

Planning Reference No:	10/1575C
Application Address:	Former Arclid Hospital Site, Newcastle Road, Arclid
Proposal:	Extension of Time Limit - Development of an 80 Bed Residential Care Home
Applicant:	Mr R Woodcock
Application Type:	Small Scale Major Development
Ward:	Congleton Rural
Registration Date:	20.5.10
Earliest Determination Date:	8.7.10
Expiry Date:	11.8.10
Date report Prepared	29.7.10
Constraints:	Infill Boundary Line Jodrell Bank Radio Telescope Consultation Area Employment Commitment

SUMMARY RECOMMENDATION:

REFUSE

MAIN ISSUES

- Principle of Development
- Impact on character of the area
- Other issues
 - the need for a Transport Assessment
 - the need for a tree survey
 - the need for an up to date protected species report

1. REASON FOR REFERRAL

This application is to be determined by the Southern Committee because the scheme being proposed is a small scale major development as it comprises of an 80 bed residential care home.

2. DESCRIPTION AND SITE CONTEXT

The site which has an area of approximately 0.67 Ha is on the location of the former Arclid Hospital which was demolished in the late 1990's.

The site has a principle access onto the A50 Newcastle Road which forms the western boundary to the site but it also abuts Davenport Lane to the east and the A534 Sparks Lane (Congleton to Sandbach road) to the south. To the north, there are three detached dwellings which front the Newcastle Road behind which there are open fields.

To the south west of the site is the former Rose and Crown PH which is now in use as a restaurant whilst to the east lies a number of residential properties. The main part of the settlement lies to the south of the A534.

A number of trees on the site are also protected by a preservation order.

3. DETAILS OF PROPOSAL

The proposal is for the construction of an 80 bed care home which is to be located in the southern part of the site and accessed from the Newcastle Road to the west.

The scheme is outline in nature with all matters including access reserved for later approval. An illustrative scheme though was submitted with the original application showing how the proposed care home would fit on the site.

4. RELEVANT HISTORY

The site has a long and complex history. The most relevant applications are as follows:

2007 07/0309/OUT – Outline application for the creation of an 80 bed care home. Granted

2006 06/1020/OUT - Outline application for the creation of an 80 bed care home. Refused

2005 05/1303/OUT - Outline application for the development of a residential care village comprising of an 80 bed care home and extra care sheltered housing, a central care service facility and ancillary retail and recreational development. Refused and subsequent appeal dismissed in 2007

2001 33855/1 – Outline proposals for residential and Class B1a, C1, A3 and D1 use – Refused

1997 32971/3 – Mixed use development comprising of 1,890 sq.m. B1 use and associated parking together with children nursery and 48 dwellings, public open space and a 60 bed lodge linked to a restaurant. Refused and appeal withdrawn

1997 29108/3 - Application for 4,140 sq.m. B1 development. Withdrawn

1997 28779/3 - Application for 4,181 sq.m of B1 business floor space. Refused

1997 28778/3 - Application for 2,323 sq.m for B8 use. Withdrawn

1996 28781/1- Outline permission for the demolition of buildings on the site and the development of 11,148 sq.m of commercial B1, B8 and C1 uses with the B8 element restricted to no more than 2,322 sq.m. Approved

1992 24099/0 - Outline permission for the erection of Class B1, C1, C2 and D1 buildings. Withdrawn

5. POLICIES

National

PPS4 Planning for Sustainable Economic Growth
PPS7: Sustainable Development in Rural Areas
PPS 9: Biodiversity and Geological Conservation

Local Plan Policy

GR1 General Requirements for New Development
GR2 Design
GR6 Amenity and Health
GR9 Accessibility Servicing and Parking Provision
PS8 Open Countryside
PS6 Settlements in the Open Countryside
RC14 Residential Institutions
E10 Reuse or Redevelopment of existing Employment Sites
NR1 Trees and Woodland
NR3 Habitats

6. CONSIDERATIONS (External to Planning)

Environmental Health:

Although previous survey work has been undertaken, it is noted that up to date ground contamination and noise surveys will be required as the impacts from these sources are specific to each building.

If the application is approved, conditions will be required in respect of a desktop contamination survey, noise control, filtration equipment on kitchens and the enclosure of any fans.

Nature Conservation:

The application is a large brownfield site and as such has the potential to support Badgers, Reptiles and Great Crested Newts. Each of these is a protected species and hence a material consideration.

Surveys for each of these species should be undertaken by a suitably qualified and experienced person and the results together with any mitigation required should be submitted to the LPA prior to the determination of the application.

For both Great Crested Newts and Reptiles it is suggested that the applicant undertakes an initial assessment of the potential value of the site for these species and then follows this up with a full survey if the initial assessment identifies that these species are reasonably likely to be affected by the proposed development.

If the application is allowed, conditions should be attached to any permission granted to safeguard breeding birds.

Highways:

The advent of recent guidance from the Department for Transport on Transport Assessments sets thresholds for the necessary provision of a Transport Assessment for development.

A Residential Care Home now requires a Transport Assessment (TA) for a development of more than 50 bedrooms.

This site therefore requires the provision of a TA for the development and the developer's consultant should agree a scope for the TA prior to its production.

The Transport Assessment should also discuss in detail the access design from the A50 Newcastle Road.

It will also be necessary to submit a Travel Plan Framework for the development.

Trees:

Whilst some self set vegetation has been cleared on the site, overall the situation appears to be similar to when the previous application was determined. There were concerns at that time regarding the lack of a tree survey and implications for trees resulting from the creation of a new access and visibility splays. The comments on application 07/0309/OUT are still relevant. For assistance these are duplicated below.

'The site location plan with site edged red and the junction layout plan do not accord. They show the access in two different positions.

Trees on the site are subject to the protection of the Arclid Hospital Tree Preservation Order 1996. Notwithstanding the requirements of Local Plan Policy NR1, the submission does not include a tree survey or any detailed information in respect of trees on the site.

The proposed location for the nursing home will not impact on trees. Nonetheless, the access into the site is an issue. Whilst details of access are reserved for subsequent approval, the site edged red restricts the position of access on the Newcastle Road frontage.

It appears likely that several specimens within the line of protected trees on the Newcastle Road frontage could be under threat from the creation of an access in either of the positions indicated. It is accepted that if the site is to be redeveloped, an access to current highway standards will need to be created. In order to allow full consideration of the application and its implications however, prior to determination it would be preferable to have details of access proposals and a site plan indicating the positions of trees to be retained/removed in the vicinity of the proposed new access. '

Given the time since the approval and current validation requirements, I would have expected that a comprehensive tree survey, details of current access requirements to meet highways standards and information regarding the impact of the access on protected trees would have been submitted.

7. VIEWS OF ARCLID PARISH COUNCIL

No objection to the proposal

8. OTHER REPRESENTATIONS

None

9. APPLICANT'S SUPPORTING INFORMATION

As this is an application to extend the time limit for the scheme, the applicant has just submitted the forms and drawings together with a copy of the decision notice for the approved 2007 scheme.

10. OFFICER APPRAISAL

Principle of Development

Within the adopted Local Plan, this site has been identified as an employment site and to this end the proposal to use the site for a care home would appear to be in accordance with the adopted policies.

It is readily acknowledged that the site is in an out of centre location which raises question marks over the suitability of the proposal particularly in terms of sustainability. These matters however have been considered in the earlier scheme and based on the fact that the site is identified as an employment commitment, it is felt that in this instance the proposed use can be accepted.

Policy EC12 of PPS4 deals with planning applications for economic development in rural areas. The guidance in this document seeks to promote economic development in locations which either reuse existing structures or support local villages and towns. This scheme whilst being on the edge of Arclid will be unlikely to have a strong interrelationship with the village. Never the less, it will provide some employment opportunities to the community and in turn support other facilities such as the Legs of Man PH or the petrol filling station on the A534.

If Policy EC12 of PPS4 was the only guidance relating to this site, it is felt that the development of new employment facilities of this scale on the site would be unlikely to be supported however, the site as indicated above does benefit from being designated in the adopted Local Plan as an existing commitment and on that basis it is felt that the balance of judgment still falls in favour of the proposal at this time.

Impact on Character of the Area

Since the approval of the previous application, the wider character of the area has changed little. Furthermore, the policies relating to this aspect of the proposal have in the main remained.

As the scheme is in outline, it is felt that in this respect the form of development can be accepted.

Other Issues

In the main, extension of time applications are often uncontentious and the approval rate for such schemes is high. The reason why applications are time limited is to comply with the requirements of Section 91 of the Town and Country Planning Act 1990 which in turn has been amended by S51 of the Planning and Compulsory Purchase Act 2004. This seeks to ensure that schemes when approved are in accordance with the prevailing standards and policies of the time and do not get implemented many years or even decades after the proposal was first considered.

This is particularly important when considering environmental constraints that may impinge on a development and where the standards and policies have changed over time as well as the character of the site and surrounding area.

Since the scheme was considered and approved in 2007, there have been a number of changes in the nature of the site and these have been identified by a number of the consultees.

In respect of Highway Matters, greater attention has been given to the role of Transport Assessments (TA's) since 2007. In considering the proposed development of a 107 bed extra care facility at Newhall Avenue in Sandbach (application 09/3400C), a judicial review was brought against the Council on the basis that a full TA was not undertaken in accordance with Department of Transport Guidance. Despite taking the view that the guidance offered some degree of flexibility, legal advice sought by the Council indicated that as the scheme was well in excess of the indicative threshold of 50 units, a full TA was required.

Whilst this scheme is smaller than that in Sandbach, it is still felt that the scheme is far beyond the indicative threshold and should be accompanied by the appropriate assessment.

In respect of both trees and ecological matters, the site has changed over the past three years. Whilst there has not been extensive growth, there has been change and it is not clear if the protected trees to the front of the site are in good health or in need of treatment or whether they are in such condition that they could not tolerate any adjacent development without harm occurring.

The matter of protected species has come to the fore in recent years and extensive case law and judicial reviews including the Bryncliffe decision in Macclesfield have highlighted the need to ensure this aspect is adequately addressed before consent is granted. In the absence of up to date information, no assessment can be made of the potential for the development to harm protected species such as reptiles, badgers and Great Crested Newts.

On the final matter, that of environmental health matters, it is felt that both noise and contamination surveys should normally be submitted prior to development to allow consideration of these matters prior to the commencement of development. However, as the scheme already has consent and a condition on contamination was attached to the approval it is felt that these matters could in this instance be addressed through conditions if approved.

Given the requirement for additional information, the applicant was contacted by the case officer and requested to submit the necessary reports. The applicant responded to say that he would not be submitting the required reports as he felt there was no demand for a care home and would instead be seeking to submit a proposal in the future for open market and affordable housing on the site.

11. CONCLUSIONS AND REASONS FOR THE DECISION

In appraising the above matters, officers are left with no other option than to recommend refusal of the application on the basis that insufficient information has been submitted by the applicant to allow this scheme to be considered for approval.

This decision is not taken lightly as the refusal of this application will mean that the past approval granted in 2007 will lapse by virtue of the time constraints placed on requiring the submission of reserved matters within three years from the grant of consent.

This does not mean to say no other development can be considered on the site but any new proposals will have to be considered on their merits and will not be able to draw substantial material weight from the existence of an extant approval for development on the site. To all intents and purposes following refusal of this application, the area will be considered as previously developed land within the open countryside without the benefit of any policy support for redevelopment as no commitments are in place for development.

12. RECOMMENDATION:

REFUSE for the following reasons:

- 1. The applicant has failed to provide sufficient evidence to show that the proposed development would not have a detrimental impact on protected species contrary to PPS 9: Biodiversity and Geological Conservation and Policy NR3 of the adopted Congleton Local Plan**
- 2. The applicant has failed to provide sufficient evidence to show that the proposed development could be undertaken without harm to protected trees especially those along the front of the site adjacent to the proposed entrance to the development contrary to Policy NR1 of the adopted Congleton Local Plan**
- 3. The applicant has failed to provide sufficient evidence to show that the proposed development will not have a detrimental impact on the safe operation of the A50 Newcastle Road and the junction to the south with the A534 contrary to Policy GR9 of the adopted Congleton Local Plan**

Location Plan: Cheshire East Council Licence No. 100049045

