

Application No: 14/1242C

Location: FORMER ARCLID HOSPITAL SITE, NEWCASTLE ROAD, ARCLID

Proposal: Proposed housing development consisting of 83 dwellings

Applicant: Mr Stephen Miller, Morris Homes Limited

Expiry Date: 20-Jun-2014

SUMMARY RECOMMENDATION

- **APPROVE subject to Section 106 Agreement and Conditions**

MAIN ISSUES

Planning Policy
Access
Landscape
Design/Layout
Amenity

REFERRAL

This application is referred to Southern Planning Committee because it is a small scale major development and a departure from the Development Plan. Committee considered the application at the meeting in September and requested further information in respect of the affordable housing provision.

SITE DESCRIPTION

The site is that of the former Arclid Hospital that was demolished in the late 1990's. The site comprises approximately 3.4ha of previously developed land and is located to the north-east of the A534 / A50 junction, in the village of Arclid. It is adjacent to housing to the east, farmland to the south and ribbon of development fronting the A50 within the open countryside. The south west of the site is abutted by a restaurant and to the west side of the A50 is open countryside. A group of trees protected by a Tree Preservation Order (TPO) are located along the boundary with the A50. Arclid is a small settlement with only a petrol filling station/shop, a large agriculture engineering sales/workshop unit, a restaurant, small offices in a former chapel, and a council tip.

DETAILS OF PROPOSAL

This is a full application for the erection of 83 houses. Access would be taken off Newcastle Road (A50). Davenport Lane would be re-aligned to improve the safety of the junction with Spark Lane (A538). A revised layout (H) has been submitted

RELEVANT PLANNING HISTORY

Very extensive site history but most recent:-

10/1575C – Extension to time limit: Development of 80 bed care home – Refused 19/08/10

PLANNING POLICIES

National Guidance

National Planning Policy Framework

Local Policy

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

- SD 1 Sustainable Development in Cheshire East
- SD 2 Sustainable Development Principles
- SE 1 Design
- SE 2 Efficient Use of Land
- SE 3 Biodiversity and Geodiversity
- SE 4 The Landscape
- SE 5 Trees, Hedgerows and Woodland
- SE 9 Energy Efficient Development
- SE 12 Pollution, Land Contamination and Land Instability
- PG 1 Overall Development Strategy
- PG 2 Settlement Hierarchy
- EG1 Economic Prosperity
- IN1 Infrastructure
- IN2 Developer Contributions

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

- GR1 New Development
- GR2 Design
- GR3 Residential Development
- GR5 Landscaping
- GR6 Amenity and Health
- GR9 Accessibility, servicing and provision of parking
- GR14 Cycling Measures
- GR15 Pedestrian Measures
- GR17 Car parking
- GR18 Traffic Generation
- GR21 Flood Prevention
- GR 22 Open Space Provision
- NR1 Trees and Woodland

NR2 Statutory Sites (Wildlife and Nature Conservation)
NR3 Habitats
NR5 Habitats
H2 Provision of New Housing Development
H13 Affordable Housing and Low Cost Housing
DP1 Employment Allocation

Other Material Policy Considerations

The EC Habitats Directive 1992
Conservation of Habitats & Species Regulations 2010
Circular 6/2005 - Biodiversity and Geological Conservation - Statutory Obligations and Their Impact within the Planning System
Interim Planning Statement Affordable Housing
Interim Planning Statement Release of Housing Land

OBSERVATIONS OF CONSULTEES

Environment Agency: No objections

United Utilities: Comment that it is the responsibility of the applicant to secure relationship to provide for the development.

Environmental Health: Recommend refusal on insufficient information in respect of air quality. Subject to satisfactory information being received would require conditions regarding piling, environmental management plan, and contamination, dust control, travel plan and electric car charging points.

Jodrell Bank: Have requested the incorporation of certain materials into the buildings to negate adverse electromagnetic issues.

Education: The Education Department has undertaken a further assessment into the local schools taking into account approved development, expected pupils and proposed expansion work. In the instance of the application site there are 3 primary schools within a 2 mile radius. In light of the further analysis then the figures indicate that there will be sufficient places available in the local primary schools. However the secondary schools are still forecast to be oversubscribed. Therefore, a revised sum of £163,427 is required towards secondary provision.

POS Officer: No comments received at the time of writing this report.

Highways: Comment as follows:

- The access road into the site still does not have a footway on each side.
- Parking is difficult to assess and current authority standards require 3 car spaces for 4-bed dwellings in a rural area such as this.
- The flats are acceptable at 100% provision as they are one-bed units.
- The layout shows all of the carriageways to be of a width where two footways are required by design.

- There is no hierarchy to the proposed layout and pedestrians have no priority in any area of the proposed layout.
- The site does have strong merit with its treatment of Davenport Lane where the improvement – particularly to the junction with the A534 – will provide significant local betterment and benefit highway safety.
- The extra off-street parking for the existing residents looks adequate to at 16 spaces.
- The private drives to plots 6 & 83 require tracking for refuse vehicle.

VIEWS OF THE PARISH / TOWN COUNCIL

Supports the application for housing on the former hospital site and the associated change of planning from commercial to residential and believe the proposed provision of gas and the improvements of the junction between Davenport Lane and the A534 (Spark Lane), the provision of the footpath and widening of Davenport Lane and the provision of the play area and green space are all positive improvements for the local area. They are concerned about proposed access on to Davenport Lane for 11 new properties and the position of the “pump station” for the foul sewage.

Although some parking space has been included in the application to “relocate” the vehicles currently using the area of Davenport Lane affected by the proposed new houses, the parking requirements of current residents (mainly from Heath Terrace), their visitors/delivery vehicles combined with the requirements of the new houses, their visitors and delivery vehicles is likely to exceed the parking availability (as currently used in the lane) particularly since a number of positions will be lost due to the driveways of the new houses.

Unless Cheshire East Highways and the developers can propose a solution to the above parking requirements which provides legal and safe on street and off road parking in that area and not displace the vehicles to cause impact elsewhere in the area then the council believes that the proposed access is inappropriate. It would impact the environment and potentially cause safety issues.

The Parish Council ask that the siting of the pump station be reconsidered to see if there is a better position. In its proposed position it is expected that the noise and visual aspect will impact current residents. Also the access required for maintenance vehicles and possibly for “sludge tankers” will cause further problems in Davenport Lane. The Parish Council feel that the “pump station” should be relocated to provide safer access and to avoid impact on residents.

OTHER REPRESENTATIONS

A petition signed by over 50 people has been received which states that they are not opposed in principle to the development but seek a reduction in the amount of housing with concern with access and parking onto/on Davenport lane, and to secure adequate parking for the residents of Heath Terrace. Concern is also expressed in respect of the comments of the Parish Council, the siting of the pumphouse, loss of wildlife and school provision.

A further 19 letters have been received that are a mix of objection/observation/general support. To summarise the general principle of development has been accepted but concern is expressed again over:-

- Parking/traffic/access on Davenport Lane
- Position of pump station
- Inadequate parking for Heath Terrace
- Impact on wildlife and ecology and hedgerows
- Inadequate capacity in local schools

Certain technical aspects of development are welcomed particularly elements of the house design and introduction of a gas supply to the locality.

The letters are extensive and this is a summary. The full content can be viewed on the Council website.

APPLICANT'S SUPPORTING INFORMATION:

- Flood Risk Assessment
- Design and Access Statement
- Ecological Appraisal
- Transport Assessment
- Sustainability statement.
- Noise report
- Affordable housing statement

These documents are available to view on the application file.

OFFICER APPRAISAL

Principle

The site is within the settlement zone line of Arclid that is designated by policy PS6 as a settlement in the Open Countryside. It states that limited development in accordance with policy H6 will be permitted where it is appropriate to local character in terms of use, intensity, scale and appearance. This site has sustainability issues in terms of access to local shops and services but this must be balanced against the redevelopment of previously developed land and provision of new homes.

The National Planning Policy Framework states that one of its core principles is that planning should:

*“Proactively drive and support sustainable economic development to deliver the **homes**, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made to objectively identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.”*

(This former hospital site was initially subject to a land allocation as an employment commitment in the Congleton Local Plan. However, this is not a saved policy.)

Affordable Housing

As this proposal is in a rural area that has a population of fewer than 3,000 and the site is larger than 0.2ha or has more than 3 dwellings on it there is a requirement for affordable housing to be provided as per the Interim Planning Statement: Affordable Housing (IPS). The site lies in the Arclid Parish close to the boundaries with Brereton and Smallwood Parishes as well as to Sandbach. Arclid is located in the Sandbach Rural sub-area in the Strategic Housing Market Assessment (SHMA) Update 2013. The SHMA Update identified a need for 12 new affordable units per year between 2013/14 and 2017/18 in the Sandbach Rural sub-area, made up of a need for 13 x 1 bed, 2 x 2 beds, 3 x 4+ beds and 2 x 1 bed older persons units. The SHMA Update shows an oversupply of 3 beds.

In addition to this information there are also 2 applicants on the housing register who have selected Arclid as their first choice, both of which require 1 beds. A rural housing needs survey was carried out for Arcild Parish in January 2013. The results show a need for potentially 3 new affordable homes. Arclid is a small parish and the housing need of the parish is lower than the proposed delivery of affordable housing on this site. However, it is the view of the Strategic Housing Manager that a brownfield site such as this should provide affordable housing for neighbouring rural locations and the wider Sandbach Rural SHMA sub-area as there are limited opportunities to meet the identified need in rural areas.

Therefore there should be provision of 30% of the total dwellings as affordable, with 65% provided as social rent (affordable rent is also acceptable at this site) and 35% intermediate. This is the preferred tenure split identified in the SHMA 2010, SHMA Update 2013 and highlighted in the IPS. This equates to a requirement for 25 affordable dwellings on this site, with 16 provided as social or affordable rent and 9 provided as intermediate tenure.

The IPS requires that the affordable homes should be provided no later than occupation of 50% of the open market units, unless the development is phased and there is a high degree of pepper-potting in which case the maximum proportion of open market homes that may be provided before the provision of all the affordable units may be increased to 80%. Also, all the Affordable homes should be constructed in accordance with the Homes and Communities Agency's Design and Quality Standards (2007) and should achieve at least Level 3 of the Code for Sustainable Homes (2007). The Affordable Homes should also be integrated with the open market homes and therefore 'pepper-potted' and be tenure blind and also not be segregated in discrete or peripheral areas.

The application states that 15% (12 units) affordable housing will be provided on this site due to viability reasons. The Strategic Housing Officer has no objections to the reduced amount of affordable housing and location of the housing as long as the viability assessment would appear reasonable. The applicants have submitted a further viability assessment and the Council have appointed consultants to thoroughly analyse the viability and the findings will be reported as an update to the meeting.

Access, parking and traffic

The Highways Officer had commented on a number of issues that seemed resolvable with minor changes to the proposed layout. This included the provision of footpaths on both sides of the internal roads and clarification on the number of car parking spaces for each plot. The provision for Heath End Terrace is generous and the applicants are to be commended on this provision. The applicants have met with officers to discuss these issues and the revised layout H has been submitted that overcomes all those minor concerns and is fully supported

by the Highways Officer.

Layout and Design

Houses are shown to the facing north east on to Davenport Lane and south east on to Newcastle Road. The main access roads are within the site, creating a permeable active frontage to all principle routes outside and within the development, whilst now, via amended plans, retaining the boundary hedgerow to the northwest.

Nearby development comprises a mixture of ages and architectural styles, ranging from modern suburban development to terraced cottages. There is ribbon development along Spark Lane and Newcastle Road. There is a mix in terms of materials with most dwellings being finished in simple red brick, and grey / brown slates / concrete / clay tiles.

The primary route along Davenport Lane creates a strong, active frontage. The secondary routes into and around the development would serve houses with a more informal building line and architecture and the tertiary routes are defined by predominantly detached houses. The proposed houses are two storeys high; the only single storey buildings are garages. It is considered that the proposed houses are appropriate in the existing context as they are not overly excessive in scale or mass in comparison to the surrounding buildings.

Amenity

It is generally considered that in New Residential Developments, a distance of 21m between principal windows and 13m between a principal window and a flank elevation is required to maintain an adequate standard of privacy and amenity between residential properties.

The layout and design of the site demonstrates overall that 83 dwellings could be accommodated on the site, whilst maintaining these minimum distances between existing and proposed dwellings to the rear. Distances are also respected to the houses on John Ford Way. However, the scheme falls short of the recommended distances, on some internal plots, as little as 16m would be achieved between principal windows across an internal road. Nevertheless, the Local Planning Authority must be mindful of the need to make effective and efficient use of brownfield land in the consideration of planning applications, in order to ease pressure on Greenfield sites elsewhere in the Borough and if the minimum standards were to be achieved, it would not be possible to accommodate within the site the density of development which is currently proposed. Furthermore, modern urban design principles encourage the tightly defined streets and spaces, with parking to the rear to avoid car dominated frontages. The reduction of separation distances between front elevations helps to achieve these requirements

Landscape

The Landscape Office now considers that the most revised layout overcomes and addresses all previous overall concerns and the application is now acceptable and to be supported in landscape terms.

Hedgerows

The submission proposes a development beyond the fringes of the former employment allocation and the retention of the established hedgerow to the north west of the site. This is an extremely attractive feature of the scheme and some houses would look outwards towards the hedgerow and it is incorporated as a full feature of the scheme. This is to be supported.

Ecology

Habitats

The submitted phase one habitat plan identifies much of the proposed development site as supporting 'poor semi-improved grassland' habitats. No detailed botanical data has been provided for this habitat type and the survey was undertaken in January which is a poor time of year for assessing the habitats of this type. The Nature Conservation Officer advises that the council has insufficient information to assess the nature conservation value of this habitat. In order for the Council to fully assess the potential value of the habitats on this site that would be lost to the proposed it is recommended that a further botanical survey of the semi-improved grassland habitats be undertaken and a report submitted to the Council prior to the determination of the application. The survey should be undertaken at the optimal time of the year and the survey report should include a full botanical species list and a DAFOR rating for each species recorded. A survey undertaken in late May – August would be preferred as this would provide a much more robust assessment. This should be undertaken in the spring whilst the S.106 details are completed.

Great Crested Newts

A detailed GCN survey cannot be undertaken now until next spring. However, most of the habitat that falls within 250m of the pond is proposed for open space. The pond is also isolated from the development site by a water course which could potentially deter newts from moving towards the application site. However if the construction of the POS requires earth moving/levelling works etc. then a GCN survey would still be required. No earth moving or levelling works are yet proposed in the POS.

Bats

It is advised that the trees (identified as target notes 1 and 2 on the submitted habitat plan) must be subject to a survey for roosting bats. A report of the survey together with any mitigation proposals required must be submitted to the LPA prior to the determination of the application. A bat survey is being undertaken and the outcome will be reported as an update or resolved prior to issue of the decision notice.

Breeding Birds

It is advised that standard conditions would be required to safeguard breeding birds.

Air Quality

The development lies in the vicinity of the A5022/A534 (J17, M6) Air Quality Management Area (AQMA) declared in relation to exceedences of the National Health Based Limit Values for Nitrogen Dioxide. By virtue of the proposed development location, vehicles travelling towards Sandbach/M6 motorway will impact upon the AQMA. In addition, there is concern

that the cumulative impacts of developments will lead to successive increases in pollution levels and thereby increased exposure.

The accessibility of low or zero emission transport options has the potential to mitigate the impacts of transport related emissions. The EHO feels it is appropriate to ensure that uptake of these options is maximised through the development and implementation of a suitable travel plan and considers it appropriate to create infrastructure to allow home charging of electric vehicles in new modern properties.

The travel plan and electric vehicle charging points will be secured through the use of a planning condition.

Flood Risk/Drainage

There are no outstanding issues and the Environment Agency has no objections.

Education

The Education Department has undertaken a further assessment into the local schools taking into account approved development, expected pupils and proposed expansion work. In the instance of the application site there are 3 primary schools within a 2 mile radius. In light of the further analysis then the figures indicate that there will be sufficient places available in the local primary schools. However the secondary schools are still forecast to be oversubscribed. Therefore, a revised sum of £163,427 is required towards secondary provision and this has been agreed with the applicants.

Public Open Space

The long term maintenance of the open space would be the responsibility of the applicants and secured in perpetuity by way of a facet encompassed in the Section 106 agreement. Therefore a direct financial contribution to the Council is not required.

Viability and Section 106 Matters

The developer has submitted a viability appraisal, undertaken by consultants DTZ, of the scheme. This is being analysed by consultants on behalf of the Council. Under the provisions of the NPPF economic viability is an important material consideration. Paragraph 173 states:

Pursuing sustainable development requires careful attention to viability and costs in plan-making and decision-taking. Plans should be deliverable. Therefore, the sites and the scale of development identified in the plan should not be subject to such a scale of obligations and policy burdens that their ability to be developed viably is threatened.

It also stresses the importance of housing delivery and viability as a material planning consideration. Paragraph 173 states:

To ensure viability, the costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure contributions or other requirements should, when taking account of the normal cost of development and mitigation,

provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable

One of the 12 Core Planning Principles at paragraph 17 states that planning should:

proactively drive and support sustainable economic development to deliver the homes, business and industrial units, infrastructure and thriving local places that the country needs. Every effort should be made objectively to identify and then meet the housing, business and other development needs of an area, and respond positively to wider opportunities for growth.

Consultants are considering the viability appraisal. The IPS on Affordable Housing requires development appraisals to be independently verified by an external valuation expert (cost to be borne by the applicant). Also the Local Plan Strategy Submission Version (March 2014) in SC 5, no.7 says the Council will commission an independent review of the viability study and the developer will bear the cost. An update will be provided in relation to this issue.

LEVY (CIL) REGULATIONS

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

As explained within the main report, POS and children's play space is a requirement of Local Plan Policy. It is necessary to secure these works and a scheme of management for the open space and children's play space. This contribution is directly related to the development and is fair and reasonable.

The development would result in increased demand for secondary school places in the area. In order to increase capacity of the schools which would support the proposed development, a contribution towards secondary school education is therefore required. This would be considered to be necessary and fair and reasonable in relation to the development. If that is the case, and now the figure is duly agreed, the S106 recommendation would be compliant with the CIL Regulations 2010. The terms of the S106 are effectively now agreed between officers and the applicants subject to the viability assessment receiving positive vindication.

CONCLUSIONS

The site lies within village settlement boundary, where there is a presumption in favour of new development, subject to compliance with other local plan policies. The site is a vacant previously developed site which would be brought back into beneficial use. The proposal would also provide 83 units towards the Council's housing land supply, which will ease pressure on green field sites elsewhere within the Borough. It is also accepted that the proposal would not result in a detrimental impact on the supply of employment land or premises in the Borough.

There would be no adverse impact on residential amenity and it is considered that, subject to the use of appropriate materials the proposal represents a good design which respects the

character and appearance of the area in which it is located can be achieved and as such it complies with policy GR2 of the Local Plan and the provisions of the NPPF in respect of design. Environmental Health matters of air quality, noise and contaminated land can be addressed through appropriate conditions.

In terms of affordable housing provision, this is being further scrutinised via the submitted viability assessment and the outcome will be reported as an update. Indeed there are many planning benefits including: Davenport lane junction improved for safety and footway; 15 new parking spaces provide for existing residents; TPO trees retained; Hedge retained; 1 bed pepper potted affordable housing; Natural play provided and large POS area for kick about; Hidden underground pump station; Footpath links to existing surroundings; Education contribution.

Therefore the recommendation is amended to one of Approve subject to the full completion of a section 106 agreement comprising undertakings on affordable housing, education contribution and maintenance of open space; and the satisfactory completion of the habitat, bat and GCN surveys.

RECOMMENDATION

The outstanding ecological issues to be delegated to the Head of Strategic & Economic Planning, in consultation with the Chair of Southern Planning Committee for consideration prior to the issue of any decision notice.

Should no objection be raised by the Councils Ecologist approve subject to a Section 106 to secure the following:

- **Affordable Housing (15%/12 units)**
- **Education contribution towards Secondary School Provision of £163,427**
- **POS and LEAP (5 pieces of equipment to be provided and maintained by management company)**

In addition the following conditions

- 1. Time**
- 2. Materials to be submitted**
- 3. Approved plans**
- 4. Piling details to be provided**
- 5. Environmental Management Plan**
- 6. Levels to be submitted and approved**
- 7. Landscape to be submitted and approved**
- 8. Landscape implementation**
- 9. Tree/Hedge Protection**
- 10. Arboricultural Method Statement**
- 11. Contamination details to be submitted and approved**
- 12. Boundary Treatment Details to be submitted and approved**
- 13. Air Quality**
- 14. Dust Control**
- 15. Breeding Birds**
- 16. Travel Plan**

17. Electric vehicle infrastructure

In order to give proper effect to the Board`s/Committee`s intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

