscaping reserved for consideration at a later stage.

3. RELEVANT PLANNING HISTORY

There is no planning history relevant to the site.

4. PLANNING POLICIES

National Planning Policy Framework

Local Plan Policy

PS8 Open Countryside
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity and Health
GR9 Accessibility, servicing and provision of parking
GR14 Cycling Measures
GR15 Pedestrian Measures
GR17 Car parking
GR18 Traffic Generation
GR21 Flood Prevention
GR 22 Open Space Provision
NR1 Trees and Woodland
NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H6 Residential Development in the Open countryside
H13 Affordable Housing and Low Cost Housing

Regional Spatial Strategy

DP4 Make best use of resources and infrastructure
DP5 Managing travel demand
DP7 Promote environmental quality
DP9 Reduce emissions and adapt to climate change
RDF1 Spatial Priorities
L4 Regional Housing Provision
EM1 Integrated Enhancement and Protection of the Region's Environmental Assets
EM3 Green Infrastructure
EM18 Decentralised Energy Supply
MCR3 Southern Part of the Manchester City Region

Other Material Policy Considerations

Interim Planning Policy: Release of Housing Land (Feb 2011)
Interim Planning Statement: Affordable Housing (Feb 2011)
Strategic Market Housing Assessment (SHMA)
Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994
North West Sustainability Checklist

5. OBSERVATIONS OF CONSULTEES (EXTERNAL TO PLANNING)

Environmental Health

No objection subject to conditions restriction hours of construction / piling and contaminated land conditions.

Highways

No Objection

(Additional Comments)

With regard to the further information submitted by both the applicants and residents on this application, one of the main issues concerned the safety of the main access and its visibility. Both the applicant and residents submitted their own speed data. As the results were somewhat different, the Highway Authority has undertaken its own survey to ascertain the speed of vehicles in Hassall Road.

The results of our own survey show the dry weather speed to be 23mph southbound and 24mph northbound. To determine the wet weather speed, these figures are reduced by 2.5mph bringing the speeds to be 21mph and 22mph (rounded). The resident's survey indicated 26.7mph northbound and 28.2mph southbound. The applicant provided figures of 20mph in each direction. Given that Hassall Road is traffic calmed and that there are no Personal Injury Accidents (PIA) recorded in the vicinity of the access, the Strategic Highways Manager concludes that the visibility provided by the applicant is sufficient.

The internal roads within the site will remain private and will not be adopted by the Council. As such, the applicant does not have to conform to the Council design standards.

The access to number 75 is being relocated as part of the proposal. Whether or not the applicant can impose this change on the applicant is a matter between the two parties.

The new relocated access position is considered acceptable. There are numerous instances of access points in similar positions that work safely on a daily basis.

After consideration of the further information provided, the highways advice given previously remains valid.

(Original Comments) Dealing with the traffic impact of the development, the applicant has estimated that 6 vehicles will pass north through the junction of Old Mill Lane /The Hill in the peak hour. Whilst in my view this is a conservative estimate, even if this number was doubled to 12 vehicles, this only represents one vehicle every five minutes. Therefore, although the junction is congested and suffers from extensive queuing, the actual impact from this development will be very small and certainly not material enough to warrant refusal.

With regards to visibility at the main site access, the revised information has shown that the visibility achievable is as per standard. In the non leading direction a reduced visibility is available (2.0m x 22m at a point 1.4m from the nearside kerb). I think that, given the speed survey has shown that vehicle speeds are just above 20mph, the requirement to provide the

full visibility splay in this direction is not necessary, especially as there are no PIA accidents recorded on this section of road.

The private drive to No. 75 has now been relocated away from the junction. This is a better location for the access and the design has been supported by our road safety engineer.

In summary, the changes made to the design has dealt with previous concerns and whilst the development does add extra pressure on the local highway network, it is not sufficient in my view to warrant refusal of the application.

The developer will be providing funding to improve public transport stops locally, and to facilitate this, a S106 Agreement is required.

Environment Agency:

No objection, subject to conditions requiring the submission of a scheme to limit the surface water run-off generated by the proposed development. The discharge of surface water from the proposed development is to mimic that which discharges from the existing site. The discharge of surface water should, wherever practicable, be by Sustainable Drainage Systems (SUDS).

Greenspaces

No objection subject to financial contributions towards the future maintenance of Amenity Greenspace (£14,544.75 (25 years) and the enhancement and future maintenance of a Hassall Rd/Mortimer Drive local play area (£11,263.11 and £36,715.50 (25 years) respectively).

Education

No objection subject to financial contributions towards the education provision. The education contribution required will be £65, 078.

6. VIEWS OF THE SANDBACH TOWN COUNCIL

Object to the proposed development on this Green Field site which will adversely impact on the landscape character of the area, thus contravening policy GR5 (Landscaping) of the Local Plan. Proposals additionally contravene Policies GR6 (Amenity and Health) and GR18 (Traffic Generation) of the Local Plan; the scale of traffic generation will worsen existing traffic problems on Hassall Road to unacceptable levels and therefore have detrimental effect on the amenity of local residents.

VIEWS OF THE BETCHTON PARISH COUNCIL

Betchton Parish Council objects to this proposal as it will cause added congestion to Malkins Bank residents travelling along Hassall Road. This road is already in many places single file traffic as residents have nowhere else to park. As is normal in this semi-rural type of area,

tractors (often with trailers), lorries and plant hire equipment vehicles use this road adding to vehicle numbers. It is not a quiet road.

Brownfield sites that already exist in Sandbach area should be built on first before any arable land is used for housing.

7. OTHER REPRESENTATIONS

Over 1500 letters of objection have been received objecting to this application on the following grounds:

- Detrimental to landscape character
- Unnecessary destruction of wildlife habitat
- Building on a greenfield site when there are numerous brownfield sites available
- The local highway network cannot cope – Hassall Road is already overburdened and will result in increased traffic congestion and accidents on nearby roads and junctions at peak times (Hassall Road, Newcastle Road, Heath Road and Junction with the M6)
- Proposed access arrangements will result in vehicle movements
- Neighbours have not been consulted
- Loss of high quality agricultural land
- The developer has already felled trees and hedges. These should be replaced
- The Council has already approved 900 dwellings on brownfield sites in Sandbach
- There is no need for new houses in Sandbach
- The settlement boundaries of Sandbach should not be moved
- Loss of views over open countryside
- The development will have a negative effect on peoples enjoyment of the area
- The proximity of the development to neighbouring properties
- Proposal will result in loss of visibility and light to neighbouring properties

In addition, since the application was first considered at 29th November 2011 Strategic Planning Board, local residents have undertaken their own traffic survey, agricultural land report, sustainability appraisal and housing supply report. Each report concludes that this application should be refused on for each of the issues that they dealt with.

8. OFFICER APPRAISAL

Principle of Development

The site lies in the Open Countryside as designated in the Congleton Borough Local Plan First Review, where policies H6 and PS8 state that only development which is essential for the purposes of agriculture, forestry, outdoor recreation, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy relating to development within the open countryside. As a result it constitutes

a “departure” from the development plan and there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004 which states that planning applications and appeals must be determined “*in accordance with the plan unless material considerations indicate otherwise*”.

The issue in question is whether there are other material considerations associated with this proposal, which are a sufficient material consideration to outweigh the policy objection.

Members should note that on 23rd March 2011 the Minister for Decentralisation Greg Clark published a statement entitled ‘Planning for Growth’. On 15th June 2011 this was supplemented by a statement highlighting a ‘presumption in favour of sustainable development’ which has now been published in the National Planning Policy Framework (NPPF).

Collectively these statements and the National Planning Policy Framework mark a shift in emphasis of the planning system towards a more positive approach to development. As the minister says:

“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”.

Whilst PPS3 ‘Housing’ has been abolished under the new planning reforms, the National Planning Policy Framework (NPPF) reiterates 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”.

The NPPF states that, local planning authorities should have a clear understanding of housing needs in their area. This should take account of various factors including housing need and demand, latest published household projections, evidence of the availability of suitable housing land, and the Government’s overall ambitions for affordability.

Housing Land Supply

In terms of housing land supply, this issue has been dealt with at the recent public inquiries at Abbeyfields, Hind Heath Road and Elworth Hall Farm in Sandbach. At these appeals the Councils has conceded that the housing land supply situation is now worse than initially thought and that the current supply stands at 3.65 years. More recently it has been agreed that this figure is now at 3.9 years.

The figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Draft Strategic Housing Land Availability Assessment (SHLAA). At the time of report writing, this document is still in draft form. However, there is a commitment to adopt in on or soon after the 2nd April 2012.

The Draft SHLAA has put forward a figure of 3.9 years housing land supply. Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5%. This buffer increases to 20% where there has been a record of persistent under delivery of housing. In Cheshire East, there has been an under supply of housing for some time. As such, it is considered that there should be a five year supply plus 20% to address this shortfall.

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) November 2010 identifies that, at 31st March 2010, the Borough had 4.48 years supply of identifiable, 'deliverable' sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level. In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The SHLAA 2010, identifies the site, as a "Greenfield site on edge of settlement, considered to be sustainably located". It also states that it is a suitable site, with policy change. In addition the site is also described as achievable and developable. The availability of the site is described as marginal/uncertain.

An appeal was allowed on a site with very similar policy considerations in August 2011, at Elworth Hall Farm, Sandbach. Here the inspector concluded that:

"The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre schemes and regeneration areas) does not reflect the spatial vision in either RSS or the emerging LDF. This means I can afford it only limited weight."

The Inspector also attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. 'available', 'suitable' and 'achievable'). He considered that:

"The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its

policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing."

With respect to the housing need within Sandbach specifically, there is a housing requirement of 375 units for the next five years even having regard to the existing permissions in the town, including the Brownfield sites. This amounts to an annual requirement of 75 units per annum. Thus, this would put the existing supply for Sandbach at 4 years, which is still short of the 5 year target.

Furthermore, it must be borne in mind that the Brownfield sites which already benefit from permission, are much larger strategic sites which will deliver a significantly greater number of dwellings than this site. This has implications for the rate of deliverability. Due to their size and scale, it is likely that these sites will be delivered towards the latter end of the 5 year period. As such, this will not assist the housing land shortfall in Sandbach within the short term (i.e. 1-2 year period). Consequently, it is considered that there is still a need for additional housing within Sandbach (not just borough wide) and this site would help to go towards meeting this need in the short term.

The application site is identified in the SHLAA as available, achievable deliverable and, subject to an appropriate policy change in respect of its designation as open countryside, it is considered to be suitable in all other respects. The proposal only represents a small scale development and would not represent an incursion into the open countryside or a major urban extension due to the characteristics of the site. With respect to sustainability, this will be considered further.

Conclusion

The implication of previous appeal decisions is that:

- Whilst weight can be afforded to the IPP in directing development towards Crewe, it has limited weight in preventing development elsewhere
- There is scope for new development in other towns in the Borough.
- Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing.
- There appears to be a distinction between the way in which Inspectors and the Secretary of State have viewed small scale additions to the urban area which have limited impact and major urban extensions. Elworth Hall Farm, like the site currently under consideration, is a small site almost surrounded by other houses and a logical 'rounding off' of the existing settlement. Hind Heath Road, by contrast was a much larger incursion of built development into the surrounding open countryside.
- The Cuddington Appeal in Cheshire West and Chester indicates that significant weight should be applied to housing supply arguments.

In the light of these decisions, and given that there remains a need to supply additional housing units within Sandbach itself, it is considered that a refusal of planning permission for this site on the housing land supply grounds would not be sustainable.

Sustainability

Members have sought clarification on how sustainable the site is in terms of access to local facilities including schools, shops and public transport. To aid this assessment, there is a toolkit which was developed by the former North West Development Agency. With respect to accessibility, the toolkit advises on the desired distances to local amenities which developments should aspire to achieve. The performance against these measures is used as a “Rule of Thumb” as to whether the development is addressing sustainability issues pertinent to a particular type of site and issue. It is NOT expected that this will be interrogated in order to provide the answer to all questions.

In response to this, the Council, the applicant and local residents have calculated distances between the development and local amenities. In line with the toolkit, these comprise of a local shop (500m), post box (500m), playground / amenity area (500m), post office (1000m), bank / cash point (1000m), pharmacy (1000m), primary school (1000m), medical centre (1000m), leisure facilities (1000m), local meeting place / community centre (1000m), public house (1000m), public park / village green (1000m), child care facility (1000m), bus stop (500m) and a railway station (2000m).

The site does not comply with all of the standards advised by the NWDA toolkit. However, as stated previously, these are just guidelines and are not part of the development plan. Owing to its position on the edge of Sandbach, there are some amenities that are not within the ideal standards set within the toolkit. However, all of the services and amenities listed are accommodated within Sandbach and therefore the settlement can be considered as sustainable.

On the whole, the proposal meets the standard. Where the proposal fails to meet it, these facilities / amenities are still within a reasonable distance of those specified and are therefore accessible to the proposed development. Those amenities that are not so close to the development are the local secondary school, medical centre, childcare facility and railway station.

Nevertheless, owing to its location on the edge of the settlement, there are some amenities and facilities that will not be as close to the development as existing dwellings which are more centrally positioned. Indeed this is not untypical for suburban dwellings. However, all of the amenities and facilities are accessible to the proposed development on foot and therefore it is considered that this small scale site is sustainable.

Design Considerations

Whilst this is an outline application, details of appearance, scale and layout have been submitted to support the proposals. Given that the site is situated to rear of existing properties with a single point of access and because the site is self contained, there is little opportunity or need for frontage on Hassall Road. However, within the site, the proposed layout would introduce a linear pattern running parallel with the rear boundary of the site with

the adjacent fields. This would then terminate towards the northern end of the site where the development would be arranged around 2 limbs forming a cul-de-sac. The dwellings fronting the road within the site would overlook an area of public open space that would border the rear of the site 63 Hassall Road. The pattern of the development follows the shape of the site and is deemed to be acceptable.

With respect to the design and external appearance of the development, the units would be modest in terms of their size and would not deviate significantly from the scale of the residential development on Hassall Road and the area generally. Given the mix in character, and having regard to the fact that the site would be self contained, the design of the dwellings would not appear out of keeping with the area. The design is considered to be acceptable and in accordance with relevant design policies.

Highway Safety and Traffic Generation

Policy GR9 states that proposals for development requiring access, servicing or parking facilities will only be permitted where a number of criteria are satisfied. These include adequate and safe provision for suitable access and egress by vehicles, pedestrians and other road users to a public highway.

The application proposes a single point of access off Hassall Road positioned directly in-between numbers 61 and 75 Hassall Road. With regards visibility, the applicant has shown that visibility in the leading direction is achievable as per standards. In the non leading direction, a reduced visibility is available (2.0m x 22m at a point 1.4m from the nearside kerb). Originally, the Strategic Highways Manager considered that because the applicant's original speed survey showed that vehicle speeds were just above 20mph, the requirement to provide the full visibility splay in this direction was not necessary.

In response to this, local residents have carried out their own traffic surveys, which contradicted the results and conclusions of the applicant's submission. The resident's state that greater sightlines from the proposed access would be required, which would not be achievable due to the limited width of the access and 3rd party land. In light of this conflicting information, the applicant has carried out additional survey work and the Council's highways department has also undertaken its own survey to provide impartial data.

The results of our own survey show that the 85 % percentile dry weather speed to be 23mph southbound and 24mph northbound. To determine the wet weather speed, these figures are reduced by 2.5mph bringing the speeds to be 21mph and 22mph (rounded). The resident's survey indicted 26.7mph northbound and 28.2mph southbound. The applicant provided figures of 20mph in each direction. Given that Hassall Road is traffic calmed (speed bumps) and that there are no personal injury accidents (PIA) recorded in the vicinity of the access, it is concluded that the visibility being provided by the development is sufficient. Consequently, the design of the proposed access is considered suitable and acceptable for the proposed development.

With respect to traffic generation, there is local concern that the vehicle movements generated by the proposed development would exacerbate existing traffic conditions particularly at the nearby junction with Old Mill Road and The Hill. The applicants employed a Highway Consultant to produce a Transport Report (TR). The TR assesses traffic

generation numbers and from this considers the traffic impact on the existing highway network.

The applicant has estimated that 6 vehicles will pass north through the junction of Old Mill Road / The Hill in peak hours. Whilst this is a conservative estimate, the Strategic Highways Manager considers that even if the number was doubled to 12 vehicles, this would only represent one vehicle every five minutes. Therefore, although it is accepted that the junction is congested and suffers from extensive queuing, the actual impact from this development will be very small and certainly not material enough to warrant refusal.

Addressing other issues raised by residents, the internal roads within the site will remain private and will not be adopted by the Council. As such, the applicant does not have to conform to the Council design standards. The access to number 75 is being relocated as part of the proposals. Whether or not the applicant can impose this change on the land owner is a civil matter between the two parties and is not a material planning consideration.

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network, it is not sufficient to warrant refusal of the application. The developer will be providing funding to improve public transport stops locally, and to facilitate this, a S106 Agreement is required. Subject to this, the scheme is found to be compliant with local plan policy GR9.

Landscape and Tree Matters

Although landscaping is reserved for future consideration, the scheme is respectful to the boundary hedges running around the perimeter of the site and it is proposed that these will be retained and supplemented where necessary. This would be secured at the reserved matters stage.

The applicant has submitted a Landscape and Visual Impact Appraisal. This concludes that the character of the surrounding residential development is one of being within a wider urban / residential area rather than that associated with ribbon development. Further, owing to the unique shape and site characteristics, the development of the site will lead to a natural progression of development. The location and scale of the proposed development are entirely in scale and in proportion with the existing development and in the wider visual sense will not intrude, dominate or have a significantly adverse impact on the adjacent wider landscape and open countryside.

In terms of the overall impact on the landscape, it is accepted that the proposed development would alter the landscape character of the site and that views of the development would be achievable from the east and Colley Lane. Nonetheless, the development would amount to a squaring off of their settlement owing to it being surrounded on the northern, western and southern boundaries.

The application site is read separately to the wider landscape setting where this comprises of larger open fields making up the open countryside. In comparison, the application site is a small field, surrounded on 3 sides by development with terrain that rises upwards gently, where it transitions with the adjacent residential development. It is enclosed by existing

mature boundary hedgerows and trees. Taking this into account, the development would not jut out and would therefore not appear intrusive or harmful within the landscape setting.

With respect to trees, the proposal would involve the removal of some tree specimens within the site, but would not require removal of specimens outside of the site which includes a TPO protected Sycamore tree on the northern boundary of 64 Hassall Road. The development would achieve sufficient separation with the TPO specimen.

Provision of Open Space

The scheme proposes an area of Public Open Space (POS) centrally positioned along western boundary of the site. This area would be well overlooked by the dwellings on the eastern side of the site and appears to offer a good quality usable space. The amount of POS that would be expected in respect of the development is 1230 sq m. The layout provides 1380 sq m of POS, an over provision of 150 sq m which accords with the Council's Supplementary Planning Guidance.

The applicant has also confirmed that it is their intention to set up a management company to maintain the onsite open space and in this context they would not be required to make a contribution to the Council for the on-going maintenance of the on-site amenity green space.

Following an assessment of the existing provision of Children and Young Persons Provision accessible to the proposed development, if the development were to be granted, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision.

To meet the needs of the development, an opportunity has been identified for the upgrading of an existing facility at Hassall Rd/Mortimer Drive, to increase its capacity. This facility is a local facility located less than 100m away from the development site. The existing facilities at the identified site are substandard in quality and the applicant has agreed to provide a financial contribution for capital works for the upgrade of its play area in accordance with Council standards.

Therefore, subject to the applicant entering into a Section 106 Agreement to secure the financial contributions and the establishment of the management company, the scheme is found to be in accordance with SPD6.

Impact on Protected Species

The application is accompanied by a Phase I habitat survey including a bat survey of the trees on the site. This concludes that bats, amphibians (great crested newts) and barn owls are not likely to be present or affected by the proposed development. However, the site does exhibit features that are considered as Biodiversity Action Plan Priority habitats and hence a material consideration. These include hedgerows and breeding birds.

The Council's Nature Conservation has considered the submitted surveys and agrees with their findings and conclusions, subject to conditions requiring a breeding bird survey to be carried out and submission of a scheme for the incorporation of features into suitable for use

by breeding birds. Subject to these being implemented, the requirements of the newly adopted National Planning Policy Framework and the EC Habitats Directive are satisfied.

Impact on Residential Amenity

According to Policy GR6, planning permission for any development adjoining or near to residential property or sensitive uses will only be permitted where the proposal would not have an unduly detrimental effect on their amenity due to, inter alia, loss of privacy, loss of sunlight and daylight and visual intrusion, and noise. Supplementary Planning Guidance Note 2 advises on the minimum separation distances between dwellings. The distance between main principal elevations (those containing main windows) should be 21.3 metres with this reducing to 13.8 metres between flanking and principal elevations.

With respect to the existing properties on Hassall Road, and those to the north backing onto the site at Cross Lane, the minimum separation distances would be achieved. With respect to the nearest property, no 63, Plot 03 would be offset from this property and the proposed buildings to the side would be single storey garaging.

The plans have been amended to reduce impact on no. 75. Plot 39 would be situated directly to the rear of no. 75 Hassall Road but would be positioned at 90-degrees. The dwelling has been shifted further over to satisfy the council's minimum separation distance of 13.8. Having regard to the positioning and proximity, the scheme would not give rise to any direct overlooking or significant loss of sunlight or daylight to these neighbouring properties.

With regard to the amenity of the occupiers of the proposed units, the dwellings have been configured and arranged so as to ensure no direct overlooking of principal windows takes place. Equally, there would be no significant overshadowing or visual intrusion. Each dwelling unit would benefit from its own rear garden and it is considered that the amenity space provided as part of the development would be acceptable for the size of units proposed. Subject to the removal of permitted development rights, the proposal is found to be acceptable in terms of residential amenity.

Flooding and Drainage

A Flood Risk Assessment has been carried out to determine the impact of the proposed development on flooding and the risk of the proposed development from flooding. In accordance with the National Planning Policy Framework and local policy, the FRA has considered the impact on the surface water regime in the area should development occur. The Environment Agency has confirmed that the redevelopment of the site is considered to be acceptable with the use of appropriate conditions for a drainage scheme for surface water run-off, a scheme to manage the risk of flooding from overland flow of surface water.

Provision of Affordable Housing

Following negotiations with the applicant, the proposed development will provide 12 affordable units (8 social rent and 4 for intermediate tenure) within the proposed 39. This provision accords with the Interim Affordable Housing Statement requirements that

developments of this scale should provide a minimum of 30% affordable housing within the scheme and of which 65% should be social rented and 35% should be intermediate tenure.

Education

The Education Department has requested a developer's contribution of £65,078. The development will generate 6 primary aged pupils and 5 secondary aged pupils. There are 6 primary schools within 2 miles of the proposal and 2 secondary schools. Projections show that the local primary schools are due to be oversubscribed by 2014 with no surplus places available and this does not account for the developments at former Foden's sites and Albion Inorganic Chemical Works from which S106 contributions have been secured. There is projected to be sufficient surplus provision available in the local Secondary Schools. Thus, the contributions sought would assist the future primary school provision and the applicant has agreed to these terms.

Loss of Agricultural Land

It is noted that Policy NR8 (Agricultural Land) of the Congleton Borough Local Plan has not been saved. However, the National Planning Policy Framework highlights that the use of such land should be taken into account when determining planning applications. It advises local planning authorities that, 'significant developments' should utilise areas of poorer quality land (grades 3b, 4 & 5) in preference to higher quality land.

In this instance, the land is classified as Grade 3A, which is considered to be the 'best and most versatile' agricultural land. However, it is important to note that the area of farmable land is not significant, measuring only 1.3 ha. At present, the plot is divided into 2 parcels, with approximately 55% in arable use. The remaining portion is of poor quality and is also within separate ownership. Whilst part of the land has been used to grow crops, due to its limited size and the existing site constraints (i.e. surrounded on 3 sides by residential development and separated from the larger open fields to the east by mature trees and hedgerows), it does not offer a contribution to the high quality agricultural land in the area.

Thus, whilst the proposal would result in the loss of a small quantity of Grade 3A agricultural land, the loss would not be 'significant' and would not outweigh the benefits that would come from delivering this small scale development and assisting with the Council's housing land supply situation helping to relieve pressure on less sustainable and preferential Greenfield sites elsewhere.

S106 / Contributions

Further to the meeting when Members first considered this application, the applicant has agreed to provide sums of £65,078 towards the education provision within nearby primary schools, and also offered £4,000 towards providing travel packs for the occupiers of the new houses to help improve sustainability. This is in addition to the agreed sums of money relating to POS and improving the local bus stop. Such contributions will offset the impacts of the proposed development and will help to minimise any harm.

10. REASONS FOR APPROVAL

It is acknowledged that the Council does not currently have a five-year housing land supply and that, accordingly, in the light of the advice contained in the newly adopted National Planning Policy Framework, it should consider favourably suitable planning applications for housing. The housing land supply situation is worse than previously thought and the implication of recent Appeal decisions is that little weight should be afforded to the IPP which directs development towards Crewe and there is scope for new development in other towns in the Borough subject to other material planning considerations.

In this case, there is still an annual shortfall of units within Sandbach, even when taking into account existing permissions on Brownfield land. The proposal amounts to a small scale development and would assist the land supply situation in the short term.

Whilst the site does not meet the minimum distances to local amenities and facilities advised in the North West Sustainability toolkit, there is not a significant failure to meet these and all such facilities are accessible to the site. The development is therefore deemed sustainable.

To conclude highways matters, whilst the development does add a little extra pressure on the local highway network it is not sufficient to warrant refusal of the application as the additional movements generated will not be significant.

The proposal will not have a significant impact on the landscape character of the area and will represent a rounding off of the settlement without resulting in an intrusion into the open countryside.

Whilst the proposal will result in the loss of some grade 3a agricultural land, it is considered that the benefits of delivering the site for much needed housing would outweigh this loss, given that the site does not offer a significant quality of land.

Following the successful negotiation of a suitable Section 106 package, the proposed development would provide adequate public open space, the necessary affordable housing requirements and monies towards the future provision of primary school education.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, ecology, drainage/flooding and it therefore complies with the relevant local plan policy requirements and accordingly is recommended for approval.

11. RECOMMENDATION

APPROVE subject to completion of Section 106 legal agreement to secure the following:-

- **30% affordable housing (12no. units), split on the basis of 65% social rent and 35% intermediate tenure as per the requirements of the interim planning statement.**
- **£11,263.11 and £36,715.50 (25 years) for the upgrading and maintenance of an existing children's play facility at Moss Drive (not be 'time limited')**

- **Provision for a management company to maintain the on-site amenity space**
- **Upgrade of Bus Stop on Hassall Road**
- **£65,078 towards future primary school education provision**

And the following conditions

- 1. Standard outline**
- 2. Submission of reserved matters (landscaping)**
- 3. Approved plans including amended plans and access detail**
- 4. Contaminated land investigation**
- 5. Hours of construction**
- 6. Details of pile driving operations**
- 7. Submission of details of bin storage**
- 8. Scheme to manage the risk of flooding**
- 9. Scheme to limit surface water runoff**
- 10. Discharge of surface water to mimic that of the existing site**
- 11. Sustainable Urban Drainage System,**
- 12. Only foul drainage to be connected to sewer**
- 13. Retention of important trees**
- 14. Submission of Comprehensive tree protection measures**
- 15. Implementation of Tree protection**
- 16. Timing of the works and details of mitigation measures to ensure that the development would not have a detrimental impact upon breeding birds.**
- 17. Hedgerows to be enhanced by 'gapping up' as part of the landscaping scheme for the site**
- 18. Removal of Permitted Development Rights for windows/openings for plots 03, 08, 11, 15, 16, 22, 24, 39**
- 19. Obscured glazing for first floor windows in flanking elevations of plots 08, 11, 15, 16**
- 20. Submission of details of boundary treatment**
- 21. Submission of details of Travel Pack for each dwelling**



Application No: 10/2647C

Location: LAND NORTH OF, TWEMLOW LANE, TWEMLOW GREEN

Proposal: ERECTION OF 13 NO. AFFORDABLE HOUSES, ASSOCIATED PARKING AND LANDSCAPING AND NEW VEHICULAR ACCESS.

Applicant: MCINERNEY HOMES & PLUS DANE GROUP

Expiry Date: 13-Oct-2010

SUMMARY RECOMMENDATION: Approve with conditions.

MAIN ISSUES:

- Principle of the Development
- Housing Need
- Highways and Parking
- Amenity
- Design and Layout
- Landscaping and Trees
- Jodrell Bank Telescope
- Section 106 Agreement – Affordable Housing and Management of the Public Open Space and Trees Retained within the site

SUMMARY

This application is being re-assessed to address the issues raised in a Judicial Review, which led to the decision being quashed on 10th January 2012. The previous application was approved subject to the completion of a Section 106 Agreement, by the Southern Planning Committee on 2nd February 2011. (The Section 106 Agreement was completed on 29th September 2011 and the planning permission issued on 6th October 2011).

The report is presented to the Strategic Planning Board in order that the application can be assessed, with the errors identified by the Judicial Review in the previous report to the Southern Planning Committee, corrected and new information assessed.

The detailed grounds for Judicial Review were that the Council did not adequately have regard to a previous refusal in April 2008 (07/1227/FUL) and '*failure to take account of the material consideration whether the development comprised a small scheme.*' In addition to this there were material errors of fact contained within the report, which have been amended. The errors were as follows:

- The report wrongly stated that the Congleton Borough Rural Housing Survey 2005 concluded that in Twemlow there was a need for 18 new affordable homes
- The report also stated that of the 17 people who had moved out of the area, 15 would not have done so if there was cheaper housing available to them

DESCRIPTION AND SITE CONTEXT

The application site comprises part of a triangular parcel of land, bounded by Twemlow Lane on the south west side, Goostrey Lane on the eastern side and the former Ministry of Defence fuel storage site to the north. The eastern boundary with Goostrey Lane contains a variety of types of residential properties; to the southwest, on the opposite side of Twemlow Lane, are dwellings that were former Local Authority properties.

The site is 0.82 hectares in size and comprises bushes and trees (some of which are subject to protection orders), and rough grassland, which is mostly level with a slight fall from east to west across the site. The site is defined as being within the Open Countryside and is adjacent to the infill boundary line of Twemlow, as defined in the adopted local plan.

DETAILS OF PROPOSAL

The proposal is for the development of 13 affordable houses that would be constructed by McInerney Homes and then acquired and managed by the Plus Dane Group, which is a registered social housing company. The tenure is proposed to be a mix of rented and shared ownership, which would, should the application be approved, be secured by a Unilateral Undertaking submitted with the application. An Affordable Housing Statement and Local Housing Need Justification Statement has been submitted with the application and this is discussed in the main body of the report.

Originally the proposal comprised 14 dwellings, which has been reduced to 13 in order to achieve a more acceptable layout, and recognise concerns in relation to the Jodrell Bank Telescope. The layout of the site would comprise a vehicular access taken from Twemlow Lane, with an area of informal, public open space to the northwest of the access. Six of the dwellings would be sited on the south eastern side of the access road, which would then have a turning head and an entrance to a private parking courtyard. This would provide parking and vehicular access to the seven properties, facing on to Twemlow Lane. These seven dwellings would take the form of two semi-detached units at either end and a terrace of three in the centre, the terraced properties would be slightly set back from the semi-detached properties on either side. The properties would comprise eight 2 bed and five 3 bed houses.

RELEVANT HISTORY

The previous approval bearing this reference number (10/2647C) was quashed in the High Court of Justice Administrative Court on 10th January 2012. This was on the grounds of *'failure to take into account the April 2008 decision'* and *'failure to take into account the material consideration whether the development comprised a small scheme'*.

07/1227/FUL 2008 Refused application for 16 dwellings

- Failure to meet the criteria for affordable housing exception sites
- Inadequate private open space
- Impact on protected trees
- Detrimental to highway safety

- No provision for sustainable transport options
- Insufficient information related to protected species
- Impact on Jodrell Bank Telescope

07/0165/FUL 2007 Withdrawn application for 16 dwellings

06/0120/FUL 2006 Withdrawn application for 16 dwellings

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP8 Mainstreaming Rural Issues

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

RDF4 Green Belts

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside

H1 & H2 Provision of New Housing Development

H6 Residential Development in the Open Countryside and Green Belt

H13 Affordable and Low Cost Housing

H14 Rural Exception Sites

GR1 New Development

GR2 & GR3 Design

GR6 Amenity and Health

GR9 Parking and Access

GR18 Traffic Generation

NR1 Trees & Woodlands

GR22 Open Space Provision

SPG2 Provision of Private Open Space in New Residential Developments

SPD6 Affordable Housing and Mixed Communities

Other Material Considerations

The Council has adopted an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing, specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities, including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy. The statement was adopted on 24th February 2011.

National Planning Policy Framework

*"At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

*For **decision taking** this means:*

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole;*
 - or
 - *specific policies in this framework indicate development should be restricted*

Having regard to the provision of affordable housing in rural areas the NPPF requires that local authorities are:

"responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including rural exception sites where appropriate." In addition it advises 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."

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*"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:*

- (i) 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 recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

OBSERVATIONS OF CONSULTEES

Environmental Health

No objection, subject to conditions relating to:

- the potential for land contamination
- limits on the hours of construction and deliveries
- limits on the hours of piling if it is necessary

United Utilities

16th August 2010

No objections, subject to the site being drained on a separate system, with only foul drainage being connected to the main sewer. Surface water should discharge directly into the soakaway/watercourse.

15th December 2011

Thank you for your planning consultation of 14/12/11 for application 10/2647C. We have responded previously to the application. I believe that the application details have not changed. Therefore the previous comments still stand.

Strategic Highways Manager

16th November 2011

The Traffic Statement shows that the traffic generation and impact from the site will have a negligible effect on Twemlow Lane, and once past the nearest junctions, the traffic will split and there would be no adverse impact on the local network.

The analysis of sustainable modal choice for the site shows the requisite information on: walking, cycling, bus and rail travel, and shows site has options for all of those choices. In addition the proposal offers 200% parking ratio against dwelling numbers and states that this is designed to mitigate against displacement parking onto the public highway.

The visibility available for the proposed junction is in accordance with standards set against the measured approach speeds and the SHM is satisfied that visibility to the nearside kerb is available in both directions.

The SHM considers that the Transport Statement appropriately addresses the traffic issues associated with the site and whilst sustainable modal choice is available, the SHM considers that this aspect of the analysis clearly shows these choices to be rural in nature with the limitations that can bring. Walking options have limited footways, cycling is a real option, bus services have a rural timetable and the rail link is a reasonable option from Goostrey and Holmes Chapel. The SHM also acknowledges the realistic parking provisional ratio and considers this to be robust.

The SHM recognises the constraints of this site, but feels that the parking court is a necessity given the proposed layout. However it does not comfortably align with the quality design Manual for Streets advocates. The parking arrangements are secure because of passive surveillance.

The SHM does consider that the site should provide a roadside 2 metre footpath for the frontage of the site between the new junction and the eastern boundary. It is acknowledged that there is a secondary footpath on this frontage which serves plots 1 – 6. However, the additional footpath would serve the rest of the site and provide the significant refuge for pedestrians which this site demands because of its rural nature. This is considered to be an essential link and will prevent the need for pedestrian use of the verge.

In principle, the Strategic Highways Manager has no objection to the development and recommends conditions relating to the provision of a frontage footpath, the provision of tactile paving and dropped kerbs and the submission of a suite of drawings for the proposed junction.

University of Manchester – Jodrell Bank Observatory

24th August 2010

The University of Manchester opposes this application, as it would harm the efficient operation of the telescopes at Jodrell Bank Observatory. The potential electrical interference generated from the proposed development is of considerable concern, particularly because they lie to the south west of the observatory and are also less than 3 miles from the site.

As an example, an interfering signal from this location would be 4 times greater than if it came from a unit in Holmes Chapel.

The telescope can only make many of its most important observations by pointing in this direction when it is very vulnerable to stray radiation from electrical devices on the ground.

10th January 2012

We have objected to the proposed development at Twemlow Green on the grounds of the detrimental impact of radio frequency emissions on the radio astronomy observations at Jodrell Bank Observatory. We were concerned that it was approved. We would therefore like to take this opportunity to provide some of the basis of our objection along with some comments on the impact of radio interference on the research undertaken at Jodrell Bank.

Jodrell Bank Observatory conducts world-leading research using the 76-m Lovell Telescope. In addition, it operates e-MERLIN as a UK national facility, an array of telescopes in which signals from other radio telescopes across the UK are combined, together with those at Jodrell Bank, to produce images at radio wavelengths with similar detail to those produced by

the Hubble Space Telescope. (The team studying pulsars use the Lovell Telescope for much of their work and is recognised as one of the leaders in this field, using detailed timing observations to make the tests of Einstein's theories of relativity and probe the physics of objects so compact that a teaspoonful would weigh a billion tons.

The University of Manchester, Regional Development Agencies, and national research funding bodies have invested millions of pounds over the last few years in the development and operation of the telescopes and equipment as well as the development of a new Discovery Centre to communicate this research with the public.

The astronomical signals studied by radio astronomers are extremely weak: that is such large dishes equipped with the most sensitive receivers, cooled to less than -250 C are used. Many radio observatories are located in remote regions away from sources of terrestrial radio interference, in some cases with legal protection against interference and residential/commercial development. The observatory at Jodrell Bank relies on consultation within the local planning procedure.

The threshold for harmful interference to radio astronomy observations is set out in the recommendation of the International Telecommunications Union (document ITU-R 769). This quantifies the average flux density from a harmful interfering source, as received at the by a telescope, (assuming that the telescope is not pointed towards the interfering source (0dBi gain).) This threshold is used both nationally and internationally to protect radio astronomy observatories. This threshold is also used as the basis of shared access to parts of the radio spectrum administered by Ofcom in the UK. In particular, there is a 50km protection zone for recognised spectrum access (RSA) centred on Jodrell Bank Observatory and other radio telescopes in the UK, which is taken into account by Ofcom for the planning of radio links and the licensing of other radio transmission equipment. The basis of the protection is that emission from a planned link or equipment should not exceed the ITU-R 769 threshold at that frequency.

Many domestic devices and appliances produce radio emissions, whether intentionally or otherwise, across a wide range of frequencies. Consequently unintentional emissions occur at frequencies used at Jodrell Bank and internationally for radio astronomy. Current EMC requirements for domestic appliances not to interfere with each other are set out by the Comité International Spécial des Perturbations Radioélectriques (Special Committee for Radio Interference or CISPR). As an indication, we may consider a typical dwelling to have a number of such devices whose emission is at the CISPR level. Given the distance from the observatory, and an allowance for propagation loss, the interference from the dwelling may be compared with the ITU-R 769 threshold. Three devices, operating at the CISPR 14-1 limit (30 dBµV at 10m), indoors (assuming 10dB building shielding) at a distance of 2.5km, assuming 10dB propagation loss due to low level clutter, would just exceed the ITU 769 threshold at 1.4 GHz. We stress, however, that the CISPR levels are designed to prevent interference to other devices (such as radio and TV) which are much less sensitive than the cooled receivers used at Jodrell Bank and other radio telescopes. Furthermore, even typical battery powered devices and toys have been measured to exceed these CISPR limits by more than a factor of 30 (eg a cordless drill measured by RTCG Project 712, Ofcom 2002).

This approximate calculation indicates why observations are already affected to some degree by radio interference from many sources. The fact that we can still make world-class

observations is because in most cases, strong, short-lived interference can be recognised and removed from the data. Lower-level continuous interference can increase the general noise level and means that in general observations need to be made for longer and hence at greater cost to achieve a given sensitivity.

These calculations are indicative and approximate: In practice, the strength and nature of interference varies greatly, as does the ability to mitigate the effects of interference using sophisticated signal processing techniques and careful editing of data. Clearly, astronomers at JBO are able to operate at present, and carry out experiments, but they often rely on a wide range of techniques to reduce the impact of interference. This takes considerable effort and every increase in interference requires more effort and further developments in signal processing and analysis. Moreover, each increase in interference has the potential to make certain observations impossible, depending on the characteristics of the new source of interference. This is already starting to happen in some cases.

The potential for interference increases with the number of dwellings and its distance from Jodrell Bank and the above approximate calculations show why we are concerned about a development of this size (13 dwellings) at such a distance.

VIEWS OF TOWN/PARISH COUNCIL

11th August 2010

There were concerns regarding the current speed of traffic on Twemlow Lane and the dangers when pulling out of properties. Residents were already fighting to reduce the speed limit as it was viewed to be too high. This application was intending to add even more pressure (on traffic congestion) and in the public's view, a dangerous B road. (One access is intending to serve another, with possible twenty eight cars at peak times).

It needs to be pointed out that the speeds submitted in the application were not top speeds, just a mean average which could be a distorted figure to move towards the passing of the application.

The pavement on Twemlow Lane is narrow, not serviceable to walk on and the street lighting is limited. This creates a danger when people need to travel by foot on winter mornings / evenings when it will be dark, especially over the station bridge heading towards Goostrey. The local primary school is in Goostrey and there will be the need to transport children to and from the school presumably by foot or bus. It is viewed to be unsafe when walking to and from the station or bus stop.

Many residents from Twemlow Lane have issues with the utilities, especially the water supply. The water pressure is not great enough in the morning to let one lady have a shower until 10.00am.

The surface water generally floods gardens after a large rainfall as the gullies can't cope with the volume of water.

The sewage system apparently is only designed to accommodate the current houses. Even though the application states that these things have been Considered, when 14 more properties have been built they are very worried that their situation will deteriorate further.

The cascading ruling put forward in the application still gives the builders, after only two criteria, the chance to bring people to reside from outside Twemlow. After Twemlow there may be the need to move towards Goostrey for residents.

The application would mean an increase of 20% of homes in the hamlet of Twemlow and, if the need is greater in Goostrey then 14 houses would have a lot smaller impact in Goostrey, as the village is a lot bigger. Residents are very worried that people in Twemlow don't need these houses and then outsiders from other areas would be offered the properties.

The concluding view is that Twemlow is not a sustainable location for 14 affordable houses.

24th November 2010

The amendment to the initial application has made no difference. The change of style of houses (two semis and one group of three houses) is not in keeping with a rural area at all.

4th January 2012

At the Parish Council meeting this morning, Twemlow Parish Council affirmed its opposition to this proposal as outlined in e-mails of 11th August and 24th November 2010.

OTHER REPRESENTATIONS

48 representations have been received relating to this proposal, between 9th August 2010 and 3rd January 2012. 46 in opposition and 2 in support. The objectors express concern over the following issues:

Land Use

- Overdevelopment of the area
- Disproportionate increase in the housing stock in Twemlow parish
- Lack of proven housing need in Twemlow
- Local infrastructure could not sustain additional housing
- Lack of amenities in the area
- Lack of available spaces in the local primary school
- Inadequate utilities in the local area – electricity, water drainage
- Encroachment on Greenfield land
- Land is neglected but could be returned to agricultural use
- Precedent would be set for further development to the rear of the site and on the Ministry of Defence site
- More suitable sites available in Holmes Chapel
- Local residents would not want affordable housing to be built in Twemlow
- Affordable housing need should be addressed by other sites in the Borough that have been granted consent
- Insufficient capacity for electrical supply

Design

- The development would alter the character of Twemlow and is not in keeping with the existing development

Amenity

- Noise and light pollution

- Proximity to the former Ministry of Defence site

Highways

- Infrequent bus services, leading to an increase in traffic
- Local primary school is not safely accessible on foot
- Risk of accident for secondary school children walking to the bus stop
- Lack of footpaths on existing roads
- Inadequate access to local services
- Adverse impact on highway safety due to an increase in traffic on Twemlow Lane and over the narrow railway bridge
- Unsafe vehicular access opposite existing properties

Other

- Interference to the Jodrell Bank telescopes
- Underhand tactics by the developers
- To approve the application would ignore the requirements of the Localism Act

The 2 letters in support came from the same source and expressed the need for affordable housing in Twemlow. They state that 60% of housing in Twemlow was affordable 20 years ago, now there are only 2 affordable houses left.

OFFICER APPRAISAL

Principle of Development

The site is designated as being within the Open Countryside where Policy PS8 states that development will only be permitted if it meets one of several criteria. The relevant criterion is that it is for affordable housing in compliance with Policy H14. Policy H14 relates to rural exception sites and requires that development is:

- close to existing or proposed services and facilities
- comprise a small scheme appropriate to the locality
- consists in its entirety of housing to be retained as low cost in perpetuity
- is supported by a survey identifying local housing need
- subject to a legal agreement ensuring properties are occupied by local people in housing need, cannot be disposed of on the open market and has a mechanism in place for management of the scheme.

Having regard to this, the nearest services and facilities are in Goostrey, but within 2km of the site. The scheme is considered to be small and appropriate to the locality. The housing would be retained as low cost in perpetuity. A housing needs assessment has been provided and is considered to be acceptable. A Unilateral Undertaking has been submitted which would prevent sale of the properties on the open market and has a mechanism for management of the scheme. The proposal is therefore considered to be compliant with Policy H14.

An assessment of housing need has been submitted with the application and is discussed below.

Housing Need

Cheshire East Strategic Housing Market Assessment (SHMA)

The SHMA for Cheshire East was completed in 2010. The proposed development lies in the geographical area of 'Holmes Chapel Rural'. The result for Holmes Chapel Rural shows that the net housing need for this area is for 8 homes per annum for the next 5 years.

Congleton Borough Rural Housing Needs Survey – 2005

The survey covers the Parishes of Cranage, Goostrey and Twemlow. Response rate was 31% for Twemlow. It showed that 9 households contained at least 1 hidden household and in total there were 15 hidden households. However, two of these stated that they had sufficient income to qualify for a mortgage. The remainder would qualify for an affordable home in terms of their levels of income demonstrating a need for 13 affordable homes in Twemlow. The survey also found that 4 people had moved out of either the parish or the borough within the last 5 years because they could not afford to buy/rent a home in the area and of these, 1 would like to return and 2 of the 4 were unsure. Therefore, after discounting those that were unsure, a need of 14 affordable homes remains in Twemlow.

Twemlow Parish Council Survey April 2010

In April 2010, Twemlow Parish Council conducted its own Housing Needs Survey for the parish. A questionnaire was sent to all the households in the parish and there was a 52% response rate. The survey showed that there were 9 hidden households. Of these 7 would consider affordable housing. In addition, there were 17 households where at least one member had moved out of the area. Of these 7 would return if cheaper housing were available. This survey demonstrates a housing need of 14 affordable homes.

Housing Waiting List/Cheshire Homechoice

There are 32 people registered within the parishes of Twemlow, Lower Withington, Goostrey, Swettenham and Cranage as their first choice.

Current Delivery of Affordable Housing and Planning Permissions for Holmes Chapel Rural

Since 2010 there has been one development of 10 units for shared ownership in Cranage. There is also a site in Cranage which has planning permission for a further 10 units.

The affordable housing need in Twemlow is for 14 homes. The mix in terms of homes required would be for a 60/40 split between 2 and 3 bedroom homes. The Council's Interim Policy on Affordable Housing expects a ratio of 65% Social or Affordable rent and 35% properties as intermediate tenure.

Twemlow is a very rural parish, but the Transport Statement submitted with the application concludes that the site is accessible by non-car modes and the nearby parish of Goostrey would provide access to public transport, shops, community facilities and schools. It is therefore considered that this parcel of land would provide a relatively sustainable site for this rural exception housing scheme.

Highways and Parking

Several of the objectors have expressed concerns about highway safety and parking in relation to this application. It is considered that the Transport Statement that was submitted with the application appropriately addresses the traffic issues associated with the site. In principle there are no objections to the development, subject to conditions relating to tactile

paving and dropped kerbs, detailed drawings of the junction and the provision of a frontage footpath.

The first two are considered to be acceptable. However, the latter as discussed in the landscaping and trees section below, would have an adverse impact on the trees on the boundary of the site. Given that a footpath is to be provided within the site, linking the properties to the access road and Twemlow Lane, it is considered that this would not be necessary.

Moreover subsequent discussion with the SHM has concluded that a satisfactory alternative could be achieved within the site and that this issue can be dealt with by condition.

Concern has been expressed regarding infrequent bus services leading to an increase in traffic, lack of footpaths, risk of accident to children walking to school, inadequate access to local services, unsafe access opposite existing properties and adverse impact on highway safety due to an increase in traffic. It is considered that the Transport Assessment submitted with the application has addressed these issues and this has been scrutinised by the Strategic Highways Manager. Whilst the development would give rise to additional traffic in the area, it is not considered that this will cause an unacceptable impact on highway safety. The access is also considered to be acceptable and would not have any significant adverse impact on highway safety.

As the proposal is considered to be acceptable in terms of highway safety and parking provision, a refusal on highway safety grounds could not be justified.

Ecology - Protected Species & Nature Conservation

The Nature Conservation Officer originally had concerns that the Ecological Assessment originally submitted, did not include the results of a protected species records search. This was subsequently submitted and showed that roosting bats, badgers and Great Crested Newts do not present a constraint to the site.

Conditions are recommended to ensure the protection of breeding birds and that the hedgerow on the eastern boundary of the site should be retained and it is considered that these would meet the necessary tests in Circular 11/95.

Due to the length of time that has elapsed between the original submission and the re-assessment of the application, updated survey work was undertaken. The survey confirmed that there was no evidence of Badgers on the site and that this species is unlikely to be affected by the proposed development. Conditions relating to the hedgerow and breeding birds will still be imposed.

Amenity

Policy GR6 requires that new development should not have an unduly detrimental effect on the amenity of nearby residential properties from loss of privacy, loss of sunlight or daylight, visual intrusion, environmental disturbance or pollution and traffic generation access and parking.

Supplementary Planning Document 2 (Private Open Space), sets out the separation distances that should be maintained between dwellings and the amount of usable residential amenity

space that should be provided for new dwellings. Having regard to this proposal, the required separation distances would be fully complied with and the residential amenity space provided for the new dwellings would be satisfactory.

It is considered that permitted development rights for extensions should be removed in order to protect the amenity of residents in the future. In addition, at the western end of the site, an area of informal open space is to be provided.

Having regard to the residential amenity of neighbouring properties, it is important that conditions are imposed to limit the hours of construction and any piling that may be required. Subject to these conditions, the proposal is considered to be acceptable in terms of residential amenity, as it does not result in any impact identified in Policy GR6.

Design and Layout

The revised proposal, comprising 13 dwellings would be accessed from Twemlow Lane, with a road that would sweep round to a parking court at the rear, with 6 of the dwellings, all semi-detached facing onto this access road. The remaining 7 properties would face onto Twemlow Lane, with a central terrace of 3 dwellings and semi-detached properties to either side. These properties would be largely screened from Twemlow Lane by the existing trees and bushes on the boundary. It is considered that the layout would make good use of the available land and would not be out of character with the varied pattern of development in the area.

The dwellings would be of a simple design, constructed of brick with tiled roofs. The surrounding development consists of a mix of house types and sizes, including large detached dwellings and cottages to the west and former Local Authority, semi-detached properties to the southeast. It is considered that the development would be in keeping with the character and appearance of the area and would not have any significant adverse impact on the street scene.

Landscaping and Trees

Trees on the northern boundary and many of the several trees on the Twemlow Lane frontage are protected by the Twemlow Lane TPO 2007. The trees on and adjoining the site provide a wildlife corridor, a screen and a prominent landscape feature in this section of Twemlow Lane and it is considered important that they be retained. The central area of the site appears unmanaged and supports grassland and ruderal vegetation.

Overall, the proposed internal site layout is sympathetic to trees. The proposed new access would be taken at a point where the tree cover is minimal and with the exception of a small number of stems to be removed in this area (not subject to TPO protection), subject to appropriate management, it should be possible to retain the majority of healthy specimens. The principle of retaining the trees outside the curtilage of individual properties and in the area of public open space would provide greater opportunities for their long term retention and maintenance. The applicants have indicated that future management would be undertaken by the Plus Dane Group. It is considered desirable to secure some additional planting and a management plan for retained trees. In addition, several of the trees would benefit from remedial works. These issues are covered by conditions and the Unilateral Undertaking submitted with the application.

Whilst not indicated on the plans, it is noted that the Transport Statement makes reference to a proposed new footway on the northern side of Twemlow Lane, between the proposed new access and the south east corner of the site. In pre-application discussions, it was requested that consideration be given to avoiding provision of a footway in this location to ensure that the root protection areas of the trees could be protected. The suggestion was made that an internal footpath could be provided with a link to a suitable crossing point on Twemlow Lane. It is noted that an internal path and link are indicated on the site plan and therefore the need for the external path is not justified.

The Council's Strategic Highways Manager has indicated in his initial consultation response that a footway should be provided. However, given that a footpath is to be provided within the site, linking the properties to the access road and Twemlow Lane, it is considered that this would not be necessary. The SHM has subsequently agreed that an alternative solution could be found, which would not have an adverse impact on the trees on the site. Therefore, a condition should be imposed requiring details of an alternative footpath within the site, to be submitted for approval by the LPA.

In addition, it is recommended that conditions be imposed requiring tree protection measures, submission of a landscaping scheme for approval by the LPA and a long term management scheme for the public open space and the tree belt be included in the Unilateral Undertaking.

Jodrell Bank Telescope

The University of Manchester has objected to this proposal as it considers that it would it would harm the efficient operation of the telescopes at the Jodrell Bank Observatory. They state that the potential for electrical interference caused by the proposed development is of considerable concern given that it is less than 3 miles to the southwest of the observatory.

Jodrell Bank Observatory is a major local asset to the Borough and the Council would not wish to cause harm to its efficient operation. However, this has to be balanced against the nature of the site, size of the development and the recognised need for affordable housing in the area.

The site is triangular and already bounded on two sides with residential properties and the development has been reduced in size to just 13 dwellings. It is therefore considered, that given these factors and the recognised need for affordable housing in the area, that this issue could be satisfactorily mitigated against, by the use of measures recommended by the Observatory on other developments. These involve installing targeted screening on the roof and those walls that face towards Jodrell Bank and to have no screening on walls that face away from the telescope. This can be achieved by using plasterboard with aluminium foil backing, Pilkington 'K glass' for the windows, reflective insulating material for use in the walls and loft and doors that are either metallic or incorporate an aluminium foil barrier. The use of these materials can be secured by condition should the application be approved by Members.

Whilst a series of other steps have been considered to address the concerns of Jodrell Bank, including housing management plans, reducing the height of buildings or re-orientation of buildings, none are practical or viable. As such, officers have reluctantly accepted that they cannot accommodate their requests without effectively sterilising a large part of the

countryside from any affordable housing, something that is considered unacceptable in view of the acknowledged need in the area.

Other Matters

Concerns have been expressed about the existing water pressure in the area. However, this is an issue that should be addressed by the water supplier and not through the planning process. It is therefore not a valid planning reason for refusal.

The Parish Council has expressed concerns about the ability of the local drainage system to cope with the new development. However, United Utilities were consulted on the application and had no objections. In addition, a condition will be imposed requiring the submission of detailed drainage plans for approval prior to the development commencing.

Additional concerns have been expressed relating to the electricity supply in the area. Should the dwellings be granted approval, this issue will be addressed by the electricity supplier.

Unilateral Undertaking

Should the Council be minded to approve the application, the applicants have submitted a Unilateral Undertaking to address the following:

- The dwellings will be retained as affordable housing in perpetuity and that occupation is restricted to those in genuine need who are employed locally or have local connections to the parish of Twemlow and then cascaded initially to adjoining parishes before being offered to residents of other areas of the Borough (it is likely that this would initially be the parish of Goostrey, then the former Congleton Borough, then the wider Cheshire East Borough).
- A management plan for the area of public open space and the trees retained within the site.

This undertaking has been checked by the Legal Department and meets all the necessary requirements.

Major Development

Whilst the development does comprise a small scale major development, as defined in the scheme of delegation for Cheshire East Council, this does not mean that it cannot be considered as a 'small scheme' as laid down in Policy H14. In comparison to other developments, a development of 13 dwellings is considered to be small scale in terms of its significance and overall impact on the local area.

Previous Refusal (07/1227/FUL)

Ground one of the Judicial Review stated that the Council failed to take into account the April 2008 decision on this site. The proposal was for a development of 16 two-storey dwellings, and the application was refused for following 6 reasons.

1. Housing need
2. Inappropriate provision of private amenity space
3. Impact on protected trees
4. Highway safety
5. Lack of sustainable transport options

6. Adverse impact on ecology
7. Adverse impact on the Jodrell Bank radio telescope

How the Reasons for Refusal Have been Addressed

Having regard to the first reason for refusal, the updated housing needs information has addressed this and the scheme now meets the tests set out in Policy H14.

The second reason for refusal related to inappropriate levels of private open garden space. This is now not the case with this proposal as adequate levels are proposed.

The third reason relates to adverse impact on protected trees. This is now not the case with this proposal.

The fourth reason relates to highway safety and similarly this would now not apply to this proposal.

The fifth reason relates to the lack of sustainable transport options. Having regard to this reason, it is considered that the Traffic Statement submitted with the application has given adequate justification as to why the site is accessible via non-car modes. As such, it meets the requirements and purpose of Policy GR9.

The sixth reason for refusal related to ecological issues which have been addressed by the submission of reports which satisfy the Councils' Nature Conservation Officer, because there is no evidence of harm to protected species.

The seventh reason related to adverse impact on the Jodrell Bank Telescope. Conditions are proposed to mitigate against any adverse impact on the telescope.

Dunkirk Farm Brereton (10/3320C)

Several of the objections and the letter from Stripes Solicitors refer an application at Dunkirk Farm in Brereton (10/3320C). This application was refused by the Southern Committee on the grounds that other brownfield sites would negate the need to use land within the open countryside. This application has now been determined at appeal and although the appeal was dismissed, it was on the grounds that the Unilateral Undertaking was inadequate. The appeal confirmed that it was a suitable location and proposal for a rural exception site.

Poolwood Cottages Somerford (09/1663C)

This application for affordable housing that was dismissed at appeal has been cited as a material consideration in the determination of this application. However, the site has different characteristics to the application site as it does not relate well to existing built development and has poor transport links. Moreover, it has to be remembered that each case should be treated on its own merits, not on the merits of others.

The Town and Country Planning (Jodrell Bank Telescope) Direction 1973.

Jodrell Bank have been given the requisite 21 days notice that the Authority may be disposed to approve the application. Their response is summarised in the report. As previously stated, Jodrell Bank Observatory is a major local asset to the Borough and the Council would not wish to cause harm to its efficient operation. However, this has to be balanced against the

nature of the site, size of the development and the recognised need for affordable housing in the area.

CONCLUSION

In conclusion, it is considered that the principle of rural affordable housing in this location is acceptable and supported by local and national policies. The specific proposal for 13 dwellings in Twemlow is acceptable and it is considered that there is sufficient evidence to demonstrate that a need exists in this location for 13 affordable dwellings.

The siting, layout and design of the scheme is considered to be acceptable as are the access and parking arrangements.

It is not considered that the proposal would result in any significant adverse impact on the amenity of nearby residents, on existing trees on the site or on protected species.

The objections of the University of Manchester have been given careful consideration. However, it is considered that, on balance, the importance attached to the provision of affordable housing should be given prominent weight. In taking this decision, appropriate mitigation measures are considered to alleviate some of the harm to Jodrell Bank.

There are no other material planning considerations that would warrant the refusal of the application. As such the scheme is considered to be acceptable, subject to the following conditions and compliance with the Unilateral Undertaking.

RECOMMENDATION:

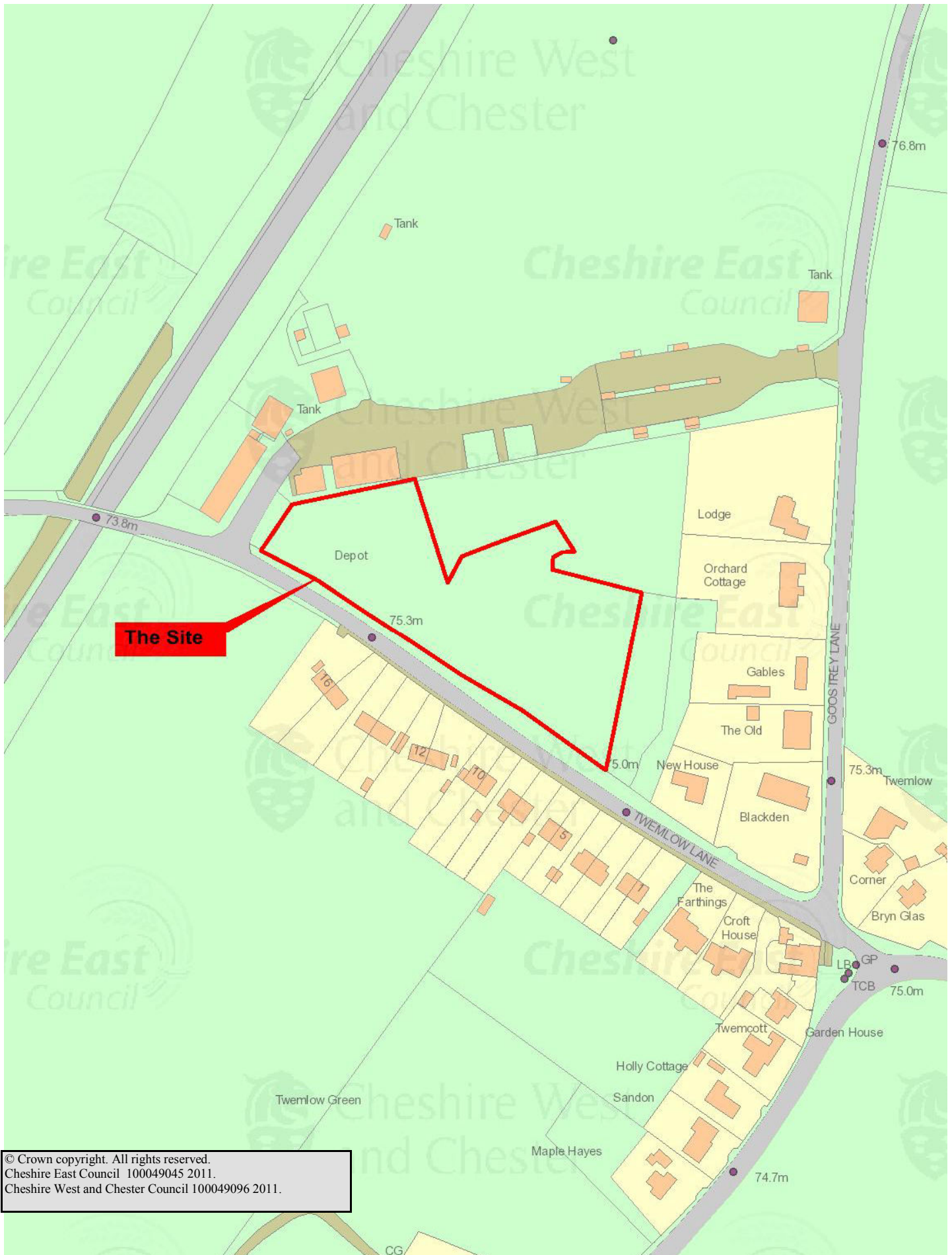
Approve subject the following conditions and implementation of the following Unilateral Undertaking within 3 months of the date of the Strategic Planning Board of 11th April 2012, or any date as agreed by the Chairman of the Strategic Planning Board and Development Management and Building Control Manager subsequently:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Electromagnetic protection measures**
- 5. Submission and implementation of detailed access and junction plans**
- 6. The dwellings shall not be occupied until the access and junction are completed in accordance with the approved details**
- 7. Provision of tactile paving and dropped kerbs**
- 8. Submission and implementation of details of a footpath within the south western boundary of the site**
- 9. Submission and implementation of surveys and mitigation methods for the protection of breeding birds**
- 10. Submission of a scheme of landscaping of the site including the retention of the hedgerow on the eastern boundary of the site**
- 11. Implementation of approved landscaping scheme**
- 12. Submission and implementation of details of boundary treatments**
- 13. Submission and implementation of a tree protection scheme**
- 14. Submission and implementation of an arboricultural method statement**
- 15. Submission of a detailed drainage scheme**
- 16. Submission of a Phase 1 land contamination survey**

17. Limits on hours of construction

18. Limits on hours of piling

19. Removal of permitted development rights for extensions



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Application No: 11/4434C

Location: LAND SOUTH OF TUDOR WAY, CONGLETON

Proposal: Construction of 16 dwellings including 11 bungalows and a terrace of 5 affordable bungalows together with the formation of a new access

Applicant: PLANT DEVELOPMENTS LTD

Expiry Date: 05-Mar-2012

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 Agreement and conditions.

MAIN ISSUES:

Principle of the Development

Housing Land Supply

Affordable Housing

Amenity of Neighbouring Properties

Highway Safety

REASON FOR REFERRAL

The application has been referred to Strategic Planning Board because it is a major development and a departure from the development plan.

DESCRIPTION AND SITE CONTEXT

The application site comprises a parcel of land, approximately 0.66 hectares in size. It is situated at the southern end of Tudor Way, adjacent to the turning head. It is a relatively level site which is grassed and bordered by trees and hedgerows with post and wire fencing on the boundary with Tudor Way. There are residential properties on the western and northern boundaries.

The site is currently accessed from a track to the east, which leads from Howey Lane. This track is also bridleway No.4. The site is within easy walking distance of Congleton Town Centre and the facilities and services available there. The site is designated as being within the open countryside, in the adopted local plan.

DETAILS OF PROPOSAL

The proposal seeks outline consent for 16 dwellings. Access is to be taken from the turning head of Tudor Way and all other matters are reserved for later consideration.

Whilst all matters other than access are reserved, the application indicates that the development would be for 16 bungalows. These would comprise four 2 bedroom and seven 3 bedroom units, with five 1 bedroom units. The 1 bedroom units would constitute the affordable housing provision and the application form indicates that the tenures would comprise 4 social rented units and 1 intermediate housing unit.

RELEVANT HISTORY

No relevant planning history relating to this site.

POLICIES

National Guidance

National Planning Policy Framework (March 2012)

Regional Spatial Strategy

DP1 Spatial Principles

DP2 Promote Sustainable Communities

DP4 Making the Best Use of Existing Resources and Infrastructure

DP5 Manage Travel Demand: Reduce the Need to Travel, and Increase Accessibility

DP7 Promote Environmental Quality

DP9 Reduce Emissions and Adapt to Climate Change

RDF1 Spatial Priorities

RDF2 Rural Areas

L2 Understanding Housing Markets

L4 Regional Housing Provision

L5 Affordable Housing

RT2 Managing Travel Demand

RT9 Walking and Cycling

EM1 Integrated Enhancement and Protection of the Region's Environmental Assets

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS8 Open Countryside

H1 & H2 Provision of New Housing Development

H6 Residential Development in Open Countryside & Green Belt

H13 Affordable and Low Cost Housing

GR1 New Development

GR3 Density, Housing Mix and Layout

GR4 Landscaping

GR6 Amenity and Health

GR7 Pollution

GR9 Accessibility, Servicing and Parking Provision

GR22 Open Space Provision
NR1 Trees and Woodlands
NR2 Statutory Sites
NR3 Habitats

SPG1 Provision of Public Open Space in New Residential Development
SPG2 Provision of Private Open Space in New Residential Developments
SPD6 Affordable Housing and Mixed Communities
SPD14 Trees and Development

Other Material Considerations

The Council has adopted an Interim Planning Statement on Affordable Housing. This document sets out the Council's definition of affordable housing, specific site requirements, as well as providing guidance on development considerations and means of securing their provision. It also sets out the Council's requirements for achieving mixed and balanced communities, including the housing needs of specific groups.

The statement has been produced within the framework of the three adopted Local Plans for the former District authorities of Crewe and Nantwich, Congleton and Macclesfield, the Council's Strategic Housing Market Assessment (SHMA) and government guidance as expressed in national planning guidance and policy statements. It is also consistent with the Council's Corporate Objectives and the Sustainable Community Strategy. The statement was adopted on 24th February 2011.

CONSIDERATIONS (External to Planning)

Environmental Protection:

Recommend conditions relating to the hours of construction, piling and the submission of a Phase I Contaminated Land Survey.

United Utilities

None received at the time of report writing.

Highways:

This application is for a small residential development off the existing highway cul-de-sac at Tudor Way Congleton. The design of the scheme will cap development from this road. The location of this development is considered to be sustainable.

In his assessment the Strategic Highways Manager has considered the road category and its capacity to support traffic generated from this development and it is clear from junction geometry and carriageway widths that there is a technical claim for sufficient capacity.

The S.H.M. is also aware that a significant amount of on-street parking occurs on Howey Lane which is the subject of a good number of objections to this development from local residents. Whilst it is acknowledged that this parking occurs and that this parking congestion does cause some local delay, this is not considered to be a sustainable reason for the Strategic Highways Manager to consider resistance of this development proposal.

Additionally the S.H.M. has considered whether there may be impediment to access for service or emergency vehicles to the new development and to this end has consulted the Authority's Waste and Recycling department to determine whether the refuse vehicles can adequately access Tudor Way via Howey Lane. This has been confirmed by the Waste and Recycling Manager who claimed no material impediment to access caused by on-street parking.

On this basis the Strategic Highways Manager raises no objection on highway grounds and recommends that the following condition and informative be attached to any permission which may be granted.

Condition:- Prior to first development the developer will provide a detailed suite of plans demonstrating the detailed construction specification and design layout for the proposed development to the satisfaction of the Local Planning Authority.

Informative:- Prior to first development the developer will enter into and sign a Section 38 Agreement under the Highways Act 1980.

Green Spaces

With reference to the plans for the erection of 16 detached and terraced dwellings consisting of 11 two and three bedroom detached bungalows and a terrace of 5 one bedroom bungalows. If the development were to be granted planning permission (in accordance with the submitted Proposed Site Layout Plan , Drawing No.6, dated November 2011), there would be a deficiency in the quantity of provision, having regard to the adopted local standards set out in the Council's open Space Study for both Amenity Green Space and Children and Young Persons provision.

Amenity Greenspace

Following the assessment of the existing provision of Amenity Greenspace accessible to the proposed development, there was found to be a quantity deficiency. With reference to the site layout plan, drawing No.6, dated November 2011, there is no on site provision. As this is an outline application, no measurement or landscape details are provided. Based on 16 dwellings, comprising 4, two bedroom, 7, three bedroom and 5, one bedroom, the area required is 340sqm. This figure will vary if bedroom numbers alter. This is the area required for Amenity Greenspace alone and Children and Young Persons provision should be additional.

An opportunity has arisen at Townsend Road to make enhancements to the open space, which is 650m from the proposed development site. Alternatively, upgrading the infrastructure at Astbury Mere Country Park would increase capacity to benefit the new development. Given that an opportunity has been identified for enhancing an existing Amenity Greenspace to serve the development, and based on the Council's Guidance Note (Draft Interim Policy Note on Public Open Space Requirements for New Residential Development), the financial contributions sought from the developer would be:

Enhanced Provision: £1,796.22

Maintenance: £4,020.50

Children and Young Persons Provision

Following an assessment of the existing Children and Young Persons Provision accessible to the proposed development, there would be a deficiency in the quantity of provision, having regard to the local standards set out in the Council's Open Space Study for Children and Young Persons Provision. Consequently there is a requirement for new Children and Young Persons Provision, to meet the future needs arising from the development.

The Council recognises that smaller developments will not always be able to provide open space and/or play provision, where less than 20 dwellings are proposed, and financial contributions would be sought towards enhancement of public open space/play provision within an 800m radius.

An opportunity has been identified for enhancement of an existing open space accessible to the new development. The area is known as Townsend Road and is 650m from the site. In order to meet the demands of the new development, opportunities have been identified for upgrading the existing play facilities, which are deficient in both quantity and quality. The financial contributions sought from the developer would be:

Enhanced Provision: £2,653.79

Maintenance: £8,656.50

Public Rights of Way

No building materials must be stored on the right of way.

Vehicle movements must be arranged so as not to interfere with the public's use of the way.

The safety of members of the public using the right of way must be ensured at all times.

No additional barriers (e.g. gates) are to be placed across the right of way.

There must be no diminution in the width of the right of way available for use by members of the public.

No damage or alteration must be caused to the surface of the right of way.

Wildlife mitigation fencing must not be placed across the right of way.

VIEWS OF TOWN COUNCIL

Recommend refusal on the grounds that the application site is in open countryside and outside the zone for development.

OTHER REPRESENTATIONS

69 representations have been received relating to this application at the time of report writing. The representations express concerns about the following issues:

Land Use

- Inappropriate development in the open countryside
- Not in accordance with the development plan
- Greenfield sites being developed when there are brownfield sites available
- Site previously rejected for inclusion in the settlement zone line
- Inadequate electricity supply
- Surface water flooding
- Inadequate drainage
- Destruction of trees, greenery and wildlife
- Change to the quiet nature of Tudor Way due to the doubling of the number of dwellings

- Overdevelopment of the site

Highways

- Roads leading to the site are congested and restricted by on-street parking
- Risk of emergency vehicles being unable to access the site and other nearby properties
- Delivery and Council refuse buildings being unable to access the site and nearby properties
- Additional traffic that the roads will be unable to cope with
- Problems for funeral traffic accessing the cemetery
- Dangerous access off Tudor Way due to on-street parking
- Parking charges in the town centre has led to on-street parking in the local area
- Increase in internet shopping will lead to more delivery vehicles in the area
- Dangers from construction traffic accessing the site
- Addition of another 32 cars into the area

(Photographs of the parking issues have been submitted with the representations)

Design

- The development would be out of keeping with the character of the area
- Parking in front of the terrace of properties would be inappropriate
- Impact on the nearby Conservation Area

Amenity

- Noise and disturbance during construction
- Loss of private rear garden space backing onto the development site

Other

- Inadequate publicity given to the application
- Submission of the application during the Christmas period giving inadequate time for consultation responses

One letter and supporting documentation and photographs has been received from one of the owners of the land. This relates to parking in the vicinity and electricity supply. One of the objectors has questioned the validity of the information submitted.

APPLICANT'S SUPPORTING INFORMATION

- Planning, Design and Access Statement
- Tree Quality Survey, Root Protection Areas & Development Implications Report
- Extended Phase One Survey Report (Ecology)
- Maps of Sewer Network in Adjacent Area

OFFICER APPRAISAL

Principle of Development

The site lies within the Open Countryside as designated in the Congleton Borough Local Plan First Review, where Policies PS8 and H6 state that only development which is essential for the purposes of:

- Agriculture
- Forestry
- Outdoor recreation
- Essential works undertaken by public service authorities or statutory undertakers
- For other uses appropriate to a rural area

will be permitted.

The proposed development would not fall within any of the categories of exception to the restrictive policy, relating to development within the Open Countryside. As a result, it constitutes a 'departure' from the development plan. As such there is a presumption against the proposal, under the provisions of sec.38(6) of the Planning and Compulsory Purchase Act 2004. This states that planning applications and appeals must be determined:

"in accordance with the plan unless material considerations indicate otherwise".

The issue in question is whether there are material considerations associated with this proposal, which are sufficient to outweigh the policy objection.

Written Ministerial Statement: Planning for Growth (23rd March 2011)

The Minister of State for Decentralisation issued this statement on 23rd March 2011 and advice from the Chief Planner, Steve Quartermain states that it is capable of being regarded as a material consideration. Inter alia it includes the following:

*"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:*

- (i) 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 recent recession;*
- (ii) Take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;*
- (iii) Consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased customer choice, more viable communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);*
- (iv) Be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;*
- (v) Ensure that they do not impose unnecessary burdens on development.*

National Planning Policy Framework

The recently published National Planning Policy Framework replaces PPS3 and one of its core principles is that planning should:

"proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing,

business and other development needs of an area, and respond positively to wider opportunities for growth.”

In addition it states that local 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.”

Planning Policy and Housing Land Supply

Having regard to the current housing land supply position within Cheshire East, the figures contained within the Regional Spatial Strategy proposed a dwelling requirement of 20,700 dwellings for Cheshire East as a whole, for the period 2003 to 2021, which equates to an average annual housing figure of 1,150 dwellings per annum.

It is considered that the most up-to-date information about housing land supply in Cheshire East is contained within the Draft Strategic Housing Land Availability Assessment (SHLAA). At the time of report writing this document is still in draft form. However there is a commitment to adopt in on or soon after the 2nd April 2012.

The Draft SHLAA has put forward a figure of 3.9 years housing land supply. Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5%, and this buffer increases to 20% where there has been a record of persistent under delivery of housing. In Cheshire East there has been an under supply of housing for some time. As such it is considered that there should be a five year supply plus 20% to address this shortfall.

The Cheshire East Strategic Housing Land Availability Assessment (SHLAA) November 2010, identifies that at 31st March 2010, the Borough had 4.48 years supply of identifiable, ‘deliverable’ sites. However, the level of supply is continually changing and at recent appeals, the level of housing supply has been identified at a lower level. In order to address the lack of a five year housing land supply, an Interim Planning Policy on the Release of Housing Land has been agreed by the Council. This policy will allow the release of appropriate greenfield sites for new housing development on the edge of the principal town of Crewe and as part of mixed development in town centres and in regeneration areas, to support the provision of employment, town centres and community uses.

The SHLAA 2010, identifies the site (reference 2322), as a “*Greenfield site on edge of settlement, considered to be sustainably located*”. It also states that it is a suitable site, with policy change. In addition the site is also described as achievable and developable. The availability of the site is described as marginal/uncertain.

An appeal was allowed on a site with very similar policy considerations in August 2011, at Elworth Hall Farm, Sandbach. The inspector concluded that:

“The various LDF options for the spatial distribution of growth do not exclude housing away from Crewe – indeed in each case Crewe would take only about 37% of all growth. I appreciate that various other policy documents issued by the Council support the promotion of Crewe. However, to my mind the way in which the IPP exclusively focuses development in the town (with the exception of town centre schemes and regeneration areas) does not reflect the spatial vision in either RSS or the emerging LDF. This means I can afford it only limited weight.”

The Inspector also attached considerable weight to the fact that the site had been identified in the SHLAA as deliverable (i.e. ‘available’, ‘suitable’ and ‘achievable’). He considered that:

“The SHLAA had been prepared under a robust methodology and should be afforded significant weight. Based on the evidence before me, it appears to have been compiled in accordance with nationally recognised good practice and has been accepted by the Council presumably after proper consideration and with due regard to the direction of its policy. Consequently I have no basis to put aside its overall finding that this is a suitable site for housing.”

The application site at Tudor Way is identified in the SHLAA as achievable, developable and, subject to an appropriate policy change, in respect of its designation as open countryside, it is considered to be suitable in all other respects. Its availability is described as marginal/uncertain. The submission of this application would suggest that it should now also be described as available. This remains the case in the draft SHLAA.

Considering the issues discussed above, it is concluded that:

- Whilst weight can be afforded to the IPP in directing development towards Crewe, it has limited weight in preventing development elsewhere.
- Significant weight should be attached to the SHLAA where it has identified sites as being deliverable for housing.

Design

This application is in outline form. Therefore, the drawings showing the design and layout of the proposed scheme are indicative only. The surrounding development comprises a mixture of house types, predominantly two-storey. The indicative layout is considered to be acceptable in the context of the surrounding area. However the affordable units should not be concentrated in one part of the site. This could be addressed at the reserved matters stage, should the application be approved

Affordable Housing

This application is for 16 Bungalows including 5 affordable bungalows. This is the number required to make up the 30% affordable housing required under the Affordable Housing Interim Planning statement. This is due to the size of the site and number of units being developed. The affordable bungalows being offered are all 1 bed units with a tenure split of 4 for social rent and 1 for intermediate tenure. This represents a tenure split of the affordable homes of 80% social rent and 20% intermediate tenure.

The SHMA 2010 shows that for Congleton, there is an annual net requirement of 33 new units per year between 2009/10 – 2013/14. This is made up of an annual need for 7 x 1beds, 3 x 2beds, 13 x 4 or 5 beds and 15 x 1 or 2 bed older persons accommodation.

In addition to this information taken from the SHMA 2010, Cheshire Homechoice is used as the choice based lettings method of allocating social rented accommodation across Cheshire East. There are currently 47 applicants in the Congleton area who have indicated that they require a 1 bed bungalow.

The Affordable Housing IPS states that on all sites over 15 units, the affordable housing requirement will be 30% of the total units with a tenure split of 65% social rent, 35% intermediate tenure. The developer is offering the correct number of units. however they are offering a tenure split of 80% social rent and 20% intermediate tenure. This is acceptable due to the number of applicants on Cheshire Homechoice who have indicated they need a 1 bed bungalow.

The Affordable Housing IPS also requires that the affordable units should be tenure blind and pepper potted within the development, the external design, comprising elevation, detail and materials should be compatible with the open market homes on the development thus achieving full visual integration. Having regard to this site, the affordable housing is not proposed to be pepper potted within the site and it is considered that a more suitable layout should be sought at reserved matters stage, should the application be approved.

The Affordable Housing Interim Planning Statement states that:

“The Council will require any provision of affordable housing and/or any control of occupancy in accordance with this statement to be secured by means of planning obligations pursuant to S106 of the Town and County Planning Act 1990 (as amended)”.

It also goes on to state that:

“In all cases where a Registered Social Landlord is to be involved in the provision of any element of affordable housing, then the Council will require that the Agreement contains an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.”

It is therefore the preferred option that the developer undertakes to provide the social rented affordable units through a Registered Provider who is registered with the Tenant Services Authority to provide social housing. The affordable housing provision should be secured through a s106 Agreement.

Amenity

The application site has residential properties on two of its boundaries. Tudor Way on the northern boundary, and Howey Hill on the western boundary. Although only indicative, the submitted layout plan demonstrates that the development would meet all the relevant separation distances required by SPD2. In addition, the proposed dwellings would be provided with adequate private amenity space for the use of future occupiers.

Representations made in respect of this application have expressed concerns about disturbance during construction, should the application be approved. Whilst these concerns are understandable, it is considered that the level of disturbance can be controlled in a satisfactory manner by the imposition of conditions limiting the hours of working at the site.

Two of the representations expressed concern that they would no longer be able to enjoy the privacy of their rear gardens. These concerns have been given careful consideration. However, given the separation distances and the fact that the dwellings proposed would be bungalows, it is not considered that this could be sustained as a reason for refusal of the application.

Highways

Access to the site would be taken from the end of Tudor Way. The Strategic Highways Manager has assessed the application and considers the location to be sustainable. The SHM states that the junction geometry and carriageway widths would mean that there was sufficient capacity to accommodate the additional dwellings.

The majority of the objections to the proposal have expressed concerns about highway safety and on street parking in the vicinity of the site. Whilst it is acknowledged that there is a significant level of on-street parking, which does cause some local delay, it is not considered that a small development of 16 dwellings would contribute to a significant increase in parking or congestion. This is due to the limited amount of additional vehicle movements that would be generated from a site of this size. As such, it is not considered that this would constitute a sustainable reason for refusal of the application.

Concerns relating to access for emergency vehicles and Council refuse vehicles have been taken into consideration, and the Authority's Waste and Recycling Department was consulted in order to ascertain whether refuse vehicles can adequately access Tudor Way, via Howey Lane. It was confirmed that there was no material impediment to access, caused by on-street parking.

Ecology - Protected Species & Nature Conservation

The application is supported by an ecological assessment. The surveys undertaken to inform the ecological assessment were completed late in the survey season, a point acknowledged in the report. However, considering the relatively uncomplicated nature of the habitats on site, the Council is satisfied that the results of the surveys form an acceptable basis on which to assess the likely ecological impacts of the proposed development.

Bats

All species of bats are a Local Biodiversity action plan priority species and hence a material consideration. The proposed development may result in the loss of some suitable foraging/commuting habitat; however the impacts of the development are likely to be localised. Two mature trees have been identified as having roosting potential for bats and it has been confirmed that these will be retained within the development, which is welcomed.

Breeding Birds

The proposed development is likely to provide habitat for breeding birds, potentially including the more widespread Biodiversity Action Plan priority species. If planning consent is granted,

conditions are recommended to safeguard breeding birds and ensure additional provision for roosting bats and breeding birds.

Hedgerows

There are a number of hedgerows around this site. Hedgerows are a Biodiversity Action plan priority habitat and hence a material consideration, consequently it is considered that the boundary hedgerows should be retained and enhanced as part of the landscaping of the site.

Landscape and Trees

The site is situated in Open Countryside and outside the settlement zone line identified in the adopted local plan. The main part is grazing land with a small parcel of immature/early mature plantation woodland. It is bounded to the north and northwest by residential development and to the south west and south east by agricultural land. The site slopes down north to south. There are a number of trees on the boundaries together with an established hedgerow on the south eastern boundary and shorter lengths of hedgerow to the north west. There is a bridleway adjoining the north east corner of the site.

There are no Tree Preservation Orders on trees in the vicinity. The submission includes a tree survey which generally appears reasonable although it is considered that Alder trees T9 & 10 which have been afforded a Grade B could have been afforded a lower grade. They both have damage on the lower trunks from barbed wire.

As the application is outline, with only access included it is not possible to make a comprehensive assessment of the overall impact on trees. Nonetheless, it is clear that the two Alder trees cited above would have to be removed in order to accommodate the access from Tudor Way. It is not considered that either of these trees is particularly significant and replacement planting could be secured in mitigation. From the indicative layout provided, it may be possible to retain other boundary trees although the small plantation would be lost. The plantation does not have significant public amenity value.

It is recommended that conditions be imposed relating to boundary treatment, tree protection and landscaping.

Open Space Provision

The Greenspaces department have assessed the application and noted that there is no on-site provision of public open space. It has been acknowledged that there is a deficiency in the quantity of Amenity Greenspace and Children and Young Persons Provision in the area. The existing open space most accessible to the proposed development is Townsend Road, which is identified as being within 650m of the site.

The Council's Guidance note on its Draft Interim Policy Note on Public Open Space Requirements for New Residential Development requires that financial contributions should be sought from the developer to upgrade and maintain these facilities. These have been calculated as £4,450.01 for enhanced provision and £12,677.00 for maintenance, a total of £17,127.01. This funding should be secured through s106 Agreement.

Flooding

Concerns have been raised relating to the potential for flooding, in particular in relation to surface water run-off. The site is not within an area at risk of flooding and it is considered that

subject to conditions that ensure that the development does not cause additional surface water run-off in the area, the development would not contribute to any significant flood risk.

Other Matters

One of the concerns expressed by objectors relates to the impact on the Conservation Area. It should be noted that the site is some distance from it. The development, if approved, would not be visible from the Conservation Area.

Other issues raised by objectors were the level of publicity given to the application and the timing of the submission (during the Christmas period).

Having regard to the level of publicity given to the application, 11 properties were sent letters, a site notice was posted at the turning head of Tudor Way and an advert appeared in the Congleton Chronicle on 5th January 2012. It is therefore considered that the application was given an acceptable level of publicity. Given that the consultation period began on 20th December 2011 and representations will be taken into consideration up until the date that the proposal is considered by the Strategic Planning Board (11th April 2012), it is considered that local residents have been given sufficient time to raise any issues relating to the application.

The timing of the submission is something over which the Council has no control. When a valid planning application is received, the Council is obliged to register it and begin the consultation process.

CONCLUSIONS AND REASONS FOR THE DECISION

It is acknowledged that the Council does not currently have a five year plus 20% housing land supply and that, accordingly, in the light of the advice contained in the National Planning Policy Framework Document, it should provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land. Recent appeal decisions have concluded that little weight should be afforded to the IPP, which directs development towards Crewe and there is scope for new development in other towns in the Borough.

Significant weight should be attached to the SHLAA, which has identified the site a Greenfield site on edge of settlement, considered to be sustainably located and as achievable and developable.

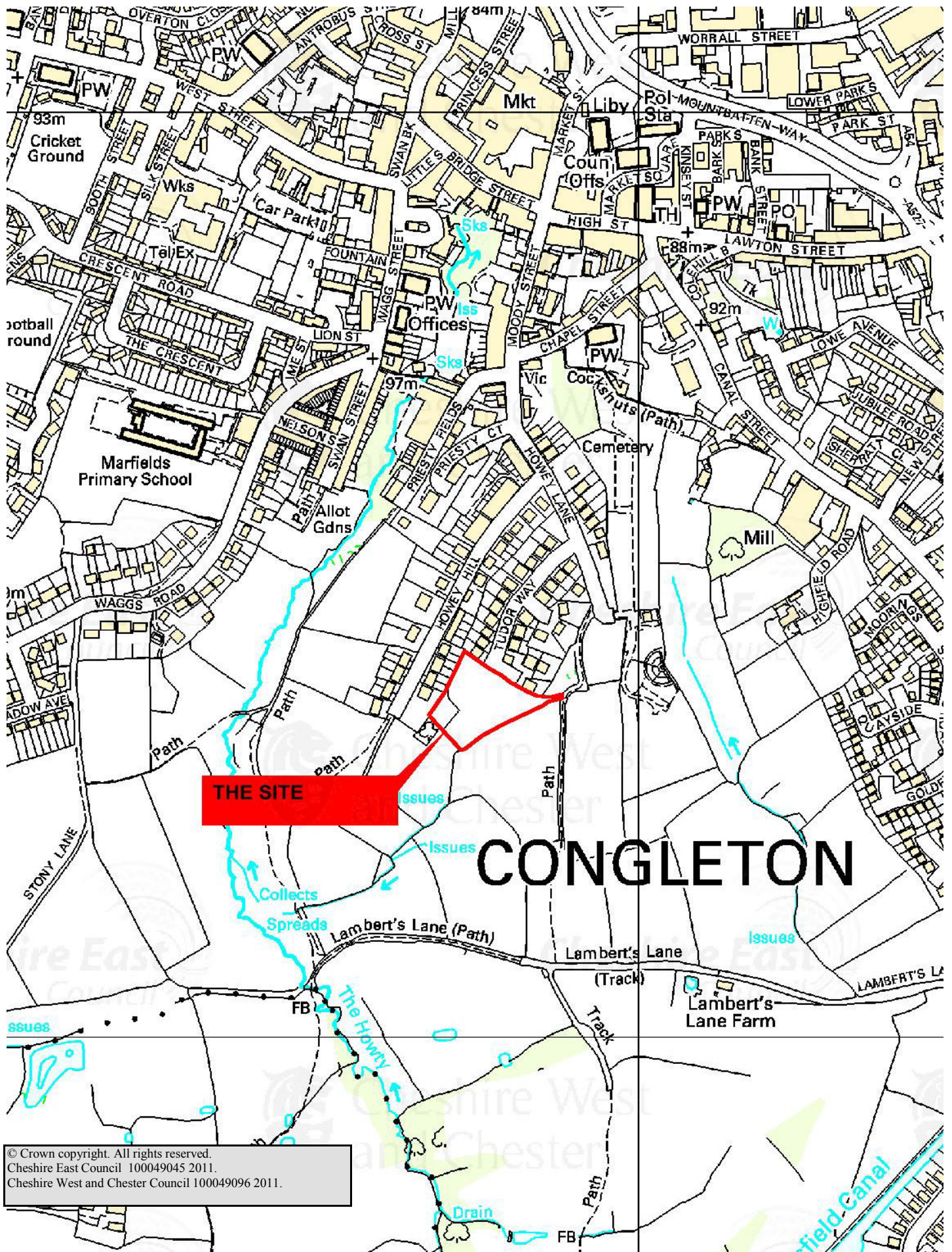
Having regard to the fact that the site is in such a sustainable location, in close proximity to the town centre and all its available facilities and services, it is considered to be in accordance with the NPPF's direction that the development can be approved without delay.

The proposal is considered to be acceptable in terms of its impact upon residential amenity, highway safety, ecology, provision of affordable housing, landscape and flooding and accordingly is recommended for approval.

RECOMMENDATION: Approve subject to the completion of a Section 106 Agreement securing 30% affordable housing and a financial contribution of £17,127.01 for enhanced provision and maintenance of public open space.

1. Standard outline.

2. Submission of reserved matters.
3. Compliance with the approved plans.
4. Contaminated land investigation.
5. Submission and implementation of a tree protection scheme.
6. Submission and implementation of drainage scheme.
7. Submission of landscaping scheme.
8. Implementation of landscaping scheme
9. Submission and implementation of boundary treatment scheme.
10. Submission of a detailed suite of plans demonstrating the road layout and access.
11. Hours of construction (including deliveries) limited to 0800 to 1800 Monday to Friday, 0800 to 1400 Saturday with no working on Sundays or Bank Holidays.
12. Submission of details of the method, timing and duration of any pile driving operations.
13. Protection measures for breeding birds.
14. Submission and implementation of details for the incorporation of features suitable for use by breeding birds and roosting bats.



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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting:	11 April 2012
Report of:	Development Management and Building Control Manager
Title:	Proposal Alterations to the Section 106 Agreement to Allow Affordable Rent Provision in Scheme (11/1879N) for up to 400 Residential Units at Parkers Road, Crewe

1.0 Purpose of Report

- 1.1 To consider proposed amendments to the resolution passed by Strategic Planning Board in respect of applications 11/1879N.
- 1.2 The report has been presented to Strategic Planning Board because the original application was approved by the Board in October 2011.

2.0 Decision Required

- 2.1 To agree to the amendments to the previous resolutions as stated in this report.
- 2.2 The principle of the residential development has already been established by the previous resolution. Consequently, this report does not provide an opportunity to revisit that issue. This item relates solely to the proposed amendment to the requirements of the Section 106 Agreement.

3.0 Background

- 3.1 The site comprises 15.1ha of agricultural land (plus highway land – Parker's Road) located on the north western edge of Crewe. The site is defined by Parkers Road to the south, Moss Lane to the east existing development to the west and a public footpath along part of its northern boundary. It is bisected by a network of existing hedgerows, some of which contain trees. In addition, there are a small number of free standing trees within fields.
- 3.2 Existing residential development lies to the east, south and south west of the site. Leighton Hospital lies to the west of the site. The wider site context includes Crewe Town Centre and railway station to the south west, Bentley Cars to the south on Pym's Lane and the village of Bradfield Green to the North West.

4 Previous Planning Permission

- 4.1 Members may recall that in October 2011, Strategic Planning Board resolved to grant planning permission for a “hybrid” application (i.e. part outline and part full planning permission) for residential development on this site. Full planning permission was sought for 131 dwellings in Phase A to the south of the site close to Parkers Road and outline planning permission was sought for up to an additional 269 dwellings of the remainder of the site (Phase B). In total planning permission for a maximum of 400 dwellings was applied for.
- 4.2 The resolution to approve was subject to completion of Section 106 Agreement making a number of provisions, including:

“Provision of 35% of the 400 units proposed across the whole site as affordable housing in perpetuity. Provision within Phase A shall be 26 units comprising 11 x 2 beds, 14 x 3 beds and 1 x 4 bed, with the remainder to be provided in Phase B. The tenure split within Phase A to be on a 65% social rent, 35% intermediate tenure basis. The mix of house types and tenure for within Phase B (to include key worker housing) to be agreed as part of subsequent reserved matters applications.”

- 4.3 The developer is seeking to amend this working to make provision for properties for “affordable rent” within the scheme as an alternative to “social rent”.

5 Officer Comment

- 5.1 Social rented housing is housing that is owned and managed by Local Authorities and registered social landlords, which are let at guideline target rents as determined through the national rent regime.
- 5.2 Affordable rented housing is let by registered providers of social housing to households who are eligible for social rented housing. However affordable rented housing is not subject to the national rent regime, it is subject to other rent controls that require the properties to be let at no more than 80% of the market rent for an equivalent property type.
- 5.3 Both social rented and affordable rented housing have essentially the same characteristics except the controls over the level of rent the units can be let at.
- 5.4 The Council’s Housing Section commissioned a report produced looking at the impact of the affordability of affordable rents against social rents across Cheshire East and found that in the majority of areas affordable rent set at 80% of market rent for the area would be affordable. For example, in the Cholmondeley Ward the report established that affordable rent at 80% of market rents would be affordable to 74.2% of newly forming households. When the impact of Housing Benefit has been taken into account, this increases to 98.9% of newly forming households.

- 5.5 Due to this, Housing Officers have no objection with Bloor Homes request that the rented affordable units are provided as either social rented units at target rent or affordable rented units at rents set at up to 80% of market rents.

6 Conclusion

- 6.1 On the basis of the above, the proposed amendment to the wording of the resolution is considered to be acceptable.

7 Recommendation

- 7.1 That the Board resolve to amend the previous resolution in respect of application 11/1879N to read at “point 5”.

“Provision of 35% of the 400 units proposed across the whole site as affordable housing in perpetuity. Provision within Phase A shall be 26 units comprising 11 x 2 beds, 14 x 3 beds and 1 x 4 bed, with the remainder to be provided in Phase B The tenure split within Phase A to be on a 65% social/affordable rent, 35% intermediate tenure basis. The mix of house types and tenure for within Phase B (to include key worker housing) to be agreed as part of subsequent reserved matters applications.”

- 7.2 Also that the Board resolve:

“In the event of any changes being needed to the wording of the Committee’s decision (such as to delete, vary or addition conditions / informatives / planning obligations or reasons for approval / refusal) prior to the decision being issued, the Development Management and Building Control Manager, in consultation with the Chair of the Strategic Planning Board is delegated the authority to do so, provided that he does not exceed the substantive nature of the Committee’s decision.”

8 Financial Implications

- 8.1 There are no financial implications.

9 Legal Implications

- 9.1 The Borough Solicitor has been consulted on the proposals and raised no objections

10 Risk Assessment

- 10.1 There are no risks associated with this decision.

11 Reasons for Recommendation

- 11.1 To allow negotiations in respect of the Section 106 to progress to signing, to enable the development works to commence in a timely fashion to assist in delivering the 5 year housing land supply for the Borough.

For further information:

Portfolio Holder: Councillor Rachel Bailey
Officer: Ben Haywood – Principal Planning Officer
Tel No: 01270 537089
Email: ben.haywood@cheshireeast.gov.uk

Background Documents:

- *Application 11/1879N.*