

Planning Reference No:	09/3337C
Application Address:	Training Centre, Hill Street, Sandbach, Cheshire, CW11 3JE
Proposal:	Demolition Of Existing Industrial Unit, Clearance Of Site And Redevelopment By The Erection Of Residential Units
Applicant:	Mr Clarke
Application Type:	Outline with all matters reserved.
Ward:	Sandbach
Earliest Determination Date:	17 December 2009
Expiry Dated:	11 January 2010
Date Report Prepared:	17 December 2009
Constraints:	None

SUMMARY RECOMMENDATION:

REFUSE on grounds of loss of an employment site.

MAIN ISSUES:

The key issues for Members to consider in determining this application are:

- Background
- Principle of Residential Development and Housing Land Supply
- Loss of Employment Land
- Noise
- Highways
- Public Open Space Provision
- Ecology

1. REASON FOR REFERRAL

The application is included on the agenda of the Southern Planning Committee as the proposal is a small-scale major development.

2. DESCRIPTION OF SITE AND CONTEXT

This application relates to the former Foden's factory-training centre located on the southern side of Hill Street in Sandbach. The site is rectangular in shape, measures approximately 0.253 ha and accommodates a row of 3 adjoining industrial units, one of which is subdivided into a number of smaller units used as offices. The overall floor space of the buildings measures 1295 sq m (13940 sq ft). The established use of 2 of the buildings is B2 (General Industry) with the remaining building in B1 use (Business). Approximately 50% of the floor space is currently occupied with the remaining 50% vacant. The site is therefore an employment site.

In respect of the surrounding development, Elworth Wire Mills is located directly to the northwest, a wire manufacturing company that has recently gone into administration. Residential properties are located to the northeast and southwest and a residential care home is located directly to the southeast. The site is situated within the settlement zone line

of Sandbach as designated in the adopted Congleton Borough Local Plan First Review (2005).

3. DETAILS OF PROPOSAL

Outline planning permission is sought for the demolition of the existing buildings on the site and the construction of residential units. The precise number of units is unknown at this stage but is likely to comprise of no more than 14 units. Matters of access, appearance, landscaping, layout and scale are reserved for subsequent approval. As such this proposal seeks to establish the principle of residential development on the site.

4. RELEVANT HISTORY

08/2013/OUT - Demolition of existing industrial unit & redevelopment by erection of residential units that may include semi-detached/terraced dwellings - Refused

5. POLICIES

Regional Spatial Strategy (RSS)

DP1 Spatial Principles
DP2 Sustainable Communities
DP 3 Promote Sustainable Economic Development
DP 4 Make the Best Use of Existing Resources and Infrastructure
DP 5 Manage Travel Demand; Reduce the Need to Travel
DP 6 Marry Opportunity and Need
DP 7 -Promote Environmental Quality
L4 Regional Housing Provision
EM11 Waste Management Principle

Local Plan Policy

PS4 Towns
GR21 Flood Prevention
GR1 New Development
GR2 Design
GR3 Residential Development
GR5 Landscaping
GR6 Amenity & Health
GR7 Amenity & Health
GR8 Pollution
GR9 Accessibility, servicing and parking provision
GR18 Traffic Generation
GR19 Infrastructure
GR22 Open Space Provision
H1 Provision of New Housing Development
H2 Provision of New Housing Development
H4 Residential Development in Towns
E10 Re-use or Redevelopment of Existing Employment Sites

SPG1 Provision of Public Open Space in New Residential Developments
SPG2 Provision of Private Open Space in Residential Developments

Other Material Considerations

PPS1 'Delivering Sustainable Development'
PPS3 'Housing'
PPG4 'Industrial, Commercial Development and Small Firms'
PPS9 'Planning and Bio-diversity'
PPS23 'Planning and Pollution Control'
PPG24 'Planning and Noise'
PPS25 'Development and Flood Risk'

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 'The use of Conditions in Planning Permissions'.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

6. CONSULTATIONS (External to Planning)

Environmental Health:

The Environmental Health Division states that an assessment should be undertaken in order to identify and evaluate all potential sources and impacts of land and/or groundwater contamination. Conditions requiring submission of an air quality assessment and noise and vibration assessment from the nearby Sandbach Railway are recommended. In addition conditions restricting the hours of construction, piling and delivery by HGV vehicles are recommended.

Strategic Highways Manager:

No formal comments received.

Nature Conservation Officer (NCO):

No evidence of bats or breeding birds was recorded during the survey and the site appears to offer very limited potential for protected species. In accordance with the submitted protected species survey the NCO recommends that the following condition is attached to any permission granted to enhance the site's ecological potential:

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. Such proposals to be agreed by the LPA. The proposals shall be permanently installed in accordance with approved details.

Reason: To secure an enhancement for biodiversity in accordance with PPS9.

7. VIEWS OF THE SANDBACH TOWN COUNCIL

Sandbach Town Council has no objection to the application providing current business users of the building are relocated to alternative suitable premises.

8. OTHER REPRESENTATIONS

None received.

9. APPLICANT'S SUPPORTING INFORMATION

A full package of supporting information has been submitted with the application including, a Planning Support Statement incorporating a Design and Access Statement, Noise Impact Assessment, land use assessment, a Structural Report and Ecological Report.

10. OFFICER APPRAISAL

Background

This application follows the refusal of an earlier scheme for the same proposal. There were two reasons for refusal. These were:

1. Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.

2. Insufficient information has been submitted with the application in order to assess adequately the noise generated by the industrial operations on the adjacent Elworth Wire Mills site and the impact that this would have on the future occupiers of the proposed development. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with Development Plan policies GR1, GR6, GR7 and GR8 and other material considerations.

The key issues for members to consider therefore, is whether the reasons for refusal have been adequately addressed to justify approval. Firstly, it is important to reconsider the principle of the development and the current position with regards to the supply of housing land.

Principle of Residential Development and Housing Land Supply

The application site is located within the settlement zone line for Sandbach where according to Policy PS4 there is a general presumption in favour of development provided that it is in keeping with the town's scale and character and does not conflict with other policies. With regard to housing development, policies H1 and H2 relate to the supply of housing land within the borough.

Within the former Congleton Borough, the Council is not able to provide a 5-year deliverable supply of land for housing in accordance with PPS3. As such, at the present time the Council is favourably considering applications for housing within the area covered by the Congleton Borough Local Plan First Review.

Additionally, Policy H4 outlines a series of criteria to be met when assessing residential development in towns. This includes the sustainability of the site and compliance with other local plan policies. It is considered that the site is in a sustainable location on the

westerly edge of Sandbach where it is within walking distance of local amenities and within easy reach of Sandbach Train Station and a number of bus stops serving the wider area. Accordingly, the principle of residential development on the site would be acceptable subject to accordance with other local plan policies.

Loss of Employment Land

Proposals for the change of use or redevelopment of existing employment sites to non-employment uses will not be permitted unless it can be demonstrated that the site is no longer suitable for employment use or there would be substantial planning benefit in permitting alternative uses that would outweigh the loss of the site for employment purposes.

In considering whether the site is no longer suitable for employment uses, account will be taken of:

- 1 The location of the site or premises and the physical nature of any building
- 2 The adequacy of supply of suitable employment sites and premises in the area
- 3 Whether reasonable attempts have been made to let or sell the premises for employment uses

The applicant's planning statement* explains that the location, age, condition and physical characteristics of the site and buildings render them unsuitable for efficient use and this serves as a major barrier in attracting tenants. It is also stated that it would be economically unviable to repair the buildings and bring them up to modern standards and equally unviable to redevelop the site for employment use. The appendices of the planning statement includes a structural survey, however, the issues that are raised, relate to the maintenance of the building and not to structural issues. In respect of the potential redevelopment of the site, the applicant seems to have only considered industrial uses (para. 6.2.1 of the property report*) and therefore it would appear that they have not explored the potential for alternative employment uses, for example less intensive B1 uses.

The property report* includes an assessment of available units within the area with a floor space of 0-1394 sq m. The findings show that at the time of report there were c270 properties available to buy and to rent within a 10-mile radius of Sandbach. As such the applicant concludes that there is an adequate supply of units for employment use within the Borough and the Council has no evidence to refute this claim. However, the property report does state that there is a 'good level of demand for starter nursery units' with a floor space of less than 186 sq m (2,000 sq ft) and this has been confirmed with the South East Cheshire Enterprise (SECE). The feasibility study contained within the property report fails to consider the cost of subdivision for multiple occupation, which could potentially cater for this demand. The Council considers that the buildings lend themselves well to further subdivision and such measures could help to secure an increased occupation whilst having regard to the applicant's property report, which asserts that there is a 'good level of demand for starter units'.

In respect of marketing, since the refusal of application 08/2013/OUT in February of 2009, no additional marketing of the property has been carried out. The site has not been marketed in the local press, only ever being marketed by word of mouth and with a letting board. Such limited marketing does not constitute a reasonable attempt to secure tenants in the building and may provide some explanation as to why the owners have experienced

difficulties in securing tenants. In spite of this, such limited marketing has still resulted in the premises occupation and therefore it is reasonable to say that there is still the demand for properties of this type for employment uses. The site has remained in use by the businesses that were occupying the building at the time of considering the previous application (ref: 08/2013/OUT). As such the applicant has not made reasonable attempts to let or sell the property and has consequently failed to satisfy the 3 criteria in the first strand of policy E10 and demonstrate that the site is no longer suitable for employment use.

In considering whether there would be a substantial planning benefit from permitting an alternative use account will be taken of:

- 1 Any benefits in terms of traffic generation, noise or disturbance to amenity
- 2 The impact the proposal would have on the environment & economy of the local area
- 3 The need for the proposal and its potential contribution to the local area
- 4 The requirements of other relevant policies of the local plan.

The applicants argue that there would be benefit in permitting residential use on the site, as the location is unsuitable because the premises are surrounded by residential development. Environmental Health has received no complaints in respect of the application site and therefore there does not appear to be a conflict with the current uses and neighbouring residential properties. However, if the site were to become fully occupied, thereby generating complaints from neighbouring residents, the Environmental Protection Act could be invoked and if there were insurmountable problems the B2 element could be changed to B1 with less impact and without the need for planning permission. In any event, given the small size of the units it is unlikely that a heavy B2 industrial use could occupy the premises. However, this does not preclude smaller less intensive B2 or B1 uses from occupying the units without major detriment being caused to neighbouring amenities and therefore the argument regarding intensification of the use is not one that offers a significant planning benefit.

Also the applicant argues that the narrow road and the existing access arrangements are not suitable for large HGV vehicle movements that are usually associated with industrial use. Whilst there is some merit in this argument, the existing offices and the subdivision of the larger units into a number of smaller units for B1 light or high-tech industry use, would be capable of being serviced by vans and small lorries which would, by definition, be acceptable within a residential area. Again there is no record of complaints from neighbouring residents regarding the deliveries to the subject site.

In respect of point two ('impact on the local environment') subject to an appropriate design and layout, which could be secured at the reserved matters stage, the proposal could benefit the appearance of the street scene by removing the existing buildings on site. One of the arguments put forward in the planning statement is that the owners of the site could demolish the units on the site without the need for consent and/or the use of the site could be abandoned which would result in a vacant site for which residential development would be the most logical and suitable alternative. The Local Planning Authority must assess the application having regard to the current situation, which is that the buildings comprise 1295 sq m employment floor-space, which could be fully occupied to provide further employment opportunities in a sustainable location within the borough.

On the third point, there is a need for housing across the Borough. Assuming that the development would comprise no more than 14 dwellings as indicated by the applicant, there would be a requirement for a proportion of the dwellings to be low cost market housing (approximately 4), however there would be no requirement for affordable housing. Accordingly, the provision of 4 low cost market dwellings would not offer significant benefit that would outweigh the loss of the site for employment uses thereby reducing employment opportunities within this sustainable location. There are high levels of 'out-commuting' within the Borough, which lead to unsustainable travel patterns. This will only be exacerbated if employment opportunities offered by sites such as this one are lost. On balance therefore, it is not considered that the planning benefits are substantial enough to outweigh the loss of the site for employment uses.

Noise

Turning to the second reason for refusal, the noise generated by the industrial operations on the adjacent Elworth Wire Mills site and the impact that this would have on the future occupiers of the proposed development is difficult to assess, as the industrial use of the site is no longer operational. However, there is a possibility that other heavy B2 uses could occupy Elworth Wire Mills, the issue of noise is still relevant. The application is supported by a noise assessment which assesses the likely potential impact of both the neighbouring uses and road-traffic noise. The assessment concludes that any harm could be addressed through the incorporation of appropriate glazing and materials in the development to help minimise any noise impact. Whilst this satisfies the second reason for refusal, the report does not assess the noise and vibration from the nearby Sandbach railway line. Nonetheless, environmental health has recommended the imposition of a condition requiring further assessment.

Highways

It is understood that the Strategic Highways Manager has concerns about the design of the proposed access, however, given that access is reserved for subsequent approval, this is not for consideration. Subject to appropriate design and detail, it is considered that an appropriate means of access could be accommodated for the proposed development without giving rise to parking or highway safety issues in the area.

Public Open Space Provision

Under Supplementary Planning Guidance Note 2 'Provision of Public Open Space in New Residential Developments', there is a requirement for the provision of public open space on the site. However, the Local Planning Authority (LPA) recognises that in smaller developments such as this one it will not always be practical to provide public open space within the development site. Whilst the application is in outline form with details of access only, the indicative layout shows that there would be no onsite public open space or children's informal play space. In these circumstances the LPA will normally expect a financial contribution in lieu of the actual provision of Public Open Space on site where the proposed development would give rise to a quantitative and / or qualitative deficit in the area.

Following an assessment of the existing Children's and Young Persons Open Space (CYPOS) provision accessible to the proposed development, a surplus in the quantity of provision has been identified having regard to the Council's Open Space Study. Whilst there is no requirement for CYPOS provision, a qualitative deficit has been identified in the

existing open space accessible to the proposed development, which includes a Locally Equipped Area for Play (LEAP) at Elworth Park. Given that the proposed development would exacerbate this qualitative deficit, the Council's Green Space division would require a financial contribution in order to facilitate the upgrade and improvements in the quality of the existing LEAP. The contributions sought would equate to £3,204.95 for enhancements and £10,447.50 for the maintenance.

Moving onto Amenity Greenspace, an assessment has revealed that there would be a shortfall in the quantity of provision arising from the proposed development. Nonetheless, an opportunity has been identified for enhancing the capacity of the Amenity Greenspace at Elworth Park. This would require a financial contribution of £1,849.05 for the enhancements and £4,138.75 for the maintenance. Subject to S106 legal agreement to secure the above contributions, the development would accord with the Council's adopted Interim Guidance note on Public Open Space Requirements for new residential development.

Ecology

The submission includes a survey of the building for protected species. The report and findings of the survey conclude that the buildings do not support any protected species nor do the buildings offer suitable habitat for bats. It is considered therefore that the proposed development would comply with the requirements of policies NR1 and NR2 of the local plan as well as PPS9 'Planning and Bio-diversity'.

Conclusion

The applicant has failed to provide further marketing of the site for employment purposes and has not therefore adequately addressed the first reason for refusal on application ref; 08/2013/OUT. As such, it has not been robustly demonstrated that the site is unsuitable for its current use in terms of location and the surrounding land uses, that the site could not be redeveloped for alternative B1 uses as opposed to 'industrial uses' or that reasonable attempts have been made to market the site for either its current use or redevelopment for alternative B1 uses. Given the information submitted, it appears that on balance, any benefits from developing the site for housing are not substantial to a degree that would outweigh the loss of the site's employment use. There is no evidence to demonstrate a current problem from the site's use in terms of noise, general disturbance or traffic flow, and furthermore whilst the proposal will contribute to housing supply and mix this should not be at the expense of reducing employment opportunities further encouraging the already predominantly unsustainable transport patterns in the Borough. The proposal would not therefore accord with the Development Plan and Members are advised to determine the application accordingly.

11. RECOMMENDATIONS

REFUSE subject to the following conditions: -

Insufficient information has been submitted with the application in order to justify the loss of an existing employment site. The applicant has not made reasonable attempts to market the property for employment uses and has failed to demonstrate that there would be substantial planning benefits that would outweigh the loss of the site for employment purposes. The proposal is thereby contrary to Policies GR1 and E10 of the adopted Congleton Borough Local Plan First Review.

