

Application No: 12/3879N

Location: OFFICE PREMISES, THE FORMER GENUS PLC, ROOKERY FARM ROAD, TARPORLEY, CHESHIRE

Proposal: Outline application for re-submission of application 12/3086N - demolition of existing steel portal vacant office building. Construction of four dwellings with associated garage, access and parking

Applicant: Genus Plc

Expiry Date: 12-Dec-2012

**SUMMARY RECOMMENDATION –**

**Approve with Conditions and subject to the completion of a section 106**

**MAIN ISSUES**

Principle of development

Loss of Employment Site

Affordable Housing

Appearance, Landscaping, Layout and Scale

Amenity

Highways

Ecology

Trees

**REASON FOR REFERRAL**

This application has been advertised as a departure from the development plan and is recommended for approval and therefore is referred to the Southern Planning Committee for consideration.

**DESCRIPTION OF SITE AND CONTEXT**

The application site is situated within the Open Countryside, on Rookery Farm Road, Tarporley. The application site currently inhabits a large steel framed commercial unit which has been vacant since 2010 when the former occupiers 'Genus PLC' moved to an alternative site in Nantwich.

**DETAILS OF PROPOSAL**

The application seeks outline planning permission with all matters reserved for the demolition of the existing office building and construction of four dwellings. The indicative plan includes a pair of semi-detached dwellings, and two detached dwellings. One of the detached dwellings is proposed as an affordable housing unit.

This application seeks permission for the principle of residential development on the site with the details of access, appearance, landscaping, layout and scale details reserved for a subsequent application.

## **RELEVANT PLANNING HISTORY**

12/3086N – Outline for Proposed Residential Development - Demolition of Existing Steel Portal Vacant Office Building. Construction of Two Detached Family Dwellings with Associated Garage, Access and Parking - Withdrawn

11/0653N - Variation of Condition 3 on Planning Permission P02/0719 – Approved with conditions 23<sup>rd</sup> August 2011

P02/0719 - Change of Use to Offices – Approved with conditions 20<sup>th</sup> August 2002

7/17728 - Embryo day centre (milk marketing board) – Approved with conditions 16<sup>th</sup> November 1989

## **POLICIES**

### **National Planning Policy**

National Planning Policy Framework 2012

### **Borough of Crewe and Nantwich Replacement Local Plan 2011**

NE. 2 Open Countryside

NE. 5 Nature Conservation and Habitats

NE.9 Protected Species

RES. 1 Housing Allocations

RES. 5 Housing in the Open Countryside

RES. 8 Affordable Housing in Rural Areas Outside Settlement Boundaries (Rural Exceptions Policy)

BE.1 Amenity

BE.2 Design Standards

BE.3 Access and Parking

BE.4 Drainage, Utilities, and Resources

BE. 5 Infrastructure

BE. 6 Development on Potentially Contaminated Land

E. 7 Existing Employment Sites

### **Other Material Considerations**

Revised Interim Planning Policy: Release of Housing land

Interim Planning Statement: Affordable Housing

## **CONSULTATIONS (External to Planning)**

**Highways:** No objection. However, the applicant should be informed that for construction of the new/modified access a licence under S184 of the Highways Act will be required.

**Environmental Health:** No Objection subject to conditions for hours of construction, pile driving and contaminated land report.

**United Utilities:** No objections.

**VIEWS OF PARISH COUNCIL** – None received at time of writing this report.

**OTHER REPRESENTATIONS** – None received at time of writing this report.

## **OFFICER APPRAISAL**

### **Principle of Development**

#### *Local Plan Policy*

The site lies in the Open Countryside as designated in the Borough of Crewe and Nantwich Replacement Local Plan 2011, where policy NE.2 states 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*”.

#### *National Planning Policy Framework*

Paragraph 47 of the NPPF requires that there is a five year supply of housing plus a buffer of 5% to improve choice and competition. The SHLAA has put forward a figure of 3.94 years housing land supply and once the 5% buffer is added, the Borough has an identified deliverable housing supply of 3.75 years.

The NPPF clearly states at paragraph 49 that:

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

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

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

Consequently, the application turns on whether the loss of an employment site is acceptable in this rural location, if the development is sustainable and whether any adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits in terms of additional housing land supply.

### **Loss of an Employment Site**

Local Plan Policy E.7 (Existing employment sites) states that development which would cause the loss of an existing employment site to other uses will only be permitted where it can be demonstrated that the present use harms the character or amenities of the surrounding area, the site is not capable of satisfactory use for employment and overriding local benefits would come from the proposed development, or it can be demonstrated that there would be no detrimental impact on the supply of employment land or premises in the Borough.

The applicant has submitted detailed marketing information which shows that the building has been marketed by Wright Manley Commercial and King Sturge for over 2 years. In that two years Wright Manley had 5 viewers 3 of which viewed the property twice, but with no further interest. An offer of £300,000 was accepted but funding failed on this purchase, and was with the intention to use for residential purposes. The details were viewed 4928 times on the website with 538 details issued. A further 8 sets of sale particulars were sent out to interested parties.

Furthermore, Jones Lang LaSalle (formerly King Sturge) was jointly appointed to market the property. The agents marketed the building with a double sided brochure, 3no. marketing boards, a mailshot to North West office agents, letter to local occupiers and on several websites. An offer of £310,000 was received but this was conditional on planning permission for residential development being achieved. It is therefore considered that a suitable amount of marketing has been carried out with no significant interest in the site for employment uses.

Furthermore, it is considered that the existing building on the site is of no particularly architectural merit and is of a fairly modern design. There is a significant amount of hardstanding on the site used as car parking. The proposal would replace the existing building with four residential dwellings and it is considered that this will represent an improvement in the rural environment as the hardstanding areas are likely to become gardens. There is clearly no large demand for this type of commercial unit in this area and therefore it is considered that in this instance the loss of an employment site is acceptable.

In addition, given that the Borough does not currently have a 5 year housing land supply and is therefore releasing Greenfield sites for residential development, it is considered that redevelopment of this site, which would ease pressure on Greenfield sites elsewhere would be an overriding local benefit.

### **Sustainability**

The onus is placed onto the applicant to demonstrate that the proposal is considered sustainable development, in accordance with the National Planning Policy Framework. The applicant contends that the site is sustainable and is in close proximity to a number of key services. The applicant has submitted a completed North West Sustainability Checklist developed by the former North West Development Agency, which considers the sustainability of a development site in relation to Climate Change, Place Making, Transport, Ecology, Recourses, Business, and Buildings. The applicant has not completed a number of the questions in the report, noting that the detail of the development has not been considered yet and that this will form part of the reserved matters application. Whilst this is acknowledged the report submitted does not clearly show that the site is sustainable.

With respect to accessibility, the North West Development Agency 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.

The toolkit sets maximum distances between the development and local amenities. 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)
- railway station (2000m).

The applicant notes the following distances from local amenities,

Category	Facility	Rookery Farm Road, Tarporley
<b>Open Space:</b>	Amenity Open Space (500m)	1700m
	Children’s Play Space (500m)	1700m
	Outdoor Sports Facility (500m)	3000m
<b>Local Amenities:</b>	Convenience Store (500m)	3000m
	Supermarket* (1000m)	3000m
	Post box (500m)	450m
	Playground / amenity area (500m)	1700m
	Post office (1000m)	3600m
	Bank or cash machine (1000m)	1100m
	Pharmacy (1000m)	3000m

	Primary school (1000m)	3000m
	Secondary School* (1000m)	3000m
	Medical Centre (1000m)	3000m
	Leisure facilities (leisure centre or library) (1000m)	3000m
	Local meeting place / community centre (1000m)	750m
	Public house (1000m)	1100m
	Public park or village green (larger, publicly accessible open space) (1000m)	3000m
	Child care facility (nursery or creche) (1000m)	2700m
<b>Transport Facilities:</b>	Bus stop (500m)	450m
	Railway station (2000m where geographically possible)	N/A
	Public Right of Way (500m)	142m
	Any transport node (300m in town centre / 400m in urban area)	3000m

**Disclaimers:**

*The accessibility of the site other than where stated, is based on current conditions, any on-site provision of services/facilities or alterations to service/facility provision resulting from the development have not been taken into account.*

*\* Additional parameter to the North West Sustainability Checklist*

*Measurements are taken from the centre of the site*

<b>Rating</b>	<b>Description</b>
	Meets minimum standard
	Fails to meet minimum standard (Less than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).

	Significant failure to meet minimum standard (Greater than 60% failure for amenities with a specified maximum distance of 300m, 400m or 500m and 50% failure for amenities with a maximum distance of 1000m or 2000m).
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It is clear that the site fails many of the criteria set out in the North West Sustainability checklist with regard to accessibility. However, it should be noted that the use of the site for four residential units rather than a commercial unit would reduce the number of traffic movements to and from the site and therefore improving the sustainability of the site from this aspect. There are good links to Tarporley, Bunbury, Chester, Nantwich and Crewe by bus, (four bus stops are located within 500m of the site). Furthermore there are opportunities to include sustainable building methods into the building of the dwellings which could improve the overall sustainability of the site, but this would form part of the more detailed aspect of the development.

Paragraph 34 of the NPPF states that decisions should ensure that developments that generate travel movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised. In order to access services, the future residents of the site could use sustainable transport modes given the proximity of the bus stop.

Paragraph 55 of the NPPF refers to the promotion of sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities and Local Planning Authorities should avoid new isolated homes in the Countryside. The location of this proposal outside of the village suggests a more isolated location in the Countryside; however it is within the settlement of Tilstone Fearnall, and within a 3km walking distance of the villages of Tarporley and Bunbury and therefore could help to maintain the vitality of the surrounding rural communities.

### **Affordable Housing**

The site is located in the parish of Alpraham, which is a settlement with a population of less than 3,000.

The Interim Planning Statement: Affordable Housing states the following for Windfall Sites in settlements with populations of less than 3,000 –

*Monitoring has shown that in settlements of less than 3,000 population the majority of new housing has been delivered on sites of less than 15 dwellings. The Council will therefore negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 0.2 hectares or 3 dwellings or more in all settlements in the rural areas with a population of less than 3,000 population. The exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion for any site will normally be 30%. This proportion includes the provision of social rented and/or intermediate housing as appropriate.*

As the proposal on this site is for 4 dwellings there is a requirement that 30% of the units are provided as affordable housing. This equates to 1 dwelling.

Alpraham is located in the Bunbury sub-area for the Strategic Housing Market Assessment 2010 (SHMA), which identified a requirement for 6 new affordable homes per year between 2009/10 – 2013/14.

In addition, there are currently 12 applicants on Cheshire Homechoice, which is the choice

based lettings system for allocating social housing, who have selected Alpraham as their first choice. These applicants require 1 x 1 bed, 6 x 2 beds and 2 x 3 beds, and there are 3 applicants who have not stated how many bedrooms they need.

There will be delivery of affordable housing that will meet some of the need identified for Bunbury as there is currently a development of 10 affordable homes on site at Wyche Lane. However, there is a requirement for 30 affordable homes in the Bunbury sub-area between 2009/10 – 2013/14 so there is a shortfall of 20 affordable homes. There is also demand for affordable homes for rent in Alpraham, which can be seen from the information taken from Cheshire Homechoice.

The Strategic Housing Market Assessment also established that the preferred tenure split for affordable homes across Cheshire East is 65% social rent and 35% intermediate tenure.

As there is a requirement for only 1 affordable home at this site and therefore, it should be provided to meet the highest tenure preference which is social rent. Also as there is most demand for 2 bed homes for rent in Alpraham the affordable home should be provided as a 2 bed house.

The layout sketch with the application indicates that the size of the affordable dwelling is approximately 94m<sup>2</sup>. This would be quite large for an affordable home and well in excess of the size required for a 2 bed house to meet the Design and Quality Standards required by the Homes and Communities Agency. However, given that the application is submitted in outline, the could be addressed at reserved matters.

The Affordable Housing IPS states that no more than 50% of the open market dwellings are to be occupied unless all the affordable housing has been provided. This can be secured through a Section 106 Agreement. In addition the Section 106 will need to make provision for an obligation that such housing is transferred to and managed by an RSL as set out in the Housing Act 1996.

### **Appearance, Landscaping, Layout and Scale**

As the application is outline, the appearance, landscaping, layout and scale of development would be covered in detail within the Reserved Matters application. The general layout proposed is considered to be acceptable, and would provide for a mix of house types and sizes which would reflect the rural sporadic nature of development in this rural location.

This application is an amendment to a previous proposal for three detached dwellings on the site. It is considered that the increase in density is more suitable for the site and would achieve a better mix of housing tenure and design.

There is a significant amount of hardstanding on the site currently and a large portion of this would become garden land. It is considered that, with a suitable landscaping scheme, the use of the site as residential would improve the visual amenity of the land and the wider open countryside.

### **Amenity**

*Neighbouring amenity*

The nearest dwelling is over 80m away from the site. This is a significant distance from the site and therefore the proposal will have no impact on neighbouring amenity by means of overlooking or overbearing impact.

### *Future Occupier amenity*

As the application is still at outline the position of windows etc has not been submitted with the application and the plan is only an indicative layout. However the plan appears to show that there will be a suitable amenity space available for each dwelling of over 50m<sup>2</sup> and each dwelling will be positioned so as to not impact on the privacy of another building.

### **Highways**

As this application is in outline with all matters reserved the parking and access arrangements would be dealt with as part of a future detailed application. However, it is noted that the indicative plan shows the existing two accesses to the site utilised, with two properties being accessed off each shared drive way. It would appear that a suitable amount of parking equating to at least 200% will be available for each dwelling. The Strategic Highway Manager has no objections to the proposal and therefore it is considered unlikely that the proposal will have a significantly greater impact on highway safety over that which already exists.

### **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implemented the Directive by introducing The Conservation of Habitats and Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Local Plan Policy NE.9 (Protected Species) states that proposal for development will not be permitted which would have an adverse impact upon species specifically protected under Schedules 1, 5 or 8 of the wildlife and countryside Act 1981 (As amended) or their habitats.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

The NPPF advises LPAs to ensure that appropriate weight is attached to protected species “Where granting planning permission would result in significant harm .... [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

The NPPF encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to “refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

In this case the application site is situated adjacent to a large water body and would include the demolition of a building. A protected species survey has not been submitted with the application. However, the Council’s ecologist has assessed the application and has noted that he does not anticipate there being any significant ecological impacts associated with the proposed development, although he does recommend that a breeding bird safeguarding condition is attached to any permission.

### **Trees**

There are several large mature trees sited on the edge of the development site, within the highway verge, which may have some impact on the proposal. The plans submitted show no details of these trees and therefore it is not possible to determine how the proposal may impact on the trees.

A further plan has been requested from the agent to accurately show the position of the trees and their crown spreads so that it is possible to determine if four dwellings can be sited on the plot without having a detrimental impact on the existing tree coverage.

A further update will comment on the amended plan and comments from the landscape architect.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The application seeks outline planning permission for four dwellings within the Open Countryside. This proposal is considered to be contrary to Policy NE2 and RES 5 of the Crewe and Nantwich Local Plan and does not meet the requirements of RES 8.

However, the proposal should be considered in the context of the presumption in favour of sustainable development as required by the NPPF. Furthermore, the Council accepts that it cannot demonstrate a 5 year supply of deliverable housing land and as a consequence the housing supply policies of the plan must be considered to be out of date. It is considered that whilst the application site is not considered to be sustainable in terms of its location, the use of a Brownfield site for housing is more acceptable in sustainability terms than a Greenfield site. The application site does have good links with the local villages of Tarporley and Bunbury and would therefore help to maintain the vitality of these settlements. The proposal to demolish a vacant building of no particular architectural presence and which would appear there is no demand for, and replace it with four well designed dwellings, including one affordable dwelling, is considered to be a betterment to the site and therefore, it is considered that that this proposal would not conflict with policy objectives of the NPPF, and that the

benefits of granting permission would outweigh the adverse impacts. It is therefore considered that the principle of development is acceptable.

**Recommendation: APPROVE subject to the satisfactory completion of a S106 Agreement making;**

**Heads of terms;**

- **A provision of 30% affordable housing (1 unit) to be provided for affordable/social rent**
- **Provide before 50% completion**
- **Transfer to RSL**
- **Control of occupancy**

**Conditions;**

- 1. Outline Time**
- 2. Time for Reserved Matters**
- 3. Approval of Reserved Matters**
- 4. Two Storey Dwellings only**
- 5. No habitable windows to side facing elevations**
- 6. Hours of construction**
- 7. Landscaping plan**
- 8. Tree Protection**
- 9. Arboricultural method statement**
- 10. Breeding Birds survey**
- 11. Pile Driving hours**
- 12. Contaminated Land report**
- 13. Removal of PD**
- 14. Approved Plans**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning and Housing in consultation with the Chair of the Strategic Planning Board is delegated authority to do so, provided that he does not exceed the substantive nature of the Committee's decision.**

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