

REPORT TO: Development Control Committee

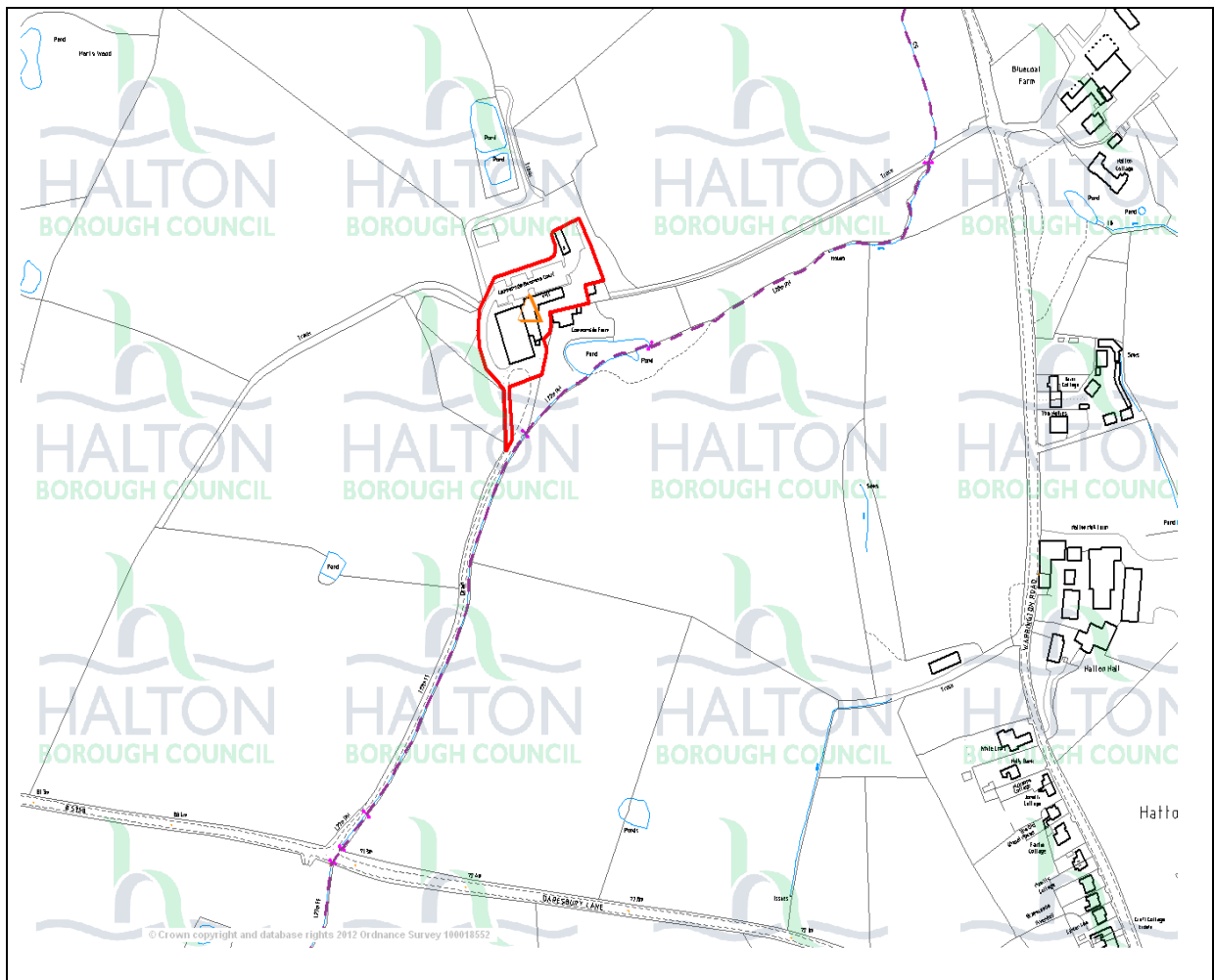
DATE: 5 August 2013

REPORTING OFFICER: Strategic Director, Policy & Resources

SUBJECT: Planning Applications to be determined by the Committee

WARD(S): Boroughwide

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| APPLICATION NO: | 12/00427/FUL |
| LOCATION: | Commonside Farm |
| PROPOSAL: | Proposed demolition of indoor tennis building and erection of 5 no. dwellings and conversion of existing offices to 8 no. dwellings. |
| WARD: | Daresbury |
| PARISH: | Daresbury |
| CASE OFFICER: | Andrew Plant |
| AGENT(S) / APPLICANT(S): | Daresbury Properties Ltd. |
| DEVELOPMENT PLAN ALLOCATION: | Green Belt |
| DEPARTURE | Yes |
| REPRESENTATIONS: | Two |
| RECOMMENDATION: | Approve subject to S.106 |
| SITE MAP | |



This report has been updated, for Members information, please see Section 7.0 below.

1. APPLICATION SITE

1.1 The Site and Surroundings

The site covers an area of 0.54 hectares, and is known as Commonsides Farm or Commonsides Business Court, with access off Daresbury Lane (B5356) in Daresbury. It is located between the villages of Daresbury and Hatton (Warrington Council's administrative boundary), and currently consists of building (former grain store), which houses an indoor tennis centre, an L-shaped block of office buildings (5 no. former barns), and a stand-alone new build office building, with associated parking.

The nearest adjacent property is Commonsides Farmhouse, which has recently been sold off and is in separate ownership. This does not form part of this planning application.

The surrounding area comprises of countryside, and woodland areas, and the site and surrounding area is within Greenbelt.

1.2 Planning History

There is extensive planning history attached to the site, which includes:

- 94/00641/FUL-Demolition of redundant grain drying shed and extension of grain storage shed to provide covered tennis court for use by owner and family (Refused 31/01/95).
- 95/00133/FUL-Proposed extension and alteration to grain drying store to provide an indoor tennis court (Approved with conditions 27/04/95).
- 99/00057/FUL-Proposed steel framed agricultural building (Approved with conditions 20/04/99).
- 04/00621/COU-Proposed conversion of 2 no. existing barns into office units (Approved with conditions 14/10/04).
- 05/00433/COU-Proposed conversion of existing farm house into office accommodation (Approved with conditions 21/10/05).
- 06/00932/COU-Proposed raising of part of roof to former milk shed and installation of external fire escape (Approved with conditions 02/02/07).
- 07/00172/ADV-Proposed display of illuminated entrance signs (Approved with conditions 25/05/07).
- 08/00354/ELC-Notification under S37 of the Electricity Act 1989 & Section 90(2) of the Town & Country Planning Act 1990 to the Secretary of State for the installation of 11kV overhead line over Chester Road & adjacent to Keckwick Lane & at the entrance to Commonsides Farm (No objection 12/08/08).
- 10/00440/S73-Application to vary condition no.1 of extant permission 05/00433/COU to allow extension of time limit for a further 3 years (Approve with conditions 12/05/11).
- 11/00288/FUL-Proposed change of use of office and erection of indoor and outdoor tennis courts with associated lighting to form tennis facility (Withdrawn 21/02/12).

1.3 Background

Planning permission was granted for the change of use of the agricultural buildings to offices in 2004, and the marketing of these commenced in 2007. The applicants have subsequently had difficulty in fully letting the properties, with only three lettings, and the remaining suites, which have never been let. There are currently two of the units let, with one being vacated soon.

Commonside Farmhouse has recently been sold off, and is continuing to be used for residential use, and is not within the application site.

The indoor tennis centre building has a personal condition, which linked it to the farmhouse. It is assumed that this was not included in the sale, and therefore the tennis centre building is not being used.

2. THE APPLICATION

2.1 Proposal Description

The application proposes the demolition of the existing indoor tennis centre, and the replacement of this with five dwellings and the conversion of the existing office units to residential use (six dwellings), which will form a u-shaped courtyard. The existing stand-alone office building, in the north-west corner, is also to be converted to two dwellings.

The breakdown of residential dwellings includes, 3 no. 2-bed units, 9 no. 3-bed units and 1 no. 4-bed unit. The three 2-bed dwellings will be affordable housing units.

The access and parking areas are laid out as existing.

2.2 Documentation

The planning application is supported by a Planning Statement, Design and Access Statement; Ecology Survey (Extended Phase 1 Habitat Survey), and Protected Species Survey. These have all been updated, since the submission of the application, following negotiations.

3. POLICY CONTEXT

3.1 National Planning Policy Framework

The National Planning Policy Framework (NPPF) was published in March 2012 to set out the Government's planning policies for England and how these should be applied.

Paragraph 196 states that the planning system is plan led. Applications for planning permission should be determined in accordance with the development plan unless material considerations indicate otherwise, as per the requirements of legislation, but that the NPPF is a material consideration in planning decisions. Paragraph 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

Paragraph 14 states that this presumption in favour of sustainable development means that development proposals that accord with the development plan should be approved, unless material considerations indicate otherwise. Where a development plan is absent, silent or relevant

policies are out of date, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the NPPF; or specific policies within the NPPF indicate that development should be restricted.

3.2 Regional Spatial Strategy (RSS)

North West RSS Policies of relevance include:

Policies within Section 3 Sustainable Development (Policy DP1 Spatial Principles)

Policy RDF4 Green Belts

Policy L4 Regional Housing Provision

Policy L5 Affordable Housing

Policy LC3 The Outer Part of the Liverpool City Region

Policy EM17 Renewable Energy Policy

3.3 Halton Unitary Development Plan (UDP) (2005)

The site is located within Greenbelt, where Policy GE1: Control of the Development in the Green Belt in the Halton Unitary Development Plan, is of relevance. The site has been previously used for office use and as an indoor tennis centre, and is therefore considered as previously developed land. The following UDP policies are also of relevance to this application;

BE1 General Requirements for Development

BE2 Quality of Design

H2 Design and Density of New Residential Development

H3 Provision of Recreational Greenspace

TP6 Cycling Provision as part of New Development

TP7 Pedestrian Provision as Part of New Development

TP12 Car Parking.

3.4 Halton Core Strategy (2012)

The following policies, contained within the Core Strategy are of relevance:

CS1 Halton's Spatial Strategy

CS2 Presumption in Favour of Sustainable Development

CS3 Housing Supply and Locational Priorities

CS6 Green Belt

CS7 Infrastructure Provision

CS12 Housing Mix

CS13 Affordable Housing is of particular relevance

CS18 High Quality Design

CS19 Sustainable Development and Climate Change

3.5 Relevant SPDs

New Residential Development SPD; Draft Open Space Provision SPD and the Draft Affordable Housing SPD are of particular relevance.

4. CONSULTATIONS

- 4.1 HBC Highways– Have provided comments seeking clarification in relation to the type and frequency of the refuse collection, and whether they are willing to enter a non-adopted area.

Concerns have been raised with the parking layout being remote from the property and front doors, and there should be the provision for visitor parking.

The provision of seven pedestrian passing places will not provide a benefit to pedestrians, and the assessment is based on week day movements only, and does not include the weekend. The provision of pedestrian waiting areas could be seen as making the public right of way more vehicle friendly than being more pedestrian friendly.

The supporting information does not look at how accessibility to the site could be improved. There have been discussions between the Council and Daresbury Estates, in recent years, in relation to the provision of a link from Commonsides Farm to Daresbury Village via Hall Lane.

The applicant has provided amended plans to provide a cycle store and additional visitor spaces. The plans also indicate the location of a permissive route for pedestrians over land in the ownership of the applicant. This would be secured by condition. This permissive route will provide for better pedestrian links to Daresbury Village.

The amended plans are still under consideration by the Highways engineer members will be update in relation to whether the amendments are acceptable.

- 4.2 HBC Open Spaces – Have not raised any issues, in relation to the application, providing that there is no further tree loss, in the area. There is no on-site open space provision, therefore a contribution is requested, for off-site provision, which will be allocated within the Parish of Daresbury

- 4.3 Daresbury Parish Council – The Parish Council do not raise any objections in relation to the application.

- 4.4 Hatton Parish Council – The Parish Council have noted that the access will be from Daresbury Lane and not the cart track that leads to Warrington Road, Hatton. The Parish Council would object to any access from Warrington Road.

There is no objection to the conversion to residential use of the mainly vacant existing offices on the site, and this use may be in line with local policies and the National Planning Framework.

With regards to the demolition of the indoor tennis building and the construction of 5 new houses, they object to this as it is new development in the Green Belt, that sets a precedent for other similar developments in the area, including Hatton. The Parish Council find it surprising that the building is

no longer apparently required, given the recent application for an expanded tennis facility, which was subsequently withdrawn.

4.5 United Utilities – No objections to the proposed development.

4.6 Cheshire Wildlife Trust – Seek clarification in relation to the extent of the buildings to be converted. We acknowledge that, in the context of the results of 2011 and 2012 surveys, the current proposal with regard to the demolition of the indoor tennis building is acceptable and impact mitigation is not required. Opportunities for biodiversity enhancement, such as the provision of bat and bird boxes, should be taken up and enforced via suitable conditions to cover:

- Retention of any existing trees and shrubs within site landscape works, or if not possible, replanting with native species
- Maintenance of habitat links
- Provision of bat boxes, nest boxes and artificial swallows' nests.
- No tree, shrub or hedgerow management and/or cutting operation should take place during 1st March to 31st August inclusive. Reason: protection of breeding birds and active nests.

In terms of the conversion of existing offices to dwellings, we note that the updated bat survey did not include these buildings either as part of its survey or in its assessment of impact. We understand, that the conversions do not require changes to the roof structure and space. However, in view of the results of earlier surveys carried out in 2008 (quoted in our letter of September 2011), which found that Commonsides Farm provided a resource of local significance for bats, including roosting (in the main buildings), foraging and sheltering; we recommend that prior to any work being carried out on the existing office building roofs, they should be comprehensively checked for the presence of bats. Should a bat or bats be encountered during precautionary surveys and/or subsequent work on the conversions, work must be halted and advice sought from a suitably qualified bat specialist.

4.7 The comments raised are considered within the report.

5. REPRESENTATIONS

5.1 There have been two letters of representation, which raise the following issues;

- Using the route onto Warrington Road would be dangerous because of the blind corner which is dangerous.
- Object to the new build on Green Belt land because it may set a precedent in the Hatton area.
- No mention of the Public Right of Way which passes through the site, and more specifically along the access road.
- The plan shows additional passing places along the narrow road, but question whether this is sufficient to protect pedestrians/walkers from the substantial increase in vehicle traffic.
- A new separate pathway alongside the road would be preferable.

The comments raised will be considered within the report.

6. ASSESSMENT

6.1 Assessment against Planning Policy

The site is located within Green Belt, where Policy GE1 Control of Development in the Green Belt (UDP Policy) is of relevance. The report will also make relevance to Policy CS6 Green Belt, within the Core Strategy, as the Core Strategy has significant weight in relation to decision making, due to the stage in the plan preparation. The Inspector found the Plan sound and the Council are looking to formally adopt the plan on 12th December 2012.

In relation to National Planning Policy, the National Planning Policy Framework (NPPF) is of relevance. The key theme running through NPPF is a presumption in favour of sustainable development, which should then run through the plan-making process and be carried through when making a decision. The introduction of NPPF, does not change the decision making process in that the development should still accord with the development plan unless material considerations indicate otherwise. NPPF is a material consideration in relation to this development.

Policy GE1 (UDP), and Policy CS6 (Core Strategy) relate to the Green Belt and are of relevance to this application. The main purpose of Halton's Green Belt designation, as outlined in the Core Strategy is *'..to keep land open and generally free from development, maintaining strategic gaps between Runcorn and Widnes and surrounding settlements. It protects against unwanted urban sprawl, and directs development to built up areas where it can assist in urban regeneration and be of benefit to existing communities.'*

The construction of new development within Green Belt is considered inappropriate, however there are exceptions which include;

- buildings for agriculture and forestry;
- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of land within it;
- the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building;
- the replacement of a building, provided the new building is in the same use and not materially larger than the one it replaces;
- limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan; or
- limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

The above is outlined on page 21 (paragraph 89) of NPPF, which provides the policy framework for the Core Strategy, and Policy GE1 of the UDP broadly complies with paragraph 89 of NPPF.

The proposal is for the demolition of the existing indoor tennis centre, and the replacement of this with five dwellings, and the conversion of the existing offices to eight dwellings. Three of the dwellings will be affordable housing units. Bullet points 3, 4, 5 and 6 of paragraph 89, in the NPPF, are of relevance to this application.

Green Belt policy allows for the alteration of a building provided that it does not result in disproportionate additions. It is proposed to turn the existing offices into residential use, with limited alteration to the elevations, and there are no extensions, to the buildings, proposed. This element of the policy does not refer to a change in the use of the building, but only relates to the structure itself. There is another part of NPPF, that is also of relevance to this part of the proposal, which is paragraph 90 (bullet point 4) which states; *'Certain other forms of development are also not inappropriate development in Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt....'*

- *the re-use of buildings provided that the buildings are of permanent and substantial construction...'*

The buildings, that are proposed to be converted, were only marketed in 2007, therefore it was assumed that they were only finished being built around that time. The buildings are of permanent and a substantial construction. Therefore this element of the proposal (conversion of offices to residential use) complies with Green Belt Policy.

Three of the above units are proposed to be affordable housing units, which fits in with bullet point 5 of paragraph 89, providing that they are for local community needs under policies set out in the Local Plan. There is a policy on affordable housing, within the Core Strategy (Policy CS13 Affordable Housing) and a Supplementary Planning Document on Affordable Housing, which will be discussed later on within the report.

There are also five new dwellings proposed, which are on the site of the existing indoor tennis centre. Bullet point 4 of paragraph 89 is of relevance to this part of the proposal, where the replacement of any building, is not necessarily inappropriate development, providing that the new building is the same use and not materially larger than the one it replaces. Whilst the new residential development is not materially larger, which has been demonstrated by the applicant, the proposed use will be different to the existing one. However, when looking at bullet point 6 of paragraph 89, new buildings are considered appropriate if they relate to limited infilling or the partial or complete redevelopment of previous development sites (brownfield land), as long as they do not have a greater impact on the openness of the Green Belt. This is where NPPF differs from previous national planning policy guidance

relating to Green Belts (Planning Policy Guidance Note 2) where the scope for previously developing sites in the Green Belt only applied to major existing developed sites as identified in adopted local plans.

This site can be considered to be previously development land, as per the definition in NPPF (Annex: Glossary pg 55). As mentioned above, the applicant has demonstrated that the replacement built form, will not be larger than the existing building, both in footprint and volume, see the table below (page 4 of the Supporting Planning Statement).

| | Existing | Proposed | % Change |
|------------|---------------------|---------------------|----------|
| Footprint | 699 sqm | 246 sqm | -65% |
| Floorspace | 699 sqm | 425 sqm | -39% |
| Volume | 4792 m ³ | 1594 m ³ | -67% |

The existing indoor tennis centre is 10.6m in height, to the apex, and it is proposed to replace the building with 5 no dwellings, which will be 7.7m in height to the apex. This is nearly a reduction of three metres in height, and this coupled with the decrease in volume (as seen in the table above) will reduce the impact on the existing area, and surrounding Green Belt, therefore reducing the overall harm on the Green Belt.

Within the NPPF there is presumption in favour of sustainable development. Whilst this proposal is not directly adjacent to any facilities, nor are the existing offices. It is noted that the shift in emphasis has changed towards providing sustainable development, however, there is also the requirement to provide a choice of housing and economic development etc. and provide a balance. This proposal is not wholly sustainable but there are public footpath links to be provided, across the fields, to Daresbury Village, which is discussed later on within the report. This development does provide a choice of housing, both in terms of the sizes of the properties and for people who do not wish to live within built-up areas but equally do not want to live in an isolated property within the countryside. It also brings back what would otherwise be empty buildings back into use, which have been marketed for a number of years for office use, which can also be considered sustainable.

6.2 Design Character and Amenity

The existing office buildings, which are to be proposed to be converted to residential use, will require internal alterations to adapt them to residential use. The existing windows and doors will be used, and the internal layout adapted accordingly. There are existing windows, which overlook the farmhouse and due to the sensitivity of this elevation the habitable room windows have been removed from the first floor of Plot 11. This removes any potential for overlooking into the existing farmhouse. The details for this, element of the scheme, is provided on Fig 4 (pg 8) of the Design & Access Statement Addendum November 2012.

In relation to the proposed new build element of the proposal (5 no dwellings), these will form the other side of the courtyard. The design and materials will

match the existing building, with windows and doors also matching as closely as possible. A condition can also be added to ensure that good quality material samples are provided prior to the commencement of development.

The privacy distances between the existing building and the proposed new build is 17m, which does not meet the minimum distance of 21m, as outlined in the Council's Design of Residential Development Supplementary Planning Document (SPD). However, it is acknowledged, within the SPD, that privacy can be achieved in other ways and if adequate distances are not met then it is the responsibility of the applicant to demonstrate how they have achieved the privacy and outlook for residents.

The applicant has demonstrated, with this proposal, that whilst the minimum privacy distances cannot be achieved the 25 degree assessment (to ensure suitable daylight is maintained to any habitable rooms within developments) can be met. This is demonstrated on page 7 of the Design & Access Statement Addendum November 2012 (Fig 3 Street Geometry Diagrams). The development is also for new residential development, where people will have the choice of whether to buy a development with reduced privacy standards, or not. There is no impact on existing residents.

The garden areas and the communal space are shown on the drawings. The garden areas for plots 6, 7 & 8 are below the standards, as set out in the Residential Development SPD. The other plots have larger garden areas, which are acceptable in principle. It is important to look at the overall design of this development. The element where the gardens are smaller (plots 6,7 & 8), is an existing building, which can currently only be accessed from the west. If the orientation of these properties is changed, to provide more garden area, then this would change the whole 'feel' of the development. The courtyard area would be lost and this would be detrimental to the character of the development. The courtyard area will be suitable for children to play and occupants to use as social space. It is considered that the reduced garden space is acceptable when looking at the overall design of the proposal. To ensure that the garden area is retained, and to ensure the good quality design of the proposal is retained, a condition can be added to remove the permitted development rights for extensions, outbuildings and boundary treatment.

There is no public open space included within the scheme. Whilst the courtyard areas will provide some communal space, the provision of public open space should still be designed as an integral part of the development, and the Council's Open Space Supplementary Planning Document (SPD) reiterates this. Due to the design constraints, within the site, it is considered that a financial contribution is provided for an off-site open space provision. Therefore, in line with the calculation provided within the SPD, a contribution is requested, which will be allocated, for spending, within the Parish of Daresbury.

Within the Design & Access Statement it states that '*..The buildings can be designed to accommodate the changing needs of the occupants over time..*' Clarification was sought, from the applicants, on whether this is linked to

Lifetime Homes. The applicant has since stated that *'..Although we are not directly applying for lifetime homes accreditation, it is acknowledged that our proposals meet a large amount of the criteria set out in LTH and the wheelchair standards, as illustrated in the adjacent table'* (Table is provided on pg 6 of the Design & Access Statement Addendum November 2012).

The existing building has boundary treatment already provided, along one of the elevations, separating the gardens from the farmhouse, which comprises 1.8m high close boarded fencing. The new build element, will have hedging provided around the boundary of the gardens, with fencing provided between the gardens. There will be gates provided for plots 2,3,4 and 5 to provide additional access to parking areas. A condition can be added accordingly.

It is considered that in terms of the built form and design of the dwellings the scheme, as amended is of a good quality and, in keeping with surrounding area. To ensure that the development retains its good quality design, and character, a condition can be added to remove permitted development rights for extensions, out buildings, and boundary treatments. This will ensure the Council retain control on how the development looks aesthetically, in urban design terms, and will have the added benefit of ensuring that the garden areas are retained, as some they are either at the minimum standard and in a few cases (as discussed above), below the minimum standard. It is considered that appropriate separation and privacy is provided within the site and is in keeping with the character of the development, and that refusal of planning permission could not be justified in terms of impact on amenity. The proposals comply with UDP Policy BE2 Quality of Design and Core Strategy Policy CS10 High Quality Design.

The applicant has agreed in principle to payment of developer contributions in lieu of on and off site open space provision in accordance with Policy CS21: Green Infrastructure of the Core Strategy, and the Council's SPD on Open Space Provision. This will be secured by a legal agreement.

6.3 Highways, Parking and Servicing

The access, to the development, is by way of the existing access off Daresbury Lane. It is proposed to add in passing places, along the access road, to reduce the pedestrian/vehicular conflict, due to the access road doubling up as a Public Right of Way. There is not enough space to provide a dedicated footpath along this access road without encroaching onto the adjacent fields, which would entail the removal of some hedging, which would have a detrimental impact to the character of the area. It is considered that by retaining the access road, as existing and the provision of additional passing places, will provide an acceptable solution both in design terms and highway/pedestrian safety terms.

The Public Right of Way runs past the existing farmhouse, and there is also a track that runs from Commonsides Farmhouse, onto Warrington Road. There have been concerns raised, following the public consultation, that where this track is accessed onto Warrington Road there is a dangerous bend. Whilst

there is nothing to deter residents from using this access, the applicant has stated that the residents at Commonsides Farm only use this access for emergencies and during the Creamfields weekend. It is considered that the preference will be for people to use the access onto Daresbury Lane as this has good visibility.

To deter people from parking, adjacent to the Public Right of Way it is recommended that signage is provided to ensure the Public Right of Way is kept clear, and to ensure that parking is not ad-hoc. This would be a management issue to be looked at within the site, and is not a planning issue, however, an informative will be provided on the decision notice.

In relation to the details for the parking, this is laid out as existing, and each housing plot will be allocated parking spaces. The Council's Highways Engineer commented that some of the parking will be remote from the properties. To overcome the remoteness of the parking spaces, in relation to some of the residential units, there will be gates put into the boundary treatment, to ensure that alternative access is available. There has also been additional visitor parking spaces allocated within the site, which are shown on amended plans, at the request of the Highways Engineer. There is adequate car parking provided within the scheme, for both residents and visitors.

Cycle storage has also been provided, and is shown on the amended plans. This will be a timber construction and will not be visually intrusive within the development. These are shown on the amended plans, but final details can be requested through a condition.

To increase the links to Daresbury Village, a footpath is proposed across the fields from the proposal into the village itself. This will be a permissive footpath, 2.0m wide, which will link the development site, with Hall Lane, and Millenium Way in Daresbury. The exact details are still to be agreed. It will be required to be closed for the Creamfields Festival which is held over the August Bank Holiday Weekend. To ensure that this is provided, and retained, then an appropriate condition can be added to the decision notice, to request details of the route.

It is considered that the initial concerns that have been raised by the Council's Highways Engineer have been addressed, through slight amendments to the scheme.

6.4 Ecology and Trees

A Phase 1 Habitat Survey and a Bat Survey has been provided as part of the application. The officer from Cheshire Wildlife Trust has raised concerns in relation to the survey only taking into account the indoor tennis centre and no other buildings. The reason for this is that the other buildings, whilst some of them are currently vacant, are being used as offices, and as part of the mitigation for that development a bat roost was provided off-site.

In the context of the results of 2011 and 2012 surveys, the current proposal with regard to the demolition of the indoor tennis building is acceptable and

impact mitigation is not required. Opportunities for biodiversity enhancement, such as the provision of bat and bird boxes, will be achieved via conditions covering:

- Retention of any existing trees and shrubs within site landscape works, or if not possible, replanting with native species
- Maintenance of habitat links
- Provision of bat boxes, nest boxes and artificial swallows' nests.
- No tree, shrub or hedgerow management and/or cutting operation should take place during 1st March to 31st August inclusive. Reason: protection of breeding birds and active nests.

In terms of the conversion of existing offices to dwellings, it is noted that the updated bat survey did not include these buildings either as part of its survey or in its assessment of impact. However, the conversions do not require changes to the roof structure and space. In view of the results of earlier surveys carried out in 2008 (quoted in our letter of September 2011), which found that Commonsides Farm provided a resource of local significance for bats, including roosting (in the main buildings), foraging and sheltering; It is recommended that prior to any work being carried out on the existing office building roofs, they should be comprehensively checked for the presence of bats. Should a bat or bats be encountered during precautionary surveys and/or subsequent work on the conversions, work must be halted and advice sought from a suitably qualified bat specialist.

6.5 Energy Efficiency and Energy from Renewable Sources.

The Regional Spatial Strategy (RSS) Policy to 2021 currently requires that 10 per cent of predicted energy requirements come from decentralised and renewable low-carbon sources. The Government has stated its intention to revoke RSS but it still remains a material planning consideration, until it has been provoked. Whilst the proposals do not strictly accord with the wording of RSS Policy, it proposes to achieve Level 3 of the Code for Sustainable Homes and will therefore provide homes that require less energy to run. The proposals will also have to comply with the Building Regulations Standards, which are set by the Government.

6.6 Open Space

As discussed above, in Section 6.2, due to there not being any on-site open space provided then a financial contribution will be provided.

6.7 Affordable Housing

Policy CS13: Affordable Housing of the emerging Core Strategy seeks to secure 25% of total residential units for affordable housing provision. Three units are shown as being for affordable housing. The details of this will be provided within a Section 106 agreement. The Strategic Housing Market Assessment has identified that there is a shortfall of affordable homes within

Halton. It is considered that the proposals are therefore considered to accord with the aspirations of Policy CS13.

7. CONCLUSIONS

The application proposes a modest size development, comprising of a mix of existing buildings and an element of new build, which would replace an existing larger building, within the Green Belt. Given the site constraints the proposed scheme is considered to offer a good quality in terms of design and layout and is in keeping with the character and quality of the wider area. It is considered that acceptable provision can be made for highways and servicing and securing the amenity of potential residents. The proposals are considered to not cause any harm to the Green Belt and are in accordance with policies of the National Planning Policy Framework, Halton Unitary Development Plan, Halton's Core Strategy, the New Residential Development SPD, the Open Space SPD and Affordable Housing SPD.

Update for DC Committee Members

Members may recall that this application was approved subject to the following conditions and entering into a Section 106 (listed below), on 7th January 2013, by this Committee. Since that date there have been changes made to the General Permitted Development Order, which has made changes to the Use Classes Order enabling changes from B1(a) Offices to Class C3 (dwellinghouses), subject to a number of conditions, without having to apply for planning permission.

The wording within the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, in relation to the above (Class J) reads as follows:

'Permitted development

J. Development consisting of a change of use of a building and any land within its curtilage to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order from a use falling within Class B1(a) (offices) of that Schedule.'

It then goes on to the list where this does not apply, but this is not applicable to this area or for this application. There is then a list of conditions;

'Conditions

J.2 Class J development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to-

- (a) transport and highways impacts of the development;*
- (b) contamination risks on the site; and*
- (c) flooding risks on the site;*

and the provisions of paragraph N shall apply in relation to any such application.'

Paragraph N relates to the procedure for prior approval.

With the introduction of the change (as outlined above), the applicant for Commonsides Farm, has requested that the application is considered with this fall-back position in mind. This is on the basis that the applicant could apply for an application for the prior approval for the change of use from B1(a) offices to C3 residential use, which would apply to the existing offices, for the conversion to 8 no dwellings.

The second element would require a full planning application for the demolition of the indoor tennis building and the erection of 5 no. dwellings.

Within the original application there was the provision of 3 no. affordable houses, which is outlined above in paragraph 6.7. This complied with Policy CS13 of the Core Strategy and was included in the draft Section 106. Given the fall back position explained above, it is recommended that Policy CS13 is no longer applied to this application. The thresholds as set out in the Draft Affordable Housing Supplementary Planning Document only apply to planning permissions (paragraph 4.2 pg 11), for more than 10 dwellings. Therefore the applicant could change the application to avoid the obligation for affordable housing.

Whilst there will not be any affordable housing provided within the site, the applicant has stated that they are still willing to provide a contribution towards the provision of off-site public open space to be spent in Daresbury Parish. In relation to the Offsite Open Space requirement the applicant is willing to enter into a Section 106 agreement to provide this payment.

The update is for Members information, on a decision that was previously made by them.

8. RECOMMENDATIONS

Approve subject to conditions and:

- a) The entering into a Legal Agreement for the provision of a financial contribution towards off-site public open space to be spent within the Parish of Daresbury.
- b) That if the S106 Agreement or alternative arrangement is not executed within a reasonable period of time, authority be delegated to the Operational Director – Policy, Planning and Transportation in consultation with the Chairman or Vice Chairman of the Committee to refuse the application on the grounds that it fails to comply with Policy S25 (Planning Obligations).

9. CONDITIONS

1. Standard 3 year permission (BE1)
2. Condition specifying amended plans (BE1)
3. Materials condition, requiring the submission and approval of the materials to be used (BE2)
4. Removal of permitted development rights for extensions, outbuildings and boundary treatment.
5. Boundary treatments to be submitted and approved in writing. (BE2)
6. Conditions relating to restriction of permitted development rights relating to extensions and outbuildings and boundary fences etc. (BE1)
7. Construction Management Plan including wheel cleansing facilities to be submitted and approved in writing. (BE1)
8. Construction and delivery hours to be adhered to throughout the course of the development. (BE1)
9. Requiring provision of bin and recycling facilities prior to occupation. (BE1)
10. Final details of cycle storage facilities (BE1)
11. Details of the permissive path as shown on the plan linking the development with Daresbury Village. (TP7)
12. Retention of trees and details of any planting scheme.(BE1)
13. Provision of bat boxes and nesting boxes
14. Maintenance of Habitat Links.
15. No works to be undertaken during the bird nesting season.

Informative: Signage to deter people from parking adjacent to the Public Right of Way. Buildings should be checked for bats prior to commencement of works.

10. SUSTAINABILITY STATEMENT

As required by:

- Paragraph 186 – 187 of the National Planning Policy Framework;
- The Town and Country Planning (Development Management Procedure) (England) (Amendment No.2) Order 2012; and
- The Planning (Listed Buildings and Conservation Areas) (Amendment) (England) Regulations 2012.

This statement confirms that the local planning authority has worked proactively with the applicant to secure developments that improve the economic, social and environmental conditions of Halton.