

<b>Planning Reference No:</b>	10/1555C
<b>Application Address:</b>	Former Cardboard Factory, Betchton Road, Malkins Bank
<b>Proposal:</b>	Extension to Time Limit – Redevelopment of Former Factory to Provide 28 No. New Homes to included 12 Affordable Homes provided by RSL
<b>Applicant:</b>	Jokaro Ltd.
<b>Application Type:</b>	Outline Planning Permission
<b>Grid Reference:</b>	376677 359044
<b>Ward:</b>	Sandbach East and Rode
<b>Consultation Expiry Date:</b>	10 <sup>th</sup> June 2010
<b>Date for determination:</b>	26 <sup>th</sup> July 2010

## **SUMMARY RECOMMENDATION**

**Subject to the receipt of an adequate protected species survey and no objection from the Council's Ecologist, approve subject to conditions and a Deed of Variation to the existing Section 106 Agreement.**

**In the event that a survey is not received, or that the survey or proposed mitigation are considered by the Ecologist to be unsatisfactory, refuse on ecology grounds.**

## **MAIN ISSUES**

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

## **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 16<sup>th</sup> 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

## **5. OBSERVATIONS OF CONSULTEES**

None received

## **6. VIEWS OF THE PARISH / TOWN COUNCIL**

N/A

## **7. OTHER REPRESENTATIONS**

None received

## **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 due 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**

The key issues relevant to the determination of this application are 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 PPGs 3 and 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. 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 have any significant strategic implications.

### **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. The consultants report recommended specific mitigation measures, which were made a condition of planning permission. However, there is the potential for a great deal to have changed in terms of the ecology on the site since 2005. Therefore, an updated protected species survey has been requested from the applicant. This had not been received at the time of report preparation but was understood to be in hand.

## **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 access is a reserved matter, it is noted that, subject to the imposition of certain conditions, the Strategic Highways Manager raises no objection in principle to the proposed development, and therefore a refusal of the application on highway grounds would not be sustainable.

## **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, subject to the receipt of an adequate protected species report and the Councils' Ecologist being satisfied that the proposals will not adversely affect protected species, or that any potential impact can be adequately mitigated, it is considered that the proposal complies with the relevant policies of the adopted Local Plan. Accordingly, it is recommended for approval. However, in the event that a survey is not received, or that the survey or proposed mitigation are considered by the Ecologist to be unsatisfactory, the application should be refused on the grounds of failure to comply with Policy NR3 of the adopted Local Plan.

## **10. RECOMMENDATIONS**

**In the event that an adequate protected species survey and an observation of no objections from the Councils' Ecologist are received:**

**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. Reference to Section 106 agreement**
- 4. Submission of tree survey as part of reserved matters.**
- 5. Submission of and approval of landscaping scheme as part of reserved matters.**
- 6. Maintenance of landscaping scheme for a five year period.**
- 7. Submission and approval of boundary treatment**
- 8. Undertaking of ground and groundwater contamination report.**
- 9. Access to CEC specification**
- 10. Parking provision within the development to comply with CEC car parking standards.**
- 11. Submission and approval of details relating to road construction and drainage**
- 12. Provision of visibility splays**
- 13. Any reserved matters application to include provision for the creation of natural**

habitats along the canal corridor and the eastern boundary of the site.

14. Development to take place in accordance with protected species report

15. 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.

16. Should there be a requirement to undertake 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

In the event that an adequate protected species survey is not received or an objection is raised by the Council's Ecologist:

**REFUSE** for the following reason:

In the opinion of the Local Planning Authority, the site is likely to provide a suitable habitat for protected species and the applicant has failed to demonstrate that the proposed development would not adversely affect the favourable conservation status of such species. The proposal is therefore contrary to the provisions of Policy NR3 of the Congleton Borough Local Plan First Review.

Location Plan: Cheshire East Council Licence No. 100049045

