

CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 24th October 2012
Report of: Steve Irvine – Development Management and Building Control Manager
Title: Erection Of 43 Dwelling Houses (Including 5 Affordable Dwellings), Creation Of New Access To Sheppenhall Lane, Aston as enabling development to secure the restoration of Combermere Abbey.

1.0 Purpose of Report

- 1.1 To consider instructing the Borough Solicitor to complete a Section 106 Agreement in respect of planning application 11/2818N for the erection of 43 dwelling houses (including 5 affordable dwellings), and creation of new access to Sheppenhall Lane, Aston to come into effect in the event that the Appeal against the Council's refusal of the application is upheld and planning permission granted.

2.0 Decision Required

- 2.1 To authorise the Borough Solicitor to complete a Section 106 Agreement as set out in the recommendation below.

3.0 Background

- 3.1 The site 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.
- 3.2 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.
- 3.3 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.

- 3.4 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.
- 3.5 Members may recall that in April 2012, Strategic Planning Board refused planning permission for the erection of 43 dwellings including 5 affordable dwellings on the site. The scheme was 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.
- 3.6 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.
- 3.7 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 and registered historic park land.
- 3.8 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.
- 3.9 The proposed works, which the enabling development was intended to fund, were the conversion of The North Wing to form a dwelling involving its repair, alteration and refurbishment on the ground and first floor and remodelling and simplifying its roof structure attics.
- 3.10 An Appeal has been submitted against the Council’s refusal of the application, Statements have been submitted by both parties to the Planning Inspectorate and a site visit is anticipated in early November.

4.0 Need for a Section 106 Agreement

- 4.1 In the event that the Appeal is upheld and planning permission is granted by the Secretary of State, it is important to ensure that the public benefits of the scheme, in particular the restoration of the Abbey, but also highways improvements, open space contributions, education

contributions, provision of footpath, and affordable housing, are forthcoming. This can only be achieved through a Section 106 Legal Agreement.

- 4.2** In most cases, where an Appeal is submitted, it is usually sufficient for the Appellant to submit a Unilateral Undertaking, to the Planning Inspectorate, with their Appeal paperwork to make the usual provisions for affordable housing, financial contributions to open space, highways, education etc.
- 4.2 However, due to the legal complexities of this case, particularly in respect of the management of the funds that would be generated by the development towards the restoration, which the Council would be actively involved in, it is necessary for the Council to be a signatory to the agreement.
- 4.3 The Borough Solicitor can only sign such an agreement with the express consent of the Strategic Planning Board.
- 4.3** It is important to stress, that the Agreement would only come into force in the event that the Appeal is upheld and planning permission granted and that by entering into the agreement, the Council would not in any way prejudice its case in defending its refusal of planning permission.
- 4.4** By entering into the agreement, the Council is merely protecting its position and ensuring that the maximum public benefit is secured from the scheme in the event that the Inspector's decision is not in the Council's favour.

5 Conclusion

- 5.1 On the basis of the above, it is considered to be appropriate for the Council to enter into a Section 106 Agreement as detailed above.

6 Recommendation

- 6.1 That the Borough Solicitor be authorised to complete a Section 106 legal agreement to secure:**
- **the delivery of the heritage benefits of the scheme including the restoration of the Abbey**
 - **affordable housing comprising 3 x 2 bed units and 2 x 3 bed units, to be delivered on a discounted for sale basis at a discount of 40% from open market value or as another form of intermediate tenure housing which is offered at the same level of affordability**

and complies with the requirements the Councils Interim Statement on Affordable Housing.

- An education contribution of £30,000
- Great Crested Newt Hibernacula
- A total of 40 days per annum in total when the Abbey is open to the public for Guided Tours
- 6 open days a year when there will be public access to the gardens.
- 2 days each year for both Newhall Parish Council and Dodcott-cum-Wilkesley Parish Council to hold local events in the Abbey or gardens.
- 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.
- 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.
- Provision of permissive footpath within the Combermere Estate in accordance with submitted plan.

7 Financial Implications

7.1 There are no financial implications.

8 Legal Implications

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

9 Risk Assessment

9.1 There are no risks associated with this decision.

10 Reasons for Recommendation

10.1 To allow the Council to ensure that the maximum community benefit from the scheme, including the restoration of the Abbey, highways improvements, open space contributions, education contributions, provision of footpath, and affordable housing are secured in the event that the appeal is upheld and planning permission granted by the Planning Inspectorate.

For further information:

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Background Documents:

- *Application 11/2818N.*