

Application No: 12/3323N

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: 27-Nov-2012

UPDATE REPORT – 1st October 2012

PREVIOUS REASON FOR REFUSAL

The previous application on this site was refused by Strategic Planning Board for the following reason:

In the opinion of the Local Planning Authority, there is insufficient public benefit arising from the scheme to outweigh the harm in terms of new residential development in the Open Countryside. The proposal is therefore contrary to the provisions of Policy NE.2 of the Borough of Crewe and Nantwich Replacement Local Plan 2011 and the advice given in the National Planning Policy Framework in respect of enabling development.

ADDITIONAL REPRESENTATIONS:

Dodcott-Cum-Wilkesley Parish Council

- Having studied the latest planning application the Parish Council is unable to see how this new submission is in any way different from the previous planning application (Ref 11/2818N) As a result the Parish Council wishes to object to planning application (Ref 12/3323N) on the following grounds. The planning application still fails to convincingly demonstrate that the benefits outweigh the disbenefits, not only to the historic asset or its setting, but to any other relevant planning interests.
- 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.
- 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:-
 - 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 road.
 - As public transport facilities are poor, this would result in a car dependant development which is at odds with a sustainable transport policy.
 - The proposed development consists of predominantly larger 4 & 5 bed family homes. This will, undoubtedly put additional demands on the local educational establishments particularly at Sound which has already reached its pupil capacity. We know from the planning application that any financial contribution in respect of educational requirements has been waived which will only exacerbate the problem.
- The Parish Council does not agree with reducing the quota of affordable housing on the site to 5 units. If, despite the Parish Council's objections, the Planning application were to go ahead, then this would have at least given more local residents the opportunity to obtain affordable housing within the vicinity and continue to live in the local community.

Objection

A total of 81 representations have now been received reiterating the objections as set out in the main report and making the following additional points in respect of the footpath / revised submission.

- This application has already been rejected and now resubmitted with the only alteration of a footpath which is neither useful nor relevant.
- The commitment to a footpath is not being made by the abbey nor is any commitment to car parking and therefore such a commitment in reality made by a developer with no ability to deliver.
- The addition of a footpath on Comberemere land which seems to be the change to the original rejected application is of no benefit to the residents of Aston and does nothing to address the considerable disbenefit to the residents.
- The footpath will be valueless to the residents of Aston since it is nowhere near the Abbey and has no car park attached to it
- It will make no difference to the application

- This is the ONLY change. The addition of this path makes no difference and is merely a red herring.
- Having viewed the plans for the proposed footpath, it is quite clear that the Abbey will not be visible from the proposed footpath, there is no proposed parking for people who might wish to use this footpath and this footpath is only being proposed by the builders and as such the owners of the land would have no obligation to open the footpath at all. Which all adds up to being totally worthless proposal.
- The revised application is just playing the system and should be refused as before
- Combermere is a private property and the owners clearly wish it to remain so
- Any concession to public access would be provided reluctantly purely to appear to satisfy the minimum requirements of the application and is of no substance. How could an extra footpath within a restructured location be considered adequate compensation or benefit for an unwanted permanent housing estate forced on an unconnected community?
- It is important that the council fully understand that we expect them to apply the provisions of section 70 [2] of the town and country planning act 1990 correctly and under those provisions the renovation of the Combermere Abbey cannot fall to be a material consideration and must be disregarded the determination to build houses in Sheppenhall Lane
- Cheshire East Council Planning Dept has made a very robust and comprehensive case to the Planning Inspector opposing the Appeal which the applicant has made regarding application 11/2818N. This can be viewed under "LPA" on planning application number 11/2818N. As the current application is identical to the current application (apart from the proposed footpath on the Combermere Estate) all the points put forward are entirely relevant to this application also and that being the case, we urge that the Planning Officer does not support the current application and that the SPB refuse it on the same grounds as before.
- Mrs Callander-Beckett has proposed that a circular footpath is created towards the edge of Combermere Estate. This would be a "permissive path" with no legal obligation on her part to keep it open to the public on a permanent basis, nor would she have to maintain it or provide any access for disabled people. The path would appear to be well away from the "Abbey" house and presumably would not afford views for the public of the house etc so any restoration of the North Wing would not be visible from the path. There is also no specific creation of parking available should anyone wish to walk the path - the path would be accessed from the A530. We
- The offer of creating this path is merely to try to get round the Planning Committee's decision on the almost identical application 11/2818N, which included that the public disbenefit outweighs the public benefit – this is still the case for this application.
- The proposed path is approx 2 and a half miles from Aston village and there is no direct footpath linking the village with it – therefore anyone from the village wishing to access it would either have to walk or cycle along the very busy A530, (which has no pavements or speed limits), drive to it and try to park in a very confined area next to the electricity substation or walk a very extended route on established Public Footpaths across land owned by Moor Hall Farm and then cross the A530 at a very dangerous point. This path surely cannot

be considered a great enough public benefit to outweigh the considerable public disbenefits outlined in the CEC letter of objection to the applicants Appeal to the Planning Inspector re 11/2818N

- There are letters on the website supporting the current application – However as before, the vast majority are from people completely outside the local area who have no idea of the adverse impact the proposed development would have on the residents and community of Aston. They also imply that residents do not have any regard for the fact that the “Abbey” is deteriorating quickly – Residents are well aware of this and indeed understand that it is considered desirable for the repairs to the North Wing to be done, but do not believe that, as local residents, they should have to bear the burden of the proposed new development when Mrs Callander-Beckett has 800 acres of her own land on which to build a suitable development in order to restore/maintain what is after all her private family home.
- Urge the Planning Officer to recommend refusal of the application based on the reasons stated in the CEC letter to the Planning Inspector and also urge the SPB members to refuse consent for it on the grounds that the loss of open countryside and the considerable public disbenefits outweigh any potential public benefits, whether local or to the general public.

Support

A total of 95 representations of support have been received reiterating the points as set out in the main report. In addition, the following has been received from John Tweed, Architect:

Background

- Any expression of support or objection ought to have some kind of declaration of financial or circumstantial interest attached to it so that planning officers, councillors and members of the public are better able to evaluate any bias in the views expressed.
- An address of a property next to or near the site speaks loudly enough, in his case that does not apply and so he feels obliged to explain his particular interest in the outcome of this application.
- Recently the applicant, Sarah Callander-Beckett contacted me to ask if he would feel minded to support this application. His consideration openly requested; no reward offered to comply, no judgement implied if he declined. Some ten years ago he was retained by a house-builder, Crosby Homes to submit with them proposals for an approach to enabling development on land identified for enabling development. Crosby Homes were one of three development teams. Their firm was selected after discussion between the landowner, their agents, Messrs. Strutt and Parker and the Planning Authority. He has never been employed by the applicant; Crosby Homes agreed to move forward to develop a scheme then and took full responsibility for instructing my firm and the associated design costs.

- Quite coincidentally however, some thirty years before that he worked for a firm of architects in Wilmslow; Brotherton and Partners, who were retained by the then owner of Combermere Abbey. At the time this was Mrs Callander-Beckett's mother. Their task was to alter and repair parts of the building. Although he was not directly involved, he worked alongside the team that was and one thing that he clearly remember (but did not understand the significance of until much later) was that the restoration work they were engaged in was always seen as 'complicated' and 'problematic'. Later re-acquaintance with the research work undertaken on the property by the current heritage architects and English Heritage points up that the anatomy and history of the structure was not fully understood in the Seventies. Brotherton and Partners no longer exists as a firm to defend themselves against this assertion, but he believes that as honest and sincere professionals they would graciously concede the point in the light of later discoveries.
- With regard to the housing application it may be helpful to sketch some special knowledge he claims in this field so that the planning authority can make any meta-expertise allowance (or not, as they judge) for these views. In addition to the sporadic professional acquaintance with the historic property to which this application is linked he has additionally had a long and continuous professional engagement in the shaping and nurturing of mixed developments within rural settlements in Cheshire generally.
- He has for over more than a quarter of a century been responsible for designing some fifty schemes of affordable, mixed tenure and open market housing in villages and hamlets in West Cheshire. At the Millennium he was retained by the then Chester District Council to assist them in piloting Village Design Statements in Shocklach and Mickle Trafford and in 2006/7 was the lead facilitator for the Tarvin VDS which was adopted as a Supplementary Design Document in 2008. He was a member of the Chester District Rural Economy Group for ten years until local government reorganisation terminated the body.

Combermere Abbey: the need for Enabling Development:

- The designation of an historic property as Grade 1 Listed has absolutely nothing to do with who owns it and everything to do with its intrinsic merits as a heritage artefact. However the legal responsibility for maintaining a listed property in accordance with statutory, enforceable standards of stewardship and care has everything to do with the owner. It is a bit like musical chairs only the other way round, namely if you happen to be sitting in such a property when it is selected for listing, whether you like it or not you have absolutely no right of appeal and where, at one time, you could have benefitted by Government grants to help with the additional burden, these (either HMG or Heritage Lottery) no longer exist in sufficient volume to counter the cost of the obligations in every case.
- The comments of objectors voicing the view that the owners should "sell the property to someone who can afford to pay for appropriate repairs" are noted.

This argument is disingenuous and pays no attention to the reality of the economic situation that owners find themselves in, namely that obligatory costs for 'appropriate repairs' to a listed property often go far beyond the ability for the property (leave the owner aside for a clear view on this) to justify such expenditure either in terms of its intrinsic equity value or in its revenue-earning capacity.

- The applicant has proved over many years of her personal governance of Combermere that she and her husband are stewarding the property creatively, energetically and sustainably in just the sort of ways that the Government and English Heritage would wish to see for a nationally important asset. However the Government recognizes that such good intent is now often not enough on its own which is exactly why it has endorsed the guidelines for Enabling Development prepared by English Heritage. There can be no argument about the worth of the Abbey as heritage of national importance and maintaining it within its traditional estate context has to be the best outcome.

The Proposed Housing:

- This application addresses fundamental areas of doubt in the original 'hamlet' scheme ten years ago, namely it is of a scale which appears to be more closely balanced with the financial requirements of the enabling development; it is a smaller, more manageable number of dwellings to accommodate in the rural community at one pass and it answers the dictat from Planning at the time that rather than try and create a completely new settlement it would be better and more sustainable to append the development physically to an existing settlement. This would reduce infrastructure costs (and therefore overall size), aid assimilation and contribute more directly to sustainable local services.
- Highway safety clearly (and understandably) is a matter of local concern. However it is no considered that this proposal would aggravate problems for existing residents at all. The additional vehicle passes at the Wrenbury/Whitchurch crossroads may result in a proportional increase in incidents or near-incidents but the proposal of itself does not make the junction more dangerous. Indeed the local enlargement of the Sheppenhall neighbourhood would act as extra leverage for the community to seek additional speed calming measures on the main road, much as or similar to the nearby Burland devices on the A534.
- Much has been said about the 'strain on local services' imposed by such a development. It was ever thus for rural settlements but for anyone with a 'bottle-half-full' frame of mind, this proposal taken in the round presents far more opportunities than it does millstones. For instance public transport provision in rural areas seeks critical mass. So additional numbers can only help encourage and sustain additional services.
- Forceful representation has been made about ecology but nothing more significant than short-term disruption would be suffered. Despite the net loss of ground to buildings and hard landscape/infrastructure Over time bio-

diversity on the site would increase as the variety of garden environments and new hedgerows mature.

- The scheme has been carefully laid out and will create a character entirely consistent with the existing, surrounding rural/suburban development. The house types are appropriate and the scheme would settle in very naturally to its surroundings. It is interesting that (as is often the case) some of the fiercest objections come from those who live in slightly earlier and almost identical developments in the Sheppenhall neighbourhood. In terms of landscape there is no reference to strengthening the existing hedgerow facing Whitchurch Road with the introduction of traditional hedgerow trees of varying scales (from damson to Oak) but this would be desirable even if it takes time to mature.

Conclusion:

- If one was to view this as an entirely self-contained application for rural housing on the edge of an existing settlement and one was to set aside blanket proscription of such housing in rural areas and instead consider this proposal on its merits as natural growth consistent with similar additions in the past, and if one was to consider the shortfall nationally in new housing provision then I would suggest that this scheme at least balances harm with gain. If then, and only then, one brings the legitimate aid to be invested from this scheme in a major local heritage asset, then it seems to me the balance tips firmly towards approval and action.

RECOMMENDATION

As per main report