

Planning Reference No:	10/3808C
Application Address:	Former Cardboard Factory, Betchton Road, Malkins Bank
Proposal:	Extension to time limit – redevelopment of former factory to provide 28 no. new homes to included 12 affordable homes provided by RSL
Applicant:	Jokaro Ltd.
Application Type:	Outline Planning Permission
Grid Reference:	376677 359044
Ward:	Sandbach East and Rode
Consultation Expiry Date:	4 th November 2010
Date for determination:	30 th December 2010

SUMMARY RECOMMENDATION

Approve subject to conditions and a Deed of Variation to the existing Section 106 Agreement.

MAIN ISSUES

- Suitability of the Site for Residential Development
- Housing Land Supply
- Loss of Employment Site
- Ecology
- Character and Appearance
- Residential Amenity
- Highway Safety
- Other Matters

REFERRAL

The application has been referred to planning committee because it is for more 10 dwellings and is therefore a major development.

1. SITE DESCRIPTION

This site comprises the eastern part of the former Jeffries Box factory at Malkins Bank, which has been vacant for some time. The western part of the site has recently been developed by Bett Homes for 27 dwellings for which outline permission was granted in 2000 and issued in 2002 following the completion of the legal agreement. The details of that scheme were approved by the Council on 16th December 2002.

2. DETAILS OF PROPOSAL

Planning permission was granted in 2003 for the redevelopment of the eastern part of the site to provide 20no. new houses and 800sq metres of rural business accommodation,

but this has never been implemented. Approval was subsequently given in 2005 to a revised application, for outline permission for the demolition of all buildings on site and the construction of 28 new houses, 16 of which would be open market for sale and 12 would be provided by a Registered Social Landlord. There was no provision within the scheme for any employment generating uses. All matters relating to access, siting, design, appearance and landscaping were reserved for further approval.

This application seeks to extend the time limit for the implementation of that permission under the new provisions introduced in October 2009.

3. RELEVANT PLANNING HISTORY

1999 (30979/1) Outline application for re-development of the whole 1.8ha factory site for residential purposes. This application was withdrawn by the applicant prior to its consideration by the Planning Committee

2001 (32235/1) Outline planning permission for re-development of the site to include an element of low cost/affordable housing.

2002 (32235/A) Approval of details for 27 dwellings.

2003 (35556/1) Outline application for residential redevelopment comprising approximately 30 dwellings on the eastern half of C.M Jefferies site, Malkins Bank. This application was withdrawn by the applicant prior to its consideration by the Planning Committee.

2003 (36412/1) Permission for redevelopment of former factory to provide mixed use scheme comprising 20no. new houses and 800sq metres of rural business accommodation. New houses to be maximum 2.5 storeys, business accommodation to be maximum 2 storeys.

2004 (37006/1) Residential development - outline application approx 20 dwellings, 2 and 3 storeys proposed, all existing buildings to be demolished. This application was withdrawn by the applicant prior to its consideration by the Planning Committee.

2005 (05/0680/OUT) Redevelopment of former factory to provide new housing, minimum 30 units, 30% of new homes to be affordable homes provided by registered social landlord. This application was withdrawn by the applicant prior to its consideration by the Planning Committee.

2005 (05/0822/OUT) Redevelopment of former factory to provide 28no. New homes to include 12 affordable homes provided by registered social landlord

4. PLANNING POLICIES

National Policy

PPS 1: Delivering Sustainable Development

PPS 3: Housing

Local Plan Policy

PS6 Settlements in the Open Countryside and Green Belt
H6 Residential Development in the Open Countryside and Green Belt
GR1 New Development
GR2 Design
GR9 Accessibility, Servicing and Parking Provision
E10 Redevelopment of Existing Employment Sites.
NR3 Habitats

Other Material Considerations

Cheshire East Interim Housing Policy
Cheshire East Interim Affordable Housing Policy
Cheshire East Strategic Housing Market Assessment 2010
Department of Communities and Local Government: Greater flexibility for planning permissions - Guidance

5. OBSERVATIONS OF CONSULTEES

Ecologist

This application is supported by additional ecological surveys. No evidence of any protected species was recorded on site during the surveys.

A detailed great crested newt survey has not been undertaken; however the submitted assessment concludes that the proposed development is not likely to have a significant adverse impact upon great crested newts provided no development is undertaken in the woodland/scrub area and that development is limited to the existing area of hard standing and bare ground. This approach is acceptable and is in accordance with my pre-application discussions with the applicant's ecologist.

As no plans have been provided in support of this application I am not able to determine the extent of the proposed development, however development should not take place within the scrubland area.

The original Phase One habitat Survey identified both the hedgerow along Betchton Road and the adjacent Trent and Mersey Canal as being features worthy of retention and protection as part of the proposed development. As hedgerows are a BAP priority habitat and a material consideration this recommendation should be implemented if at all possible.

The following condition should be attached to any permission granted to secure an enhancement for nature conservation in accordance with PPS9:

Prior to the commencement of development the applicant to submit detailed proposals for the incorporation of features into the scheme suitable for use by roosting bats and breeding birds including swifts. Such proposals to be agreed by the LPA.

Environmental Health

Make the following comments:

There is no objection to the above application subject to the following comments with regard to contaminated land:

- The application area has a history of use as a factory and therefore the land may be contaminated.
- This site is within 250m of a known landfill site or area of ground that has the potential to create gas.
- The application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

As such, and in accordance with PPS23, it is recommended that conditions requiring contaminated land investigations and any necessary mitigation to be carried out should be attached to the permission.

The following conditions in respect of protection from noise during construction (hours of construction) should also be applied:

The hours of construction (and associated deliveries to the site) of the development shall be restricted to 08:00 to 18:00 hours on Monday to Friday, 08:00 to 13:00 hours on Saturday, with no work at any other time including Sundays and Public Holidays.

Details of the method, timing and duration of any pile driving operations connected with the construction of the development hereby approved shall be approved in writing by the Local Planning Authority prior to such works taking place and shall be implemented in accordance with the approved details.

Highways

No highways objections, subject to detail design and section 38 and footway improvements (including 278 agreement).

Cheshire and Wirral Badger Group

As part of the process of assessing the application they would ask that an independent environmental survey be completed to establish whether it is still occupied and if so this be considered by the planning committee when reviewing the application.

6. VIEWS OF THE PARISH / TOWN COUNCIL

N/A

7. OTHER REPRESENTATIONS

A letter has been received from the occupier of 60 Betchton Road making the following points

- we have a BIG problem in the area with water pressure meaning that a morning shower sometimes is an impossibility. This is a must for addressing ahead of adding further stress to an already overloaded system. The water authorities are continuously monitoring this road for leakages and we have had many repairs over the last 2 years to try to help but this continues to be a problem. Apparently a new mains water supply is the only answer.

- we have power cuts several times a year in this area presumably to an aged system. Further stress on the system must be considered

- we have had a number of blockages of sewers in the neighbourhood since new houses in the area have been built and I have concerns that more houses will overload an already aged system plus the road has already sunk in a few areas where we seem to have had drain problems in the past. Therefore introducing more traffic to the road will make this worse

- consideration to the the 30MPH speed limit should be taken into account to ensure this development is within it as currently it is not

8. APPLICANT'S SUPPORTING INFORMATION:

Supporting letter

Whilst all buildings on the site have now been demolished down to slab level, development has not commenced. Demolition was undertaken solely to relieve the applicant of the many problems and costs associated with holding large empty buildings in a semi-rural area; i.e. vandalism, break-ins, trespass, security and insurance costs etc. The existing permission is outline only with all matters reserved for later approval, and as no such approvals have been applied for, the existing permission is not capable of immediate implementation. The applicants are not builders or developers but the owners of the business that ran this former factory for over 35 years. It is their wish to sell the site to a building company but this has not proved possible done to the economic downturn which has particularly affected new house building, hence the applicant is seeking an extension of time.

9. OFFICER APPRAISAL

Main Issues

Extensions to the time limit for implementing existing planning permissions was brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation and other procedures.

The Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. It is the Government's advice for Local Planning Authorities to only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended for Local Planning Authorities to re-open debates about principles of any particular proposal except where material circumstances have changed, either in development plan policy terms or in terms of national policy or other material considerations such as Case Law.

The key issues relevant to the determination of this application are therefore whether there have been any changes in circumstances in respect of the sustainability of the site for further residential development; the impact of the proposed development upon housing land supply totals; and the loss of the employment site. In addition, consideration must be given to highway safety, ecology and protected species, the amenities of adjacent properties, and the character of the Canalside Conservation Area.

Suitability of the Site for Residential Development

Malkins Bank is identified as a Settlement in the Open Countryside in Policy PS6 of the adopted Congleton Borough Local Plan First Review. Within the infill boundary line of these settlements, limited development only in accordance with policy H6 will be permitted where it is appropriate to the local character in terms of use, intensity, scale and appearance and does not conflict with the other policies of the local plan.

The site is previously developed and lies near to existing services and facilities. It is served by public transport and has good access either by foot or cycle. It is therefore sustainable, within the definition contained within PPS 3 and PPS 13.

Housing Land Supply

The proposal will maintain the number of market housing units at 16 and the number of subsidised affordable housing units at 12. National policy guidance (PPS3) states that Local Authorities should manage their housing provision to provide a five year supply. Following a review, the Council has established that it has a 4.58 years housing land supply, given that this is an application for renewal of an existing consent, the proposed units will already have been taken into account in calculating the Borough's 5 year housing supply, and therefore, renewal would not help to deal with the shortfall. However, refusal of the application would exacerbate the under-supply, which would in turn increase pressure to develop green field sites elsewhere in the Borough.

Loss of Employment Site

The light of the previous employment use of the site and given that this proposal would result in the loss of the employment element of the committed scheme, it is considered that policy E10 is relevant. This states that the loss of the employment site can only be justified if it can be demonstrated that the site is not suitable for employment uses or that there would be significant planning benefit arising from the alternative use proposed.

The original approval for this site in 2003 included some rural business space in addition to housing. However, a marketing report, submitted by the applicant, in support of the 2005 approval, which this application seeks to renew, illustrated the considerable efforts which were made at that time to let or sell the proposed rural business space. Due largely to locational factors, these generated minimal interest from both the development industry and potential end users and it became increasingly apparent that there is little possibility of securing a viable commercial re-use of even part of the site. There is

nothing to suggest that the situation has changed in any way since that time. The locational issues cannot be resolved, and the downturn in the economic climate will have made such a development even less attractive than it was at the height of the boom, when this was last considered.

With regard to the second limb of Policy E10, at the time of the previous application, it was considered that the increase in the number of affordable dwellings, which the removal of the rural business space facilitated, would be a material planning benefit in permitting residential re-development of the site. The need for affordable housing within the rural areas of the Borough has also not diminished in the intervening period and therefore this argument continues to be as relevant now, as it was in 2005.

In the light of the above, it is still considered that the benefits arising from the additional subsidised affordable housing units would outweigh the loss of the employment element and that the proposal is in accordance with policy E10. However, it is necessary to enter into an appropriate Deed of Variation to ensure that the legal agreement applies to the new permission.

Ecology

The application site contains a variety of existing vegetation of varying quality and value. A short but vigorous length of hawthorn hedgerow defines the Betchton Road frontage at the north east end of the site. Extensive scrub and young tree growth exists in the eastern part of the site and a belt of vegetation fronts the canalside. In respect of previous applications, it was considered that, whilst this vegetation does not have significant landscape value, certain areas of the site may have nature conservation value. It was therefore considered that the detailed layout should retain existing features where appropriate, should respect the setting of the canalside Conservation Area and should provide an appropriate landscaped setting.

At the time of the previous applications local residents and wildlife groups identified the presence of protected species within this area and this was confirmed by a survey undertaken by specialist consultants. This application has been supported by updated ecological surveys, which have found no evidence of any protected species. The Council's ecologist has examined the reports and is satisfied with their methodology and conclusions. As a result he has raised no objection subject to appropriate conditions.

Character and Appearance

Although partially screened from the Canalside Conservation Area by vegetation, the existing vacant site does have a negative impact. The application is submitted in outline, and therefore no details are available in terms of the final design or layout of the scheme. However, it is considered that redevelopment of this site, including a carefully considered landscaping scheme, would improve the appearance of the canalside, and make a positive contribution to the regeneration of this corridor.

Residential Amenity

The eastern boundary of the site is shared with an adjacent property, Brock Barn, and is defined by mature vegetation. Historically the site has been used for manufacturing purposes and it is considered that, as a result of the change of use to residential,

neighbouring properties would experience an overall improvement in their level of residential amenity. Matters of siting and design are reserved for a subsequent application whereupon the detailed layout of the proposed development will need to be carefully considered to ensure a satisfactory relationship with the adjacent property. However, any privacy implications or visual impact of the development could be mitigated satisfactorily by the existing boundary screening, which could be supplemented by additional landscaping.

Highway Safety

Whilst the third party comments in respect of the speed limit are noted, access is a reserved matter, and, subject to the imposition of certain conditions, the Strategic Highways Manager raises no objection in principle to the proposed development. Therefore a refusal of the application on highway grounds would not be sustainable.

Other matters

Third party objectors have raised concerns regarding the additional pressure on electricity, water and drainage infrastructure. Whilst comments were awaited from United Utilities and the Environment Agency at the time of report preparation, it is not considered that circumstances have changed significantly in this respect since the previous application. The site falls below the threshold for a full Flood Risk Assessment as set out in PPS.25 and full details of drainage will be conditioned to form part of a reserved matters application. Furthermore, the developer will be required to fund an adequate connection to the existing mains water and sewerage systems in accordance with United Utilities requirements.

10. CONCLUSION

In summary, the site is located within the settlement boundary for Malkins Bank, where there is a general presumption in favour of development. It is not considered that the proposal would have an adverse impact in terms of the Borough's Housing Land provision. Furthermore, it is considered that the site is inappropriate for continued employment use and that there would be some material planning benefits resulting from complete residential redevelopment in terms of affordable housing provision. The proposal is acceptable in terms of its impact on the character and appearance of the area, highway safety and residential amenity.

Therefore, it is considered that there has been no material change in circumstances since the previous approval and it is considered that the proposal complies with the relevant policies of the adopted Local Plan. Accordingly, it is recommended for approval.

11. RECOMMENDATIONS

APPROVE subject to the completion of a Deed of Variation to the existing legal agreement and the following conditions:

- 1. Implement development within 2 years of approval of last reserved matter**
- 2. Submission of reserved matters within 3 years.**
- 3. Submission of tree survey as part of reserved matters.**
- 4. Submission of and approval of landscaping scheme as part of reserved matters.**
- 5. Maintenance of landscaping scheme for a five year period.**

6. Submission and approval of boundary treatment
7. Undertaking of ground and groundwater contamination report.
8. Access to CEC specification
9. Parking provision within the development to comply with CEC car parking standards.
10. Submission and approval of details relating to road construction
11. Submission for a scheme of drainage
12. Provision of visibility splays
13. Any reserved matters application to include provision for the retention and creation of natural habitats along the canal corridor and the eastern boundary of the site.
14. Suitable features for bats and breeding birds to be provided within the site
15. Development to take place in accordance with protected species report
16. To minimise disturbance to local residents during the construction period, no vehicles or service vehicles shall use the site between 18.00 and 08.00 Monday to Friday. Saturday working shall be limited to the hours of 08.00 and 13.00 and there shall be no construction activities on Sundays and Bank Holiday Mondays.
17. Provision of details relating to foundation or other piling on site it is recommended that these operations are restricted to:

Monday – Friday	08:30hrs – 17:30hrs
Saturday	07:30hrs – 13:00hrs
Sunday	Nil

Location Plan : Licence No 100049045

