

Strategic Planning Board

Agenda

Date:	Wednesday, 29th July, 2009
Time:	2.00 pm
Venue:	Committee Suite 1,2 & 3, Westfields, Middlewich Road, Sandbach CW11 1HZ

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. **Apologies for Absence**

2. **Declarations of Interest**

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have made a pre-determination in respect of any item on the agenda.

3. **Minutes of the Previous Meeting** (Pages 1 - 6)

To approve the minutes of the meeting held on 8 July 2009 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for the planning application for Ward Councillors who are not Members of the Strategic Planning Board.

A period of 3 minutes is allocated for the planning application for the following individuals/groups:

- Members who are not members of the Strategic Planning Board and are not the Ward Member
- The relevant Town/Parish Council
- Local Representative Group/Civic Society
- Objectors
- Applicants/Supporters

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Rachel Graves

Tel: 01270 529742

E-Mail: Rachel.Graves@cheshireeast.gov.uk

5. **09/0807M - Outline Application for Residential Development including a Care Home (Class C2), Havannah Mill, Havannah Lane, Eaton, Congleton, CW12 2NB for Targetsite Ltd (Pages 7 - 24)**

To consider planning application 09/0807M.

6. **09/1300M - Proposed Erection of a 3 Storey 75 One Bed Care Home; a 3 Storey Building incorporating a total of 542 sq m of Retail in 3 Ground Floor Units with 16 Apartments (8 One Bed & 8 Two Bed) on the Upper 2 Floors; A 3 Storey Office Building of 3,599 sq m; 15 No. 2.5 Storey Townhouses in 7 Blocks; Associated Car Parking Areas, Access Road & Open Space; Additional Hospital Related Car Parking at Proposed First Floor Deck (Outline Application) at Macclesfield District Hospital, Victoria Road, Macclesfield for Keyworker Homes (Macclesfield) Ltd & East Cheshire NHS Trust(Pages 25 - 46)**

To consider planning applications 09/1300M.

7. **09/1296M - Change of Use and Alterations to Grade II Listed Clocktower Building to provide 36 Affordable for Rent Apartments, 161 sq m Coffee Shop, 183 sq m Gym and Ancillary Accommodation; Associated Car Parking and External Site Works; Demolition of 2 Curtilage Buildings (Buildings 2 and 9) to enable the Associated Mixed Use Development within the Overall Application Site and which is subject to a Separate Outline Planning Application (Full Planning), Macclesfield District Hospital, Victoria Road, Macclesfield for Keyworker Homes (Macclesfield) Ltd & East Cheshire NHS Trust (Pages 47 - 64)**

To consider planning application 09/1296M.

8. **09/1295M - Change of Use and Alterations to Grade II Listed Clocktower Building to Provide 36 Affordable for Rent Apartments, 161 sq m Coffee Shop, 183 sq m Gym and Ancillary Accommodation; Associated Car Parking and External Site Works; Demolition of 2 Curtilage Buildings (Buildings 2 and 9) to enable the Associated Mixed Use Development within the Overall Application Site and which is the subject of a Separate Outline Planning Application (Listed Building Consent), Macclesfield District Hospital, Macclesfield for Keyworker Homes (Macclesfield) Ltd & East Cheshire NHS Trust (Pages 65 - 74)**

To consider planning application 09/1295M.

9. **09/1577M - Proposed Conversion of and 420 sq m Extension to Curtilage Building 6 to Accommodate a Change of Use from C2 to D1 together with Associated Car Parking (Full Planning), Macclesfield District Hospital, Victoria Road, Macclesfield, SK10 3BL for Keyworker Homes (Macclesfield) Ltd & East Cheshire NHS Trust (Pages 75 - 90)**

To consider planning application 09/1577M.

10. **09/1613M - Proposed Conversion of and 420 sq m Extension to Curtilage Building 6 to Accommodate a Change of Use from C2 to D1 together with Associated Car Parking (Listed Building Consent), Macclesfield District Hospital, Victoria Road, Macclesfield, SK10 3BI for Keyworker Homes (Macclesfield) Ltd & East Cheshire NHS Trust (Pages 91 - 98)**

To consider planning application 09/1643M.

11. **09/0695M - Development of a Care Village Comprising 58 Bedroom Care Home (Use Class C2); 47 Close Care Cottages (Use Class C3); 15 Shared Ownership Affordable Dwellings (Use Class C3); and Associated Access Road, Public Open Space, Landscaping, Car Parking and Ancillary Development, Land adjacent to Coppice Way, Handforth, Wilmslow, Cheshire for Greystone (UK) Ltd** (Pages 99 - 120)

To consider planning application 09/0695M.

12. **09/0708M - Formation of New Vehicular Access from Coppice Way and Engineering Work, Land adjacent to Coppice Way, Handforth, Wilmslow, Cheshire for Greystone (UK) Ltd** (Pages 121 - 124)

To consider planning application 09/0708M.

13. **09/1442N - Demolition of Existing Retail Store and Music Club and Erection of Retail Store with Associated Cafe, Servicing Arrangements, Plant and Car Parking; Upgrading of Vehicular and Pedestrian Access Arrangements to Site; Erection of Petrol Filling Station; Erection of Two Units (A1, A2, A3, A4 Use); Creation of Public Square Space; and Landscaping, Land at Vernon Way, Crewe for Sainsbury's Supermarkets Ltd** (Pages 125 - 144)

To consider planning application 09/1442N.

14. **Village Design Statements for Audlem and Bunbury** (Pages 145 - 148)

To consider the adoption of two “non statutory” Village Design Statements originally adopted by Crewe and Nantwich Borough Council in March 2009.

15. **Appeal Summaries** (Pages 149 - 154)

To note the Appeal Summaries.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Strategic Planning Board**
held on Wednesday, 8th July, 2009 at Committee Suite 1,2 & 3, Westfields,
Middlewich Road, Sandbach CW11 1HZ

PRESENT

Councillor H Gaddum (Chairman)
Councillor Rachel Bailey (Vice-Chairman)

Councillors D Brown, P Edwards, J Hammond, M Hollins, D Hough, J Macrae,
B Moran, C Thorley, G M Walton, S Wilkinson and J Wray

OFFICERS PRESENT:

John Knight, Head of Planning and Policy; Sheila Dillon, Senior Solicitor;
Ben Haywood, Principal Planning Officer; David Malcolm, Development Control
Manager; Hannah Parish, Principal Environmental Planning Officer; Nick Turpin,
Principal Planning Officer; Andrew Ramshall, Conservation Officer; Rachel Graves,
Democratic Services Officer

58 APOLOGIES FOR ABSENCE

Apologies were received from Councillor A Arnold.

59 DECLARATIONS OF INTEREST

Councillors H Gaddum and J Macrae declared a personal interest in respect of
application 08/2670P on the grounds that they knew the applicant. In accordance
with the code of conduct, they remained in the meeting during consideration of
this item.

Councillors R West and L Gilliland, who were in attendance at the meeting,
declared a personal interest in the respect of application 08/2670P on the
grounds that they knew the applicant and were members of the Northern
Planning Committee which had referred the application to the Strategic Planning
Board. In accordance with the code of conduct, they remained in the meeting
during consideration of this item.

Councillor A Moran, who was in attendance at the meeting, declared a personal
interest in respect of application P09/0126, as he was a member of Nantwich
Borough Council who had been a consulted on this application. In accordance
with the code of conduct, he remained in the meeting during the consideration of
this item.

Councillor H Gaddum declared a personal interest in respect of application
09/0761W as she was a member of Sutton Parish Council who had been
consulted on this application. In accordance with the code of conduct she
remained in the meeting during consideration of this item.

60 MINUTES OF THE PREVIOUS MEETING

RESOLVED:

That the minutes of the meeting held on 17 June 2009 be approved as a correct record and signed by the Chairman.

61 URGENT BUSINESS AND EXCLUSION OF THE PRESS AND PUBLIC

(1) Urgent Business

The Council had received an appeal regarding residential and industrial development at Cardway Cartons, Linley Lane, Alsager. In order to finalise a Statement of Case for the appeal inquiry, Officers needed to discuss the merits of the Council's refusal reasons with the Board. The urgency arose because the Statement of Case had to be submitted by close of business on 8 July 2009.

The Chairman announced that in accordance with S100B (4) (b) of the Local Government Act 1972, she was of the opinion that this item of business should be considered at the meeting as a matter of urgency:

As the report contained exempt information and the public interest in keeping it confidential outweighed the public interest in disclosing it, the Chairman agreed it should be taken as a Part 2 Item.

(2) Exclusion of the Press and Public

RESOLVED:

That under Section 100(A)(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the items of business listed below on the grounds it involves the likely disclosure of exempt information as defined in paragraph 5 of Part 1 of Schedule 12A to the Act.

62 08/0731/OUT – OUTLINE PLANNING APPLICATION WITH ALL MATTERS RESERVED OTHER THAN ACCESS AND DEVELOPMENT OF FOUR 464M SQ UNITS AND UP TO 108 DWELLINGS AT CARDWAY CARTONS LTD, LINLEY LANE, ALSAGER

Councillor D Hough declared a personal interest in this application as he had determined it as a member of Congleton Borough Council. In accordance with the Code of Conduct he remained in the meeting but took no part in the discussion or voting.

The planning application had been refused on two grounds: (1) unacceptable loss of employment land; and (2) insufficient assessment of housing land provision in connection with part of the land protected as open space. Having re-examined the merits of the second refusal reason in the light of the grounds of appeal, Officers recommended that it be withdrawn.

RESOLVED:

That the Council offer no evidence at the forthcoming planning inquiry regarding reason No. 2.

The meeting moved back into Part 1 and the public and press were re-admitted.

63 PUBLIC SPEAKING

A total period of 5 minutes was allocated for the planning application for Ward Councillors who were not Members of the Strategic Planning Board.

A period of 3 minutes was allocated for the planning application for the following individual/groups:

Members who were not Members of the Strategic Planning Board and were not the Ward Member

The relevant Town/Parish Council

Local Representative Group/Civic Society

Objectors

Applicants/Supporters

RESOLVED:

That the procedure for public speaking be noted.

64 **09/0761W - DANES MOSS LANDFILL SITE, CONGLETON ROAD, GAWSWORTH, MACCLESFIELD, CHESHIRE, SK11 9QP**

The Board considered a report regarding the above application.

RESOLVED:

That the application be APPROVED, subject to a deed of variation to the existing Section 106 Planning Obligation to secure the long term management of the adjacent Danes Moss Site of Special Scientific Interest and Danes Moss Landfill Site and conditions covering in particular:-

- All the conditions attached to permission 5/04/0131 unless amended by those below
- Revisions to approved plans; contours/levels, phasing and restoration;
- Extension of time to 31st December 2012 with full restoration of the site within 12 months or no later than 31st December 2013
- Revised scheme of aftercare to include the surface water management of the lagoon;
- Revised planting scheme to include an appropriate mix of wetland species; and
- Submission of a bird control programme

65 09/0807M - HAVANNAH MILL, HAVANNAH LANE, EATON, CONGLETON, CW12 2NB

Note: Councillor Liz Gilliland (Ward Councillor), Councillor Alison Knight (Objector) and Mr Rawdon Gascoigne (Agent) attended the meeting and spoke in respect of the application.

The Board considered a report on the above application.

RESOLVED:

That the application be DEFERRED for a site visit to assess the impact of the proposed development on the community and its sustainability.

66 P09/0126 - SAINSBURY'S STORE/FAIRWAY SUITHOUSE, MIDDLEWICH ROAD, NANTWICH, CHESHIRE, CW5 6PH

Note: Councillor Arthur Moran (Ward Councillor) and Mr Bob May (Agent for Applicant) attended the meeting and spoke in respect of the application.

The Board considered a report on the above application.

The Head of Planning and Policy reported that he had received a letter from the Applicants requested that the application be deferred so that they could respond to the issues raised in the report.

RESOLVED:

That the application be DEFERRED to allow officers to continue their discussion with the applicants in relation to the retail impact and sustainability and for the Board to make a site visit to assess the impact of the development on the surrounding area.

67 08/2670P - DALE STREET MILL, DALE STREET, MACCLESFIELD, CHESHIRE SK10 1HH

Note: Mr Andy Northover (Agent for Applicant) spoke in respect of the application.

The Board considered a report regarding the above application, which had been referred from the Northern Planning Committee.

RESOLVED:

That the application be APPROVED, subject to the following conditions:

- 1) Standard Outline conditions for submission of reserved matters and time scales
- 2) Reserved matters to be submitted prior to demolition
- 3) Submission of materials - to include slate roof, stone cills, timber windows, detail of chimneys

- 4) Contaminated land phase 2 report required
- 5) Refuse storage facilities to be approved
- 6) Hours of construction
- 7) Landscaping - to include details of boundary wall and retaining wall to rear of site
- 8) No pile driving unless agreed
- 9) Ground levels condition
- 10) Highways conditions relation to: - 10 parking spaces, no gates, prevention of surface water flowing onto highway, drainage and surfacing of hardstanding areas, cycle parking (6), protection of highway from mud and debris, method statement, visibility splays
- 11) Full archaeology survey
- 12) Full photographic record prior to demolition
- 13) Dust control condition
- 14) Bat condition
- 15) Bird condition

**68 09/1300M, 09/1296M, 09/1295M, 09/1577M & 09/1613M -
MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, CHESHIRE SK10 3BL**

The Board considered a report on the above application.

RESOLVED:

That the application be DEFERRED for a site visit to allow Members the view the site of the proposed development.

**69 URGENT WORKS NOTICE FOR CLOCK HOUSE FARMHOUSE BARN,
OVER ALDERLEY**

This item was withdrawn from the agenda at the meeting by the Head of Planning and Policy.

**70 CONSERVATION STRUCTURAL SURVEY REPORT FOR BROWN
STREET MILL, MACCLESFIELD**

The Board considered a report on whether to commission a conservation structural survey report in relation to Brown Street Mill, Macclesfield, in order to inform the preparation of any subsequent Listed Building Repairs Notice.

The Mill was a grade II listed building which had been the subject of various planning applications by various owners. The building was showing signs of considerable defects and was in a very frail condition. It was currently supported with the assistance of scaffolding surrounding the external envelope of the building. The scaffolding was not maintained and it was vital that it remained in place until further actions were taken. Sections 47 and 48 of the Planning (Listed Building and Conservation Areas) Act 1990 enabled the Local Planning Authority to issue a Listed Buildings Repair Notice when it was considered that repairs were necessary to ensure the preservation of a Listed Building. A detailed conservation structural survey report would be required to inform the detail of the

work required and the associated costs before any decisions were made regarding the issue of a Repairs Notice.

The Board was informed that the new owners of Brown Street Mill had submitted a list of proposed maintenance work and approval for the conservation structural survey report was being sought in case the maintenance work was not carried out.

RESOLVED:

That the commissioning of a conservation structural survey report for Brown Street Mill be approved.

71 **APPEAL SUMMARIES**

Consideration was given to the report as submitted.

RESOLVED:

That the Planning Appeals be noted.

The meeting commenced at 2.00 pm and concluded at 3.50 pm

Councillor H Gaddum (Chairman)

Application No: 09/0807M

Location: HAVANNAH MILL, HAVANNAH LANE, EATON,
CONGLETON, CHESHIRE, CW12 2NB

Proposal: OUTLINE APPLICATION FOR RESIDENTIAL
DEVELOPMENT INCLUDING A CARE HOME (CLASS C2)

Applicant: TARGETSITE LTD

Expiry Date: 08-Jul-2009

Type: Outline

Date Report Prepared: 29 June 2009

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Whether the principle of residential and care home development in countryside beyond the green belt is acceptable and if so, whether the scale parameters proposed is appropriate
- Whether the amount of affordable housing proposed is appropriate
- Whether the loss of existing employment use of the site is appropriate
- Whether the proposed access is adequate and acceptable
- Whether the proposed loss of trees from the site is acceptable
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether the proposal would result in adverse impact upon the adjacent Grade A Site of Biological Importance (River Dane SBI)
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- The extent to which the proposal is consistent with housing policy as expressed in PPS3 and principles of sustainable development as expressed in PPS1 and PPG13
- Whether there are any other material considerations
- Whether any permission granted constitutes a departure from the Development Plan in force for the area to require referral to Government Office for the North West
- Whether any permission granted should be accompanied by a Section 106 Agreement, and what these heads of Terms would comprise

REASON FOR REPORT

This is an application which raises significant planning policy concerns as a departure from the development plan.

A Members site visit took place on 21 July 2009.

DESCRIPTION OF SITE AND CONTEXT

The site is the derelict, former Symbra factory, located off Havannah Lane, Eaton. The area of the proposed development includes the site of the now-demolished Windsor Mill, the foundations of which are still evident on site, which occupied that part of the site where it is proposed to construct the care home. It is understood that this 4 storey mill building was demolished down to footplate level approximately 30 years ago.

Overall, the site comprises 2.79 hectares, and is in part previously developed land. The site lies within Countryside Beyond the Green Belt.

The remainder of the site is intended to be open space.

The site adjoins the River Dane, a Grade 'A' Site of Biological Importance to the south and west. To the north lies a terrace of cottages within New Street, Havannah Village, beyond which is a relatively modern housing estate and Havannah Primary School.

The site lies on the cusp of the boundary between the former Boroughs of Macclesfield and Congleton. Havannah Lane is a by-way open to all traffic, which links into the modern housing estate to the north of the site. The site is considered to be in a reasonably sustainable location, with access to public transport and local amenities, including 2 schools and a shop.

DETAILS OF PROPOSAL

As originally submitted, this application seeks **Outline** planning permission to establish the principle of redeveloping the site for a mix of uses comprising up to 36 residential units (including a provision of 9 Affordable Housing units), a care home of 64 beds, and an area of Public Open Space.

The plans submitted with the application are indicative only. Matters such as the appearance, landscaping, layout and scale of the site have all been reserved for subsequent approval. In addition to the principle of the development, the access arrangements via Havannah Lane are to be considered as part of this application.

The scale parameters that have been provided indicate that the care home will be a 2 storey building of ridge height of 8.4m with an overall width of 59m and depth of 52m. The indicative housing layout indicates a mix of 5 corner mews buildings of 3 storeys (10m in height) at focal points within the

development. The remainder of the houses have a maximum height of 8m to ridge level.

During the application phase **revised** plans were received which show the indicative layout to now comprise up to 35 dwelling houses (at a density of 35 units per hectare) and a 2 storey care home of 60 bed spaces, re-orientated to be located outside the designated SBI.

RELEVANT HISTORY

- 01/0908P Conditional permission granted for replacement warehouse, extension of storage compound and erection of additional warehouse. Not implemented
- 58100P October 1989 Outline permission refused for cessation of industrial use demolition of factory proposed residential development incorporating improvements to Havannah lane sewage treatment and other improvements.
- 79093P June 1995 Positive Certificate granted for the Lawful Existing Use for continued use of recycling of scrap plastics and plastics textile material. There are no conditions attached to this certificate which limit this use or the hours which the premises could operate.

POLICIES

Regional Spatial Strategy

- DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Make the Best Use of Existing Resources & Infrastructure)
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
DP7 (Promote Environmental Quality)
DP9 (Reduce Emissions and Adapt to Climate Change)
RT2 (Managing Travel Demand)
W3 (Supply of Employment Land)
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
EM2 (Remediating Contaminated Land)
EM5 (Integrated Water Management)
EM18 (Decentralised Energy Supply)
MCR3 (Southern Part of the Manchester City Region)
L2 – Understand Housing Markets
L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Local Plan Policy

NE9 (River Corridors)
NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
BE1 (Design Guidance)
GC1 (New Buildings)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
T2 (Transport)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC57 (Residential Institutions)
DC63 (Contaminated Land including Landfill Gas)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation, PPG13 Transport and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSIDERATIONS (External to Planning)

Children and Young People's Services - In both the Primary and Secondary sector there are sufficient surplus places for the 'in-catchment area' to meet the potential 'child yield' generated by the potential building scheme, both currently and anticipated by our pupil place forecasts up to 2013.

Archaeology Planning Advisory Service – The area of the proposed development includes the site of the now-demolished Windsor Mill, which occupied that part of the site where it is proposed to construct the care home. The mill, which dates from the late 1870s, last appears on aerial photographs dating from the 1970s. No objection is raised subject to standard condition concerning archaeology.

South East Cheshire Enterprise (SECE) - The poor location of the site via Havannah Lane is likely to mean that the site is undesirable to potential

commercial occupiers. They raise no objection to the loss of the existing factory use.

Cheshire Fire Safety Officer - No objection subject to compliance with the Building regulations

Public Rights of Way Unit - No objections subject to improvements to the By-law open to all Traffic (BOAT) and footpath network via a S106 agreement.

Environment Agency - The Environment Agency has considered the Flood Risk Assessment and ecological information submitted with the application and has no objections to the proposal subject to conditions.

Cheshire Wildlife Trust – Object to development within the SBI.

Environmental Health (Contaminated Land) - The Environmental Health Department advise that the area has a history of use as a mill and therefore the land may be contaminated. In addition, the proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present. No objection is raised, subject to a condition requiring a Phase II investigation, and a remediation scheme if necessary.

Environmental Health (Noise and Amenity) – No objection subject to standard conditions regarding hours of work and dust mitigation during construction.

Forestry Officer - Raises no objection subject to conditions.

Housing Strategy and Needs Manager - Fully supports the application, subject to the provision of 30% Affordable Housing being provided.

Landscape Officer - The Landscape Officer raises no objections.

Leisure Services - No objection in principle to the application, but advises that there will be a need for a LEAP facility with 5 pieces of smaller children's play equipment with on-going maintenance via a management agreement and a formal management plan for the open space. They also seek potential enhancements of the open space in the form of information boards.

Highways- No objection subject to conditions and satisfactory completion of Section 106 agreement for highways works and travel plan issues

Local Plans - The Local Plans team advise that the site is located in Countryside Beyond the Green Belt where only limited types of development are deemed appropriate in the Local Plan, and therefore they object, in principle, to the housing and care home use of the site.

Nature Conservation Officer No objection is raised by the Nature Conservation Officer to the revised scheme which is no longer sited within the

SBI. Advises that biodiversity enhancement will be required in accordance with PPS9.

VIEWS OF THE PARISH COUNCIL - Eaton Parish Council object to the proposal. They support the views expressed by local residents. The grounds for objection are:

- Scale of proposal
- Contrary to policy
- Existing flooding potential worsened
- Emergency vehicle access
- Application to rescind S52 Agreement on part of site should be considered in tandem
- Loss of amenity to existing residents
- Traffic generation

OTHER REPRESENTATIONS

A total of 25 letters of objection and 1 letter of support have been received to date.

Copies of all these comments are available on the Web-site but in précis, the objections can be summarised as;

- The site is within a designated area of 'Countryside Beyond the Green Belt'. The proposal is contrary to the Plan
- There will be an adverse impact upon biodiversity and wildlife
- Highway congestion and adverse safety implications due to the increased volume of traffic that would be utilising Havannah lane
- Difficult access for emergency vehicles
- Loss of the existing employment site
- Adverse impact upon the character and amenity of the existing terrace of cottages within Havannah lane
- Potential increases in flooding
- Excessive scale and density of development
- The Applicant has failed to adequately demonstrate that sufficient efforts have been made to market the site for employment uses
- Adverse impact upon the character of the village
- Overdevelopment
- Adverse impact upon the SBI
- Loss of a green field
- There is a current application which seeks to rescind a S52 Agreement in force on part of the site which ties the use of that portion of the site to the agricultural/industrial use of the dwelling known as 'The Old Mill'. The proposal should not be considered in isolation without considering the S52 Agreement.

The letter of support considers that the site has been vandalised and is an eyesore. The writer considers the proposal would benefit the area.

APPLICANT'S PRE-APPLICATION CONSULTATION

A statement of community engagement has been submitted. The publicity involved letters being sent to 115 local addresses, schools, Local Ward members and Parish Councillors. A public event was held at the Plough Inn on 26 February 2009. A web site was created specifically for the proposals as detailed in the circular letter sent out. The website was available from 20 February to 26 March 2009. Their publicity involved advertisements in the local press in both Macclesfield and Congleton. The exhibitions attracted over 50 attendees and 5 comment sheets were completed. Four further comments were received via the website and in the post.

The Applicant added a footpath link and sited the care home on the line of the demolished mill in response to comments received.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Supporting Planning Statement
- Design and Access Statement
- Statement of Community Involvement
- Ecological Assessment
- Flood Risk Assessment
- Transport Assessment
- Phase 1 Contamination Assessment
- Employment Land and Market Overview
- Marketing Report
- Commercial Viability report from Greenham Partnership (a Congleton based firm of chartered surveyors)

All of these documents are available in full on the planning file, and on the Council's website.

It is the applicant's essential case that the site will deliver housing development within 5 years, which will be deliverable in PPS3 terms, unlike other sites in the Macclesfield SHLAA (Strategic Housing Land Availability Assessment) which are counted in the SHLAA but have not received permission, e.g. the Hospital Blue Zone which has recently been refused permission (scheme resubmitted and reported elsewhere on this Agenda) and Redhouse Lane Disley which, upon completion of the S106 Agreement would result in a potential life of permission of 7 years. This is outside the 5 year required delivery period of the SHLAA. Given the shortfall of housing provision likely between sites in the SHLAA and the reality when these planning applications are considered, the Applicant considers that PPS3 has a presumption in favour of residential development.

Allied to this, the proximity to the established residential areas of Congleton adjacent, the accessibility of the site to 2 schools, the local shop and the employment area of Eaton Bank, the 3 bus routes within 400m, the provision of green transport measures and improvements to the BOAT which are proposed as part of the scheme, the re-use of Brownfield land, the utilisation of measures to address climate change within the development; will result in a very sustainable development.

The development will also provide 9 units of affordable housing and a care facility for elderly persons, for which there is a proven need given the aging population of the Borough.

The Applicant, as an important material consideration, given the juxtaposition of the site with Congleton; also considers that the former Boroughs' of Congleton and Macclesfield becoming part of Cheshire East, the proposal should be considered in terms of the needs of Cheshire East for additional residential and care home development.

Evidence in the form of marketing indicates that the site constraints make it an unattractive commercial proposition for industrial purposes, and in any event there is no control over such potential users, which could result in poor neighbour type uses.

Taken together, whilst the site is allocated as Countryside Beyond the Green Belt where proposals such as this would not normally be granted; the site's relationship with the built up area of Congleton, the environmental benefits of the redevelopment of the derelict brownfield site and enhancements proposed to the SBI and the redevelopment of a derelict, contaminated site are significant reasons why the proposal should be allowed, which could not readily be replicated elsewhere in the Borough.

OFFICER APPRAISAL

Section 38 of the Planning and Compensation Act 2004 requires a plan led approach to decision making in that planning applications should be determined in accordance with the development plan unless material considerations indicate otherwise.

In this case the development plan consists of the Regional Spatial Strategy for the North West, the Cheshire Replacement Waste Local Plan and the Macclesfield Borough Local Plan.

In this case it is considered that there are other material considerations which justify a departure from the Development Plan.

Principal of Development

Need for Additional Housing Land

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach.

The site lies within the Countryside Beyond the Green Belt in the Macclesfield Borough Local Plan (2004). Policies GC5, 6, 8, 9 and 10 are applicable. Policy GC5 states that development will not normally be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area. Policy GC6 gives further details of development that will be allowed and indicates that new dwellings are acceptable if they are required for a person engaged in full time in agriculture, but allows for small industries, commercial businesses and expansion of existing industrial or warehousing all subject to the provisions listed in that policy. These policies conform to national planning policy for development in the countryside – namely PPS7. Housing in the countryside should meet local needs as determined by local housing needs assessment while LDDs should specify where development should take place. PPS7 advises that the replacement of non-residential buildings with residential development in the countryside should be treated as new housing development in accordance with the policies in PPS3.

The scheme does not comply with the rural housing advice in PPS3 as it contains 30% affordable housing, when the advice in PPS3 states that such housing could be up to 100% rural exception housing. Consideration will need to be given if the benefits of the scheme meet the general PPS3 requirements and whether this outweighs the national guidance on rural housing and the Local Plan policies.

The strategic planning context has changed considerably since the adoption of the Local Plan in January 2004. Policy L4 of the Regional Spatial Strategy (adopted 2008) now forms part of the development plan and requires 400 net additional homes to be built per annum in the former Macclesfield District between 2003 and 2021. This is a large increase over the former Cheshire Structure Plan alteration, which required an average of 200 per year between 2006 and 2011, dropping to 100 per year between 2011 and 2016.

Housing provision in the Local Plan was addressed with regard to these lower figures. The Strategic Housing Land Availability Assessment (SHLAA) shows that sufficient sites could be found to meet the RSS requirement to 2021, although residential development on a number of these would involve a departure from the adopted Local Plan.

In Macclesfield Borough between September 2004 and May 2008, there was a restrictive housing policy in place to limit the amount of new housing within the Borough.

The Annual Monitoring Report for 2006-2007 advised that there was a net increase in the number of dwellings by 259, whilst the same report for 2007-2008 indicated that there was a net increase of 365 dwellings. This falls substantially short of the 400 dwellings required each year to meet the RSS targets.

The Strategic Housing Land Availability Assessment (SHLAA) was published in 2008, whilst the SHLAA is not policy and does not alter existing allocations, it does show that development on certain sites not currently allocated, or allocated for uses other than residential will be required to meet the overall RSS housing provision figure. The need for affordable housing provision in the Borough is also well documented. The application site was identified within the SHLAA as a potential housing site, likely to come forward in the next 5 years. The assessment indicated that the site could accommodate up to 60 dwellings (affordable).

The relative shortfall in housing completions within the Borough and the fact that the site is deliverable within the next 5 years, the geographical location of the site, together with the presumption in favour of development in PPS3 terms where a five year supply can not be demonstrated by the Local Planning Authority is considered to be a significant determining factor, which, on balance, justifies setting aside the allocation of this site as Countryside Beyond the Green Belt and allowing this housing proposal.

This issue, however, is considered to be a significant departure from the Development Plan of greater than local significance. On this basis, the application should be referred to Government Office for the North West.

Density of development & mix of house types

The indicative layout indicates that the site is to be developed at a density of 35 dwellings per hectare. The areas indicated for development are brownfield land, having previously been developed or the site of the existing factory and complex.

The area that comprises the footing of the former Windsor Mill is considered to retain a brownfield status given the extent of the underlying footings and the fact that an extensive 4 storey mill building existed here in the relatively recent past. On the face of it, this part of the site may have been greened over the years, but if one was to scratch away the surface, extensive areas of built form would still be evident.

A good mix of house types is indicatively proposed comprising:

- 5 No. 2 bed Terraced mews-houses

- 6 No. 3 bed Terraced mews-houses
- 16 No. Detached 4 bed houses
- 2 No. Detached 3 bed houses
- 6 No. end mews 2/3 storey corner house

In addition a 2 storey care home of 60 (as amended) bedrooms is proposed. Indicatively, this is in a horse-shoe shaped block to the southern portion of the site.

The mix and density of housing proposed (at circa 35 units per hectare) is considered to be in line with the requirements of Government policy to maximise density and is considered acceptable on this site.

Loss of employment use of the site

Government guidance in Planning Policy Statement 3: Housing (PPS3) promotes the effective and efficient use of previously developed land. In paragraph 44, it indicates that local planning authorities should consider whether sites allocated for industrial use could be re-allocated for housing.

However, Planning Policy Guidance 4: Industrial and Commercial Development and Small Firms (PPG4) is also clear that LPAs should ensure that sufficient land is available for business, readily capable of development and well-served by infrastructure. A choice and variety of employment sites, to meet different needs, will facilitate competition and stimulate economic activity. Similarly, RSS Policy W3 requires LPAs to ensure a supply of employment land; that the most appropriate range of sites is safeguarded for employment use; the sites can meet the full range of needs; and at least 30% are available at any one time.

This site is not specifically allocated for employment purposes, however, it is lawful in planning terms as an industrial site, having been last lawfully been used as a plastics recycling facility, and in this respect policy E1 applies.

Local Plan Policy E1 states that both new and existing employment areas will normally be retained for such purposes. The supporting text indicates that a number of rural employment sites are not shown on the proposals map and that a significant number of jobs have been or are provided at these sites. These sites are important part of the employment stock. It is also noted that when a rural employer ceases to trade the redevelopment of a site would be subject to the relevant rural policy framework.

Marketing reports and assessments of the site for employment use have been submitted with this application. The Applicant has also submitted evidence as to why potential occupiers failed to follow through with initial interest in the use of the site for commercial purposes. These issues include the proximity to residential and the poor access via Havannah Lane for HGV type vehicles.

The information makes reference to the significant constraints of the site and demonstrates the attempts that have been made by the Applicant to market the site. It is also submitted that the District Valuer considers that the site is beyond economic repair and has given the site a zero rating.

A significant issue relating to the application site relates to the viability of development for employment uses, given the major constraints including access and remediation. The site is in is currently in a poor condition visually following vandalism and theft of copper piping, having now been vacant since 2004.

In this instance, it is accepted that the site is functionally obsolete and is beyond economic repair. In addition, it is also accepted that the site is constrained due to the poor access via Havannah Lane, which means that potentially only poor neighbour type uses would find the site desirable, potentially to the detriment of adjacent residential living conditions.

In terms of employment land supply, recent monitoring suggests there is 25 years supply given recent take up rates for employment development in the Macclesfield area. However, this includes a significant proportion of land (around 42ha) which is constrained and is not currently available at South Macclesfield Development Area and Parkgate Industrial Estate. Excluding these sites would leave 11 years supply, with a mixture of sites including higher quality sites such as Tytherington Business Park and more traditional industrial estates such as Hurdsfield.

Given this, there is no objection in land use planning terms to the loss of the existing employment use, which in any event will be offset by employment generated by the care home use.

The Care Home development

This is proposed to be a purpose built 'close care' facility which will provide 24 hour care for elderly residents. One of the Borough's key housing strategies is 'To provide supported accommodation appropriate to the needs of the Borough's population'. This strategy aim is fully supported by this proposal which will provide purpose built accommodation for which there is a recognised need for elderly people.

Policy DC57 of the Local Plan sets out criteria for residential institutions. The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area. A concentration of specialist housing and care facilities should be avoided. Amenity of neighbouring property should not be harmed. A reasonable sized private garden with a pleasant aspect must be provided. Adequate parking and safe access should be provided. Policies BE1 and DC1 of the Local Plan seek to ensure a high quality of design in new development that is of appropriate scale and sympathetic to the site and its surroundings. Whilst no

elevational detail is sought at this stage, the care home is indicatively sited and orientated towards the open space to the south of the site. Given the close care nature of the proposal it is not considered necessary to provide private garden space in this case.

The Care home will provide employment for up to 60 people. The Green Travel Plan will be used to ensure that green transport initiatives are utilised to improve the accessibility of this site, including shuttle bus provision for residents of the care home, car sharing and inducements to encourage more sustainable travel choices. Overall, therefore whilst not strictly in a residential area, accessibility is reasonable to public transport and initiatives are proposed to be utilised to improve sustainable travel choices.

Highways

The Highways Engineer raises no objection to the proposal subject to improvements to Havannah Lane. Overall, the Highway Engineer accepts the fall back position of the likely potential traffic that could lawfully be generated by the existing industrial premises. This is would also be uncontrolled by any planning condition regarding hours of work.

A transport statement and a draft framework travel plan have been submitted with the application.

Paragraph 75 of PPG13 Transport states that walking is the most important mode of travel at the local level and the greatest potential to replace short car trips, particularly under 2km.

Whilst the site is not directly adjacent to the public transport network, it is an a reasonably sustainable location being located within 400m from the bus stops on Macclesfield Road and the 3 routes served via St Johns Road. Within 100m of a primary school and 1200m of a secondary school this is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

With respect to the care home element of the scheme, it is likely that a proportion of potential workers could be generated from within the local community within walking distance. It is also expected that the travel plan will incorporate green travel measures such as car sharing, encouraging staff to walk and cycle to work and a shuttle-bus for use by elderly residents to get to Congleton and beyond. All these measures are considered to be sustainability benefits which weigh in favour of the development.

Design

As part of any reserved matters application the layout will be required to address the issues contained in PPS1 which establishes the need to ensure high quality of design and layout of new developments to create sustainable development.

Site Planning Factors

Whilst submitted in indicative form only, the layout generally indicates that this scale of development can be accommodated on site. Some corner dwellings are indicated as being 3 storeys (10m ridge height), however the majority of dwellings are indicated to be 2 storey (8m ridge height). The care home would be 2 storey with 8.4m ridge height. Overall, in site planning terms, the indicated density of development is considered to be appropriate.

Ecology

The site adjoins the River Dane SBI and the indicative footprint of the development has been amended to remove development from within the SBI. The indicative siting of the care home element of the proposals has been amended to remove it from the SBI.

Subject to adequate mitigation and protection of SBI features the Ecologist raises no objections to the proposals.

Flood Risk

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. In support of the application, the Agent has advised that it will be the intention to incorporate Sustainable Urban Drainage into the scheme. The Dane in this area is known to flood and the Environment Agency has suggested conditions to mitigate. On this basis, it is considered that the proposal adequately addresses Flood Risk.

Renewable Energy

It is a requirement within RSS Policy EM17 for all development to incorporate on-site renewable energy technologies. As this application is in outline form with all matters reserved except for access, no details of renewable energy proposals have been submitted. Accordingly, it is necessary to impose a condition to require a renewable energy scheme to be submitted at the Reserved Matters stage, and subsequently implemented.

Climate Change

The North West Regional Assembly Sustainability checklist has been completed in support of this application. Within the checklist there are 7 climate change related questions. The proposals score 61% (very good) and in this regard it is noted that the proposal includes the reintroduction of garden areas where there currently is hardstanding, the introduction of rainwater harvesting to reduce the overall consumption of potable water, the use of smart metering systems.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The site has been identified in the Macclesfield Strategic Housing Land Availability Assessment as a potential housing site, likely to come forward in the next 5 years, and would assist in meeting the requirement for the additional housing requirement of 400 dwellings per annum, in addition to providing a care home to meet the needs of an aging population.

Although that SHLAA allocation is non binding and considered this site as a 100% rural exclusion housing site, there is a significant shortfall in housing numbers coming forward. The site is a brownfield site and its inclusion for up to 35 dwellings at a density of circa 35 units per hectare will assist in providing both local housing need and the housing need of Congleton, to which geographically this site has greater links.

The site comprises previously developed land in a sustainable location, with access to a range of local services and facilities nearby, including shop, a primary and secondary school, an existing employment area at Eaton Bank and good public transport links. Conditions can be imposed that would further improve sustainability.

The proposal would bring environmental improvements and the Highways engineer is satisfied that the proposals to upgrade Havannah Lane are appropriate. On the basis of the above information, a recommendation of approval is made:

SUBJECT TO

Referral to Government Office for the North West as a Departure from the Development Plan and the satisfactory completion of a S106 Legal Agreement comprising:

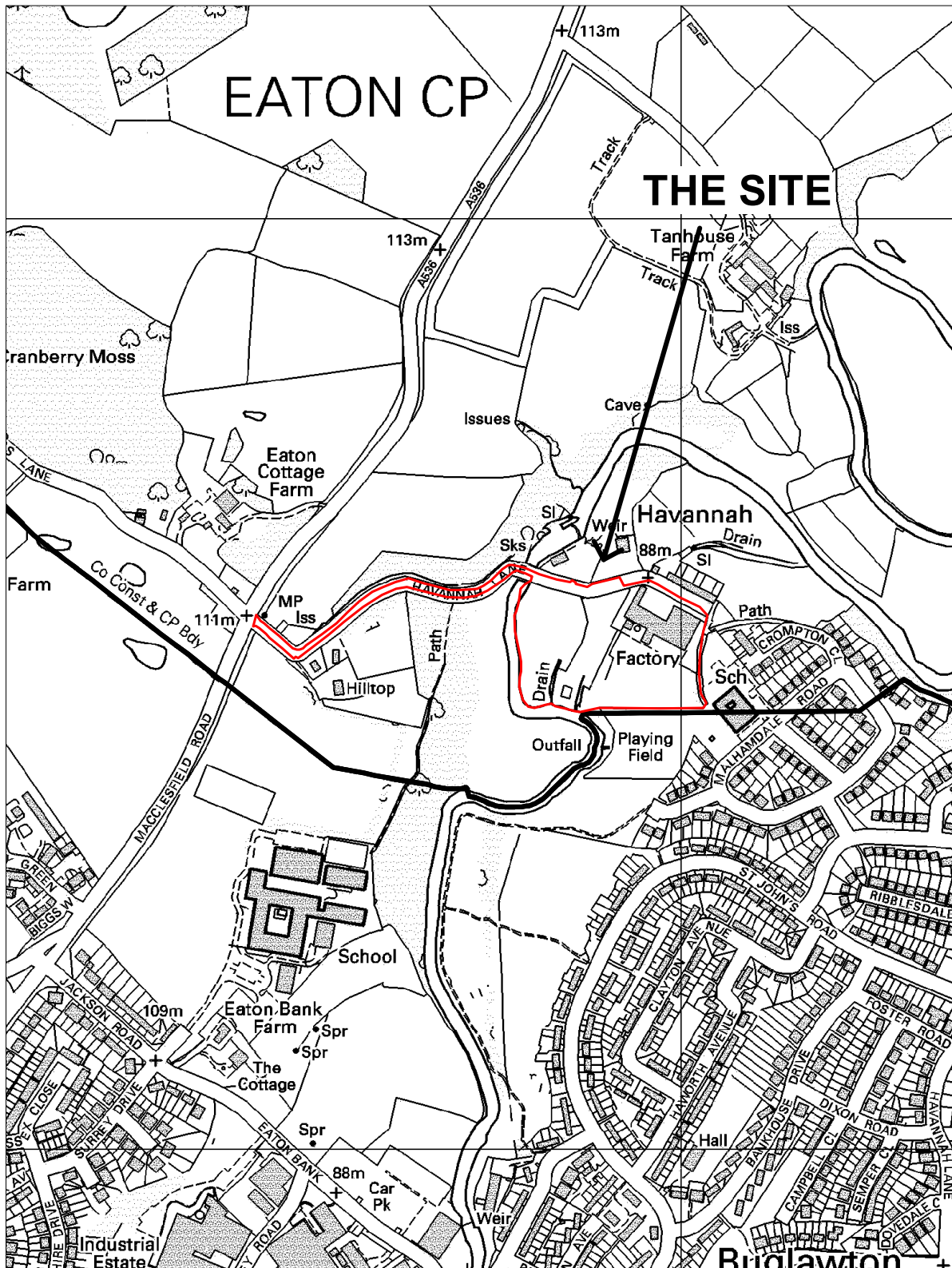
HEADS OF TERMS

- Provision of a minimum of 30% genuinely Affordable Housing
- On going management and Maintenance provision for the Public Open Space and provision of a LEAP facility to be maintained in perpetuity by the management company.
- Biodiversity improvements/ including enhancements to off site SBI
- Off site ecological enhancement works within adjoining SBI
- Provision of a Travel Plan and associated monitoring charges
- Highways Upgrades including upgrade to the BOAT, including BOAT linking Malhamdale Rd and New Street.
- Monitoring costs

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A01OP - Submission of reserved matters
2. A02OP - Implementation of reserved matters
3. A02TR - Tree protection
4. A03OP - Time limit for submission of reserved matters
5. A03TR - Construction specification / method statement
6. A04NC - Details of drainage
7. A04TR - Tree pruning / felling specification
8. A05HP - Provision of shower, changing, locker and drying facilities
9. A06OP - Commencement of development
10. A07TR - Service / drainage layout
11. A08OP - Ground levels to be submitted with reserved matters application
12. A09OP - Compliance with parameter plans
13. A12OP - Full details approved as part of outline consent
14. A14TR - Protection of existing hedges
15. A19MC - Refuse storage facilities to be approved
16. A22GR - Protection from noise during construction (hours of construction)
17. A23GR - Pile Driving
18. A32HA - Submission of construction method statement
19. SBI mitigation to be submitted
20. protective fencing to SBI
21. breeding birds
22. landscape and habitat management plan
23. bat mitigation/enhancement
24. woodland management plan
25. contaminated land
26. decentralised energy supply
27. underground services
28. Construction method statement
29. Sustainable Urban Drainage -scheme to be submitted
30. Archaeology
31. care home parking standard to be complied with
32. parking standards to be complied with
33. RM application to have all highways details
34. dust mitigation during construction



09/0807M - HAVANNAH MILL, HAVANNAH LANE, EATON, CONGLETON
N.G.R. - 386,850 - 364,590

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Application No: 09/1300M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: PROPOSED ERECTION OF :- A 3 STOREY 75 ONE BED CARE HOME;
A 3 STOREY BUILDING INCORPORATING A TOTAL OF 542 SQ M OF
RETAIL IN 3 GROUND FLOOR UNITS WITH 16 APARTMENTS (8 ONE
BED & 8 TWO BED) ON THE UPPER 2 FLOORS; A 3 STOREY OFFICE
BUILDING OF 3,599 SQ M; 15NO. 2.5 STOREY TOWNHOUSES IN 7
BLOCKS; ASSOCIATED CAR PARKING AREAS, ACCESS ROADS &
OPEN SPACE; ADDITIONAL HOSPITAL RELATED CAR PARKING AT
PROPOSED FIRST FLOOR DECK. (OUTLINE APPLICATION)

Applicant: KEYWORKER HOMES (MACCLESFIELD) LTD &, EAST CHESHIRE
NHS TRUST

Expiry Date: 01-Sep-2009

**Date report
Prepared:** 16 July 2009

SUMMARY RECOMMENDATION

Approve with conditions, subject to the views of outstanding consultees

MAIN ISSUES

- Five applications have been received for the redevelopment of the area at Macclesfield Hospital known as the Blue Zone – consideration needs to be given as to whether these applications are in accordance with the Development Brief for the site and whether the applicant has addressed the reasons for refusal which were attached to applications which were considered by Macclesfield Borough Council on 26.01.09.
- Whether the principle of housing, a care home, 3 retail units, an office building, car parking is acceptable for this outline scheme and if so, whether the scale proposed is appropriate;
- Whether the reserved matters for which approval is sought; namely the access, layout and scale is acceptable having regard to the impact on the character and appearance of the area, the Listed Buildings on the site and trees;
- Whether the proposed new access onto the Cumberland Street/Prestbury Road roundabout and parking facilities are adequate and acceptable;
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided;
- Whether there is any impact on flooding on the site or within the locality ;
- Whether the proposal has any adverse impact on the residential amenity of nearby residents;
- Whether there are any other material considerations
- Whether any permission granted should be accompanied by a Section 106 Agreement, and what these heads of Terms would comprise

REASON FOR REPORT

The application has been referred to the Strategic Planning Board as the proposal is for a large scale major development (the site area is 3.3 hectares, including the Clocktower building).

DESCRIPTION OF SITE AND CONTEXT

The site is bounded by Cumberland Street, the main road leading into Macclesfield town centre from the west, Prestbury Road and Victoria Road, which provides the main access to the hospital. The site is within 1km of the town centre. Adjoining land uses include the Macclesfield District General Hospital, the Regency Hospital, and West Park. The residential areas surrounding the hospital site include the 18th and 19th century Prestbury Road Conservation Area.

The site is located in an sustainable location in relation to the town centre, recreation facilities, community and health facilities and primary and secondary education establishments.

HISTORIC BACKGROUND

The site was developed between 1843 (on what was pasture land) to the late 20th century. The later additions (1960's onwards) are considered to have little architectural merit. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse. This moved the centre of gravity of the hospital away from the site, which has continued to house hospital functions until approximately 18 months ago.

The Clocktower building is a Grade II Listed Building. The curtilage of the listed building can be interpreted to be the original extent of the planned workhouse development, including early buildings, boundary walls, roads and landscape.

This application is an opportunity to regenerate the site by way of a sensitive refurbishment of the Clocktower building and Building 6, whilst combining this with new development within an attractive landscaped public realm. Trees should be retained wherever possible.

The East Cheshire Trust wish to follow Department of Health advice and achieve Foundation Trust status as soon as realistically possible. To achieve this goal the Trust has to demonstrate several attributes, one of which is to demonstrate sound financial management. With this in mind, the Trust decided 2-3 years ago to sell the land, which is known locally as the 'Blue Zone'. A Planning Brief was put forward, which was given recognition by Macclesfield Borough Council in November 2007. The Trust marketed the site during the Spring of 2008 and it became evident that the bids would not clear the debts which the hospital has accrued over time. The Trust has been working with Keyworker Homes since the summer of 2008, and held a public consultation event during the autumn and as joint applicants submitted 3 planning applications in early December 2008.

All 3 applications were refused by the former Macclesfield Borough Council on the following grounds: -

- The scale, density and layout would result in a cramped and intrusive form of development
- Direct loss of existing trees and threat to the continued well being of existing trees, which are the subject of the Macclesfield - West Park Hospital Site Tree Preservation Order 1996 and other trees worthy of protection

- The scale of retail development was considered to jeopardise the vitality and viability of nearby retail developments.
- The development would have resulted in the unjustified demolition of buildings of architectural and historic merit within the curtilage of a Grade 2 Listed Building, and would adversely affect the character, appearance and historic interest of this site and the setting of the Grade 2 Listed Building.
- The balance of uses conflicted with the aims of Macclesfield Borough Local Plan Policy C2.

In addition to this current application, four additional applications have been submitted. Two relate to the 'Clocktower' building and two relate to what is commonly known as 'Building 6'. Although the applications are separate submissions, the schemes are intrinsically interlinked. They are reported elsewhere on the Agenda. From the Trusts perspective they aim to realise a financial payment as soon as possible following the granting of planning consent and they have a contract with a care home provider, for that element of the scheme.

This outline application seeks permission for access, site layout and the scale of development with matters relating to detailed building design and landscaping reserved for subsequent approvals. It comprises of the following:

- care home
- offices
- retail / apartments
- town houses
- decked car park

DETAILS OF PROPOSAL

This proposal is for an outline application. A site layout plan has been submitted. Proposed floor plans and elevation drawings for each building has been submitted for illustrative purposes only at this stage.

Care Home

This would be a three-storey building incorporating 75 single bedrooms, all with en-suite facilities within a total internal floor area of 3,699m². The scheme would consist of 25 rooms on each floor with shared lounges, a dining room and bathroom on each floor. A reception, kitchen, hair salon and laundry would also be incorporated within the scheme. 18 parking spaces would be provided for this building. This building would be adjacent to Cumberland Road.

It is considered that this has adequately addressed the previous reasons for refusal of application 08/2634P, in that the care home has been re-sited, building 6 has been retained and the proposed sheltered housing block has now been removed from the development.

Retail and apartments

This would comprise a three-storey block containing, 4no. retail units on the ground floor, and 16 no. one and two bedroom apartments (8 two bed and 8 one bed) on the upper 2 floors.

The retail units would have floor areas of approximately 90m², 88m² and 364m² (totalling 542m² of retail). 13 parking spaces for the retail use and 16 spaces for the apartments would be provided. This block is an 'L'- shaped block. It incorporates approximately 6m of landscaping between the building and Cumberland Street.

The applicants suggest that the retail units would accommodate outlets which would be beneficial to the hospital, its occupants and visitors e.g. a pharmacy, florists and small convenience store. The main retail window elements would present themselves into the development, rather than onto Cumberland Street.

On the previous application (08/2634P), the retail/apartment block was four-storeys high, and incorporated 4no. retail units, with 36 apartments above.

Offices

This building would be a three-storey block located to the west of the Clocktower building. This building would benefit from parking provided in the proposed parking deck. A total gross floor area of 3,561m² is proposed with overall dedicated parking for 100 cars. The offices are intended to provide accommodation for the hospital, NHS staff and related health facilities and services.

On the previous application (08/2634P), the office block was four-storeys and had a floor area of 3,772m².

Townhouses

Six townhouses are proposed fronting onto Victoria Road in two blocks (one of 4no. dwellings and one of 2 no. dwellings). These dwellings would be set back approximately 5m from Victoria Road and the existing holly hedge on the road-side boundary would be retained. The dwellings would be two storey, with a third bedroom incorporated into the roof space. The dormers which were originally proposed as part of application 08/2634P have been removed from the proposals.

Nine additional houses are proposed between Building 6 and the northern wing of the Clocktower building. These dwellings would include a three-storey gable element and would have four bedrooms. The majority of these dwellings would overlook the open space area to the north of the site adjacent to where Victoria Road and Prestbury Road meet, and inwards into a courtyard area. 25 parking spaces would be provided for these dwellings. This design approach is quite different to that offered for consideration under application 08/2634P.

Car parking deck

The proposed car parking deck would be located to the west and southwest of the office block, over what is currently a surface level car park. This car park is accessed off Victoria Road and currently provides 119 spaces. The two-storey deck will provide around 220 spaces, 55 of which would form part of the dedicated spaces for the proposed office building. The remaining spaces (165) will provide an increase of 46 spaces over current hospital car parking provision.

Other matters

Clocktower

The Grade II Listed Clock Tower building would be converted into 36no. apartments available for rent. This proposal includes a coffee shop and gym and other ancillary accommodation and car parking. The Clocktower conversion is being considered elsewhere on this agenda under application 09/1296M. Some of the attached structures would be removed and these fall to be considered under the application for Listed Building Consent for the Clocktower 09/1295M.

Building 6

The proposal includes the retention of Building 6. This would involve the removal of the modern additions, which would be replaced by an extension. The use would fall within use class D1 and such uses within this class include: - clinic, health centre, crèche or gallery. The Listed Building Consent application for the alterations proposed to this building is application 09/1613M.

RELEVANT HISTORY

08/2634P - Erection of 3 storey 75 x 1 bed care home, age restricted 4 storey sheltered retirement block, with 58 apartments, with ancillary accommodation, 4 storey building including retail units & 36 apartments, 4 storey office building, 14 no three storey townhouses & associated car parking, access roads and open space; and additional hospital parking deck (Outline Planning) - Refused 09.02.09

08/2722P - Change of use to Grade II Listed Clocktower building to provide 44 keyworker apartments, coffee shop, gym, laundry & ancillary accommodation, car parking & associated works, proposed demolition of curtilage buildings (2,6 & 9) to enable mixed use (Listed Building Consent) – Refused 09.02.09

08/2621P - Change of use and alterations to Grade II Listed Clocktower building (including partial demolition) to provide 44 keyworker apartments, 182 sq m coffee shop, 167 sq m gym, 24 sq m laundry & other ancillary accommodation, associated car parking and external site works (Full Planning) – Refused 09.02.09

There have been numerous other applications relating to the hospital use of the site, none of which are directly relevant to this application.

The site on Prestbury Road was undeveloped pastureland, until it was purchased for the construction of the New Union Workhouse. Construction started in 1843 and the buildings were completed in 1845. In the period between 1843 and 1871 further buildings were added in a similar architectural style but these are outside the site. In 1929 the Macclesfield Union Workhouse came under control of the newly established Public Assistance Authority. It later became Macclesfield General Hospital, West Park Branch. During the mid-to-late 20th century new buildings and extensions were constructed. The earliest of these buildings, built in the 1960's and 70's, are typically one or two storey, framed, system buildings common for the period. Some are freestanding; others are connected to the historic building by enclosed corridors, or built as extensions to the earlier buildings. Whilst these more recent additions have served an important practical function in providing health services, they are not fit for

purpose for the future health service, and are not considered to have architectural or historic merit. They detract from the character and appearance of the historic buildings. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse and hospital buildings. This moved the centre of gravity of the hospital away from the site that, nevertheless, has continued to house hospital functions until now.

POLICIES

Regional Spatial Strategy

DP2, DP3, DP5, DP6, DP7, L2, L5, RT2, EM1, EM18

Local Plan Policy

NE2, BE1, BE2, BE3, BE15 - BE19, H1, H2, H8, RT7, T1, IMP1, IMP4, C2, DC1-DC6, DC8, DC17-DC18, DC20, DC35-DC39, DC40, DC63.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG15: Planning and the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG25: Development and Flood Risk

Circulars of most relevance include: **ODPM 06/2005 Biodiversity and Geological Conservation**; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

In addition, the Supplementary Planning Guidance documents relating to Section 106 Agreements and the 'Blue Zone Planning Brief' is of particular relevance.

CONSULTATIONS (External to Planning)

United Utilities : No objection to the proposal providing that if possible, the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. It will be necessary to provide pumps and storage for those buildings above two storeys' high to ensure an adequate supply of water.

Manchester Airport comment that the proposal does not conflict with any safeguarding criteria.

Ministry of Defence (Airport Safeguarding): No safeguarding objection to the proposal.

The Environment Agency : No objection to the development, subject to a condition being attached to any planning permission, which requires a preliminary risk assessment to be carried out, in order to prevent the pollution of controlled waters, which identifies: - all previous uses, potential contaminants associated with those uses, a conceptual model of the site indicating sources, pathways and receptors, potentially unacceptable risks arising from contamination at the site. This should be followed by a site investigation scheme, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site. This should be followed by an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

English Heritage comment that their specialist staff do not wish to offer any comments in relation to this application. It is recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Contamination Land Officer: No objection to the application. The site is currently a hospital and so there is the potential for contamination of the site and the wider environment to have occurred. The application includes new residential properties, which are a sensitive end use that could be affected by any contamination present. The report submitted in support of the planning application recommends that further site investigations be carried out. It is therefore suggested that a report is submitted which requires an assessment to be made of the actual/potential contamination risks on the site. If contaminants are found then a remediation statement will be required followed by a site Completion Report that details the conclusions and actions taken at each stage.

The application area has a history of use as a hospital, which may have included the use and storage/disposal of radioactive material, and therefore radioactive materials may affect the land. A radiological survey report will be required to assess the actual/potential radiological contamination risks at the site. This may be followed by a Radiological Remediation Statement, which if approved shall be carried out.

Environmental Health Officer: No objection to this application, however concerns are raised in relation to amenity caused by noise, in particular: -

- Noise generated during the demolition and construction phase of the development
- Noise from fixed plant and equipment on the site affecting surrounding future residents
- Impact of road traffic noise on the development
- Impact of noise from non-residential uses in close proximity to residential uses (retail development)
- Noise transmission between dwellings

It is acknowledged that in any development of this scale, there is potential for a deterioration in local air quality caused by road traffic, generated both as a result of the development and changes to traffic on patterns resulting in increased congestion phase of the development.

In addition, there is potential for dust generation during the demolition and construction phase of the development.

In order to mitigate these concerns and safeguard the amenity of existing and future occupants it is recommended that a condition requiring an Environmental Management Plan be submitted prior to the development commencing and its recommendations implemented during the construction phase. Conditions relating to the locations of fixed plant and equipment, to control deliveries and to control the hours of use of non-residential uses should be attached.

Comments are awaited from the Highways Authority, Cheshire Constabulary, Leisure Services, and the Housing Strategy and Development Officer. These will be provided in the form of an update report.

OTHER REPRESENTATIONS

One letter of objection has been received to date. A copy of the letter is available on the web site however, in précis, the objection is summarised as follows: -

- This application and applications 09/1296M and 09/1577M relate to the redevelopment of the hospital site which is presently zoned for health and related development uses. The mixed-use development proposed for this site is still not appropriate for the location.
- There is no justification for providing retail development at the site when you consider the proximity of Sainsburys, the town centre and the limited offer in place at the hospital already. The Council should be limiting any future development to promote the vitality of the town centre. Furthermore, the developer has failed to show an adequate need for the retail units other than for economic grounds to make the scheme 'stack-up.'
- The location, height and scale of the proposed houses are totally inappropriate for Victoria Road. They will have a significant adverse impact on the streetscape and on the setting and amenity of existing buildings in the vicinity. Despite the developer's proposal to retain the existing stonewall and hedge, the houses will have a detrimental impact on the privacy that the existing residents enjoy.
- The houses should be set further back within the development with the rear gardens facing the road.
- As the existing houses backing onto Victoria Road were constructed at the turn of the last century it will be impossible for the new proposed housing to remain in keeping with the style and format of the houses in situ.
- The council should not have permitted the developer to submit yet another outline planning application when it is quite evident that the scale of the proposed scheme would warrant a full application.

APPLICANT'S SUPPORTING INFORMATION

Various supporting information has been submitted to accompany the applications for the future development of this site. These include: -

- Planning Policy Statement
- Design and Access Statement

- Heritage Impact Statement
- Flood Risk and Surface Water Assessment
- Geo-Environmental Interpretative Report
- Building Surveys
- Asbestos Reports
- Transport Assessments
- Tree Surveys and Arboricultural Assessments
- Ecological Reports
- Air Quality Assessments
- Noise Quality Assessments

All of these documents are available in full on the planning file and Council's website.

In addition, there is a letter from the East Cheshire NHS Trust, which is available for inspection on the application file. This letter states that the East Cheshire NHS Trust has been working to remove its historic debt. A key element of the financial strategy remains the sale of the land. If this were not successful the Trust would need to find other ways of repaying the debt, which would have to be generated through additional efficiency savings with the Trust. The Trust has responded to comments made by Councillors and the public during the original submission which has led to changes to the plans. These changes have reduced the value of the land significantly, but the Trust remain confident that the scheme will deliver a sustainable development for the town and its residents. The reduced sale proceeds enable financial recovery for the Trust although further impositions such as Section 106 costs will further challenge that recovery. It is hoped that Cheshire East will see the benefit of the plans in terms of an asset to the community and also in terms of sustaining clinical services in Macclesfield for the public.

A letter has been submitted by Keyworker Homes (the developer), which explains that since the previous refusal, the applicants and their advisors have sought to address the areas of concern which were publicly expressed regarding the previous scheme. This has resulted in a scheme which will provide a viable solution to the re-use of the visually important buildings on site and create a development which generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

A copy of the exhibition boards from a 4-day public exhibition illustrate that significant changes have been made to the scheme. Further comments from the exhibition have informed the application, especially in relation to the position and form of housing on Victoria Road.

The scheme would see the retention and enhancement of the site's historic buildings of merit. The setting would be enhanced through the retention of more of the trees which would provide visual amenity and the addition of suitably designed buildings.

It is important to note that the scheme stands or falls as a whole and any further significant changes to any of the constituent elements may threaten the overall viability of the scheme.

A letter of support has been submitted from the Plus Dane Group, a registered Social Landlord. This confirms that there is a high demand for one and two bedroom affordable apartments within walking distance of Macclesfield's town centre. Dane are supportive of

Keyworker's proposals for the Clocktower building and should the planning application be approved, would be most willing to work in partnership with Keyworker Homes to undertake responsibility for the Affordable housing to be provided within the existing Clocktower building.

OFFICER APPRAISAL

Principle of Development

This is an outline scheme with the layout, scale of development and means of access provided. The mix of uses applied for: - care home, offices, retail, apartments, townhouses and a decked car park would contribute to the regeneration of the hospital complex. It is considered in principle that the nature of the development proposed, within the context of its surroundings would raise no strategic issues in planning terms. Improving the health of the area's population should be promoted as should enabling developments which allow for such improvements to be achieved.

The case put forward in support of the application by the NHS Trust is that by assisting the East Cheshire NHS Trust to achieve Foundation Status by reducing its debt, this development would bring wider community benefits. Although improving the health of the region's population by reducing present inequalities is referred to under RSS policy DP2, it is not to be considered of strategic importance when considering the merits of this application.

The Planning Brief for the Blue Zone (attached as a background paper) highlighted and recognised the unique opportunity at this site to regenerate the site by a combination of sensitive refurbishment and conversion of the listed buildings, and new development, combined with the recreation of an attractive landscaped public realm, and sensitive retention of trees and new tree planting, to create an attractive built and natural environment. The Brief (as compiled and submitted by the Trust) highlighted the key development guidelines, which should be followed, and constraints to the site. The Brief was a document prepared by a partnership of East Cheshire NHS Trust, Drivers Jonas, BDP, Faber Maunsell and WHR in conjunction with Macclesfield Borough Council..

The aim of the Brief was to provide information on the opportunities, acceptable land uses and general development principles to be taken into account by developers in bringing forward proposals for the part refurbishment and part redevelopment of the Blue Zone. It should be noted that although the document does not form Supplementary Planning Guidance, the Hospital did present the document to the Council as way of establishing the development criteria for the site. Some weight can therefore be attached to the document as a material consideration.

It stated that any new development should respect the setting of the listed building and character of the area, that important buildings of merit should be retained, an Arboricultural Impact Study and Landscape Strategy should be submitted with any application. The Brief stated that the Council would seek contributions towards Play and Amenity Open Space; Recreation/outdoor sports facilities, and affordable housing. Any affordable housing should be justified in accordance with the 2004 Macclesfield Housing Needs Survey. Housing was considered to be the most appropriate use for the site. Other uses that were considered within the Brief as being acceptable were a hotel (within the Clocktower building), and community uses.

Following meetings with the Hospital and developer (Keyworker Homes) over the last 10 months and through consideration of the previous applications (determined in January 2009), it has become clear that a flexible approach is required to achieve a development which does not adversely impact on buildings of merit, or result in the loss of significant trees.

During the course of the previous application(s) the Hospital Trust considered that the negative impact on the historic and natural environment should be weighed up in relation to the benefits of the scheme, which would essentially result in the reuse and refurbishment of the listed Clocktower building and an opportunity for the Hospital to gain Foundation Trust status. However, although maximising the value of the site is the motivation behind the project for the Trust, it would appear that the applicants and developer have concentrated far more effort on achieving a more sustainable, sensitive development, which follows the Brief for the site more closely.

Four major differences between the refused scheme and the current one are:

- 1) That the scale of the development has been reduced to 3 storeys
- 1) The reference to the Clocktower being for key workers has been deleted. The accommodation in the Clocktower is now proposed to be housing for affordable rent.
- 2) This scheme provides a greater emphasis on incorporating open space within the site for the individual uses.
- 3) The amount of retail floor area has been significantly reduced

The proposed layout respects the setting of the buildings of merit (i.e. the Clocktower and Building 6) and trees of high amenity value. It is considered that the scale and massing is more appropriate and that the impact on the street scene adjacent to Cumberland Street is now acceptable. The landscape officer is examining the issue of boundary treatment in more detail.

This application is considered to accord with the principles put forward in the Planning Brief for the Blue Zone.

The previously refused scheme, proposed approximately 700m² of retail floorspace, whereas the proposed scheme proposes 540m². It is considered that this is far more appropriate with the likely local need of the development and existing hospital, and that the viability and vitality of the town centre shops would not be under threat from the scale of development proposed. It is also considered that the level of shopping provision will not impact on the residential amenity of the surrounding properties.

It is concluded that in general, the uses proposed accord with those of the Planning Brief as the emphasis is clearly focused on residential development. The office accommodation would largely replace existing provision within the site and would be for hospital related uses, and as a result would accord with local policy C2.

Policy

The most relevant policies in the Local Plan relate to Built Environment Policies BE15 - BE18, Transport Policies, Housing Policies and Policy C2, the latter of which sets out the criteria for all proposals, which fall within the Hospital site. Where appropriate these criteria will be referred to under the subject headings in this report.

Similarly to application 08/2634P and following discussions with the Local Plans section, it is concluded that some of the proposals at the Blue Zone are contrary to the Local Plan policy C2. Under this policy, the site "is allocated for health purposes". Although it is not explicitly stated that development for alternative uses will not normally be permitted, the allocation is for health purposes and therefore other uses are not in accordance with the policy. This assertion is supported by paragraph 3.31 of the Blue Zone Planning Brief: "any development for land uses outside of this designation would represent a departure from the Statutory Development Plan and therefore needs to be fully justified".

It is considered that there is a need for affordable housing in Macclesfield, and therefore the proposed residential reuse of the Clocktower building is welcomed. A legal agreement would be required to ensure that this is secured appropriately.

Policies S2 and S7 relate to the retail element of the scheme.

Consideration needs to be given to policies relating to highway safety and transport (T1, T2 and DC6). Policies DC8 and DC9 are particularly relevant when considering landscape and tree issues. Housing policies H1, H2, H8 and H9 are also relevant, especially when relating to the provision of affordable housing.

Any residential development will need to adhere to Development Control policies particularly policy DC38, which outlines standards relating to space, light and privacy in new housing development. New developments should adhere to the LPA's set guidelines on space between buildings (Table 4) unless the design and layout of the scheme and its relationship to the site provide a commensurate degree of light and privacy between buildings.

LANDSCAPING AND TREE IMPLICATIONS

The existing site is characterised by its parkland setting. The Planning Brief put forward by the Trust for the Blue Zone highlighted the requirement for development proposals to be supported by a Landscape Strategy which would include surveys of the trees and provide a sound basis for the retention, removal any new planting as this would inform any new development within the site to ensure that the character of the parkland landscaping is retained. The overall landscape character and parkland setting of the site should be enhanced.

Although no formal Landscape Strategy has been submitted to accompany the application, a section within the Design and Access Statement does cover the landscape design principles, which would inform the landscaping proposals in detailed submissions, should approval be granted for this outline application. In general, it would appear that the level of open space within the site has increased over that previously proposed. In addition, it is understood that the Councils Landscape Officer is liaising with the developers' landscape consultant, with a view to drawing up a 'Masterplan' for the site, to ensure continuity of the design principles for the reserved matters applications should approval be granted. The interface between

Cumberland Street and the development would appear to have been improved, however, the boundary treatment is still being considered further. The retention of the holly hedge to Victoria Road (in front of the dwellings) is considered to be beneficial. Formal comments from the Landscape Officer will follow in due course.

Although no comments have yet been received from the Arboricultural Officer, it is understood that the Arboricultural Officer has had several meetings with the developer and the arboricultural consultant prior to the application being submitted, in an effort to resolve tree related issues. It is considered initially, that the submitted scheme seeks to retain more trees and that there is a greater emphasis on creating a stronger landscaped character from the outset. The plans indicate that the trees to the northeastern part of the site (adjacent to the Prestbury Road/Victoria Road junction) are to be retained, as to is the row of Limes which would be between Building 6 and the courtyard residential area. It is expected that the Arboricultural Officer will comment further on the relationship between the proposed courtyard housing block and the amenity of future occupiers of the dwellings. An Arboricultural Impact Assessment has been submitted which states the following:

- 15 trees with preservation orders will be retained
- 1 tree with a preservation order will be removed due to the proposal
- 2 trees and 1 group with preservation orders will be removed due to their condition
- 11 trees and 1 group of high amenity value (A/B category), but without preservation orders, will be retained
- 5 trees of high amenity value, but without preservation orders, will be removed due to the proposal
- 9 trees of low amenity value (c) and 1 group will be removed due to the proposal.
- New tree planting will aim not only to replace any losses at a ratio of 2 to 1, but will further extend tree cover throughout the site.

IMPACT ON LISTED BUILDINGS

Comments from the Conservation Officer were awaited at the time of report preparation. The Conservation Officer has had many discussions and site visits with the developer since the refusal of the applications in January 2009, in order to consider alternative options for Building 6 and to inform the design of the new office block, (in place of Building 2).

Consideration of development of the Clocktower building and Building 6 will be made under applications 09/1296M, 09/1295M, 09/1577M and 09/1613M elsewhere on the Agenda. These two buildings are recognised by all parties as being the most significant buildings on the site and these are largely to be retained.

As the buildings on the site remain largely complete, it is considered that the curtilage buildings, although not listed in their own right, are of particular interest and historic core value. They therefore constitute a legitimate and fundamental site constraint.

There have been many additions to the site since 1843, many have been added in more recent times, have no historic significance and are harmful to the character of the site. There is no objection to the removal of many of the buildings on site, however, there are three buildings, which require special mention.

The building known as Building 2 was constructed in 1843, and is the former hospital block at the back, behind the courtyard. This is a three-storey building and has a relatively austere appearance, however, it does have very strong historic character and encloses and gives form to the rear of the historic complex. Its interior is likely to be extremely plain and retention of this building was considered under application 08/2634P. However, a conversion scheme with two extensions (modern office pavilions) each side was discussed with the Developer, and subsequently discounted, as they would not have been viable due to the cost of the works. The Conservation Officer has reluctantly accepted that a replacement building is the only viable option for this part of the site.

One other building which is of significance is the 'Gawsworth' building (known also as Block 9). This building is not original. English Heritage do regard post-1870 workhouse buildings in a different light to their earlier counterparts and although it is a stone-built building of some merit, its retention would have a fairly critical impact on site planning and as a result the Conservation Officer has reluctantly conceded its loss.

Further comments will follow from the Conservation Officer in due course.

Cheshire Archaeology Planning Advisory Service notes that archaeological mitigation is not advised .

LAYOUT AND IMPACT ON THE CONSERVATION AREA AND NEIGHBOURING BUILDINGS/USES

The site is prominent from the surrounding road network and it is important that a sensitive design is achieved in street scene terms. The external design of buildings is a matter reserved for a detailed application, however, siting, mass and bulk is required to be considered as part of this application. The site is bound to the north by Victoria Road, Prestbury Road to the east and Cumberland Street to the southeast. Prestbury Road is the boundary to the Prestbury Road Conservation Area.

The Conservation Officer's formal comments will be presented in an update report, however, he has informally indicated that he considers that the relationship with the conservation area and general approach to scale and mass of development is a significant improvement on the previously refused scheme.

As with the previous scheme, it is important that the trees in the northeast quadrant are retained as they provide an important contribution to the character of the adjacent Conservation Area. There is no objection to the principle of the dwellings facing Victoria Road, which would be set back approximately 5m back from the pavement. The dwellings would be divided into two blocks, which follows the advice of officers made previously. It is noted that the designs put forward are indicative elevation plans, however, overall the design is considered to be an improvement over that submitted under the previous applications.

The mass and design of the proposed blocks facing Cumberland Street is considered to be acceptable. The scheme submitted previously, proposed four storey buildings with a hefty pitched roof. The three storey buildings now proposed incorporate well proportioned pitched roofs, which compliment the overall fabric of the town. This is considered to be a significant

improvement. The buildings also are subservient to the principal building on the site - the Clocktower building. Good quality materials will be required to ensure that the buildings are sympathetic and complimentary to the local area.

The proposal has been assessed in relation to both the existing buildings on the site, and the scheme for the Clocktower building (09/1296M and 09/ 1577M), which are found elsewhere on this agenda. In relation to the Clocktower scheme, the closest part of the proposed dwellings would remain at least 9m apart away from Clocktower buildings, which is considered sufficient in this instance (due to orientation and relationship) to comply with the critical space standard requirements with respect to the siting of windows. The proposal would therefore comply with Local Plan Policy DC38.

The impact on the dwellings on Victoria Road opposite the proposed new open-market housing is considered to be acceptable by virtue of the distance between the dwellings and their orientation. The distance between these dwellings is approximately 25+m.

It is considered that the relationship between the care home and adjacent buildings is acceptable in residential amenity terms.

The retail and apartment block and retirement apartments would each be three storeys. The Local Plan distances required by DC38 would require a space separation distance of 28m between these blocks and Millers Court on the opposite side of Cumberland Street. The distance between these buildings ranges from approximately 28m to 40m, which would fully comply with Local Plan Policy DC38.

The relationship between the proposed buildings and remaining hospital buildings has been considered and this aspect of the proposal is considered on balance, to be acceptable.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

The Nature Conservation Officer has commented on the ecological assessment submitted to accompany the application(s). Two species of bats have been recorded roosting within the Clocktower building at the hospital site. The ecological assessment states that as a precaution all the buildings on the hospital site should be treated as supporting bat roosts until evidence, as a result of further survey work, is shown to the contrary. Therefore, the buildings to be demolished in respect of this specific application must also be treated as bat roosts and although there is clearly a willingness to incorporate mitigation proposals for the adverse impact of the development upon bats, these details are required and must be submitted to and agreed prior to the determination of the application. Given the nature of the development proposed it is considered that on the basis of a worst case scenario, there would be sufficient scope to incorporate the necessary mitigation measures into the proposed buildings.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license once permission has been granted.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The applicants’ various statements submitted to accompany this application and the ‘Blue Zone Planning Brief’ provide a clear case for the requirements for developing the site. The benefits of the scheme have been well documented in terms of the provision of affordable housing, a care home, and the sustainable re-use of buildings on the site will guarantee the future protection of the Listed Building on the site. Given the constraints on the site, it would appear that there is no alternative way of establishing a care home, office and housing accommodation on the site without having an impact on the bats. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

As the proposal is contributing to the provision of affordable housing and the specialist housing / a care need for the Borough’s ageing population it would also be reasonable to conclude that the proposal is helping to address an important social need. In addition, it is important that the development generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

Mitigation

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. Willingness to provide a comprehensive mitigation scheme has been provided within the applicant’s ecological survey, which essentially would incorporate replacement roosts within the application site to improve the bat habitat in this area. The Council’s Nature Conservation Officer is satisfied that there is an opportunity to provide the mitigation on the site subject to appropriate conditions.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met.

Bats and Trees

The bat survey submitted in respect of the Clocktower application contains a reference to undertaking a survey of mature trees on the site. However, no results for the bat survey of the trees has been provided. Clarification has been sought as to whether any trees will be lost to this part of the development and if so whether a bat survey has been undertaken of them.

Breeding Birds

No specific survey for breeding birds has been undertaken of the hospital site, however it appears likely that breeding birds will be present, associated with both the buildings and any landscaped areas. Conditions are required to ensure that the works associated with the development are carried out sensitively during the nesting season.

Landscaping

In accordance with PPS9 developments must now aim to achieve an overall gain for nature conservation. Opportunities in respect of the hospital site are perhaps limited, however the use of appropriate native species as part of the landscaping scheme and the incorporation of features for breeding birds as required by the above condition would make a contribution towards meeting this objective.

In summary, as the buildings on the site, other than the Clocktower, are not confirmed as supporting bat roosts and are only assumed to be so, it has been recommended that a further survey is undertaken (during early July) to allow the status of bats within all of the buildings to be more accurately assessed and allow protected species interests and mitigation to be more fully considered during the determination of the application. This will be reported within an update report.

HIGHWAY AND TRANSPORT IMPLICATIONS

Comments from the Highway Engineer in relation to the outline proposal are awaited. The main vehicular access serving the majority of the outline mixed use development is to be from a new access road from Prestbury Road/Cumberland Street roundabout to the east, with a secondary access from the existing hospital estate road. The layout of the access has not changed since the previous application, and it is noted that the Highways Engineer previously raised no objections to the access. It is thought that the Highways Engineer will comment on the internal configuration of the development, relationship between the existing Travel Plan of the Hospital to ensure that the proposed Travel Plan is effective, and parking allocation.

FLOOD RISK

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. The Environment Agency requires a preliminary risk assessment to be carried out and investigation scheme, to be followed by an options appraisal and remediation strategy. On this basis the Environment Agency raises no objections and it is considered that the proposal adequately addresses Flood Risk.

OTHER MATERIAL PLANNING CONSIDERATIONS

The Council's current housing advice is based on PPG3, which lists the following criteria: -

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives *(does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration)*
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people *(does the application meet the housing needs of the area and/or provide affordable housing)*
3. The suitability of a site for housing, including its environmental sustainability *(is the site in a suitable and sustainable location, is it previously developed land, what constraints exist)*
4. Using land effectively and efficiently *(is the density at least 30 dwellings per hectare)*
5. Achieving high quality housing *(is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity)*

The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

Paragraphs 5.27 and 5.2.8 of the Agents Planning Statement refer to the provision of Specialist Housing, and the intention for the Plus Dane Housing group to undertake the responsibility for the provision and management of the affordable housing in partnership with the applicants. It should be noted the Outline application, which essentially includes 15 dwellings and 16 apartments, does not include any affordable provision. The applicants however, suggest that the 36 apartments to be provided in the Clocktower (under application 09/1296M) more than compensate for this, and when taken as a whole, the proposed provision of 36 affordable units amounts to 116%, which is much greater than the 25% provision which is afforded under the Council's Local Plan policy H8 and PPS3.

At the time of report preparation comments are awaited from the Housing Strategy and Development Officer, however, it is anticipated that the officer will comment on the number of units, the size of the units, the buildings layout and that a recommendation will be made that the applicants enter into a Section 106 Agreement to secure the proposals.

OTHER RELEVANT INFORMATION

Members of the committee visited the site on 21st July 2009.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that this application represents a considerable improvement over the previously refused scheme. The proposal integrates more positively with the historic setting of the site and it is thought (subject to comments from the Arboricultural Officer) that the impact of the development on trees has significantly improved also. The scale, density and layout are considered to be far more sympathetic to the local environment and streetscape. The scale of retail development now proposed is not thought to cause conflict with the vitality and viability of nearby retail developments. It is considered that the applicant has addressed the reasons for refusal of application 08/2634P and has presented a proposal which reflects the Planning Brief for the Blue Zone more closely.

Given the nature of the development proposed and the loss of buildings within the curtilage of a Listed Building, it is important to ensure that the works are carried out to the Clocktower building and Building 6 before works on the residential elements and office block are commenced. However, it will be necessary for the access road (from this outline proposal) to be in place prior to the first occupation of the Clocktower building. It is therefore considered that a condition should be attached which requires a phasing and management plan to be submitted prior to works commencing on site.

The comments from the neighbour are noted, however it is considered that the nature of the objections have been covered in the report above. The applicants have made substantial changes to the scheme following public consultation and have every right to submit an outline proposal.

SUBJECT TO

Comments are awaited from the Housing Strategy and Development Officer regarding the provision of affordable housing and Leisure Services Officer in relation to contributions towards open space and detailed comments are awaited from the Conservation Officer, Landscape Officer, Arboricultural Officer, Cheshire Constabulary and Highways Engineer. It is however, anticipated that the proposal will necessitate the satisfactory completion of a S106 Legal Agreement comprising:

HEADS OF TERMS

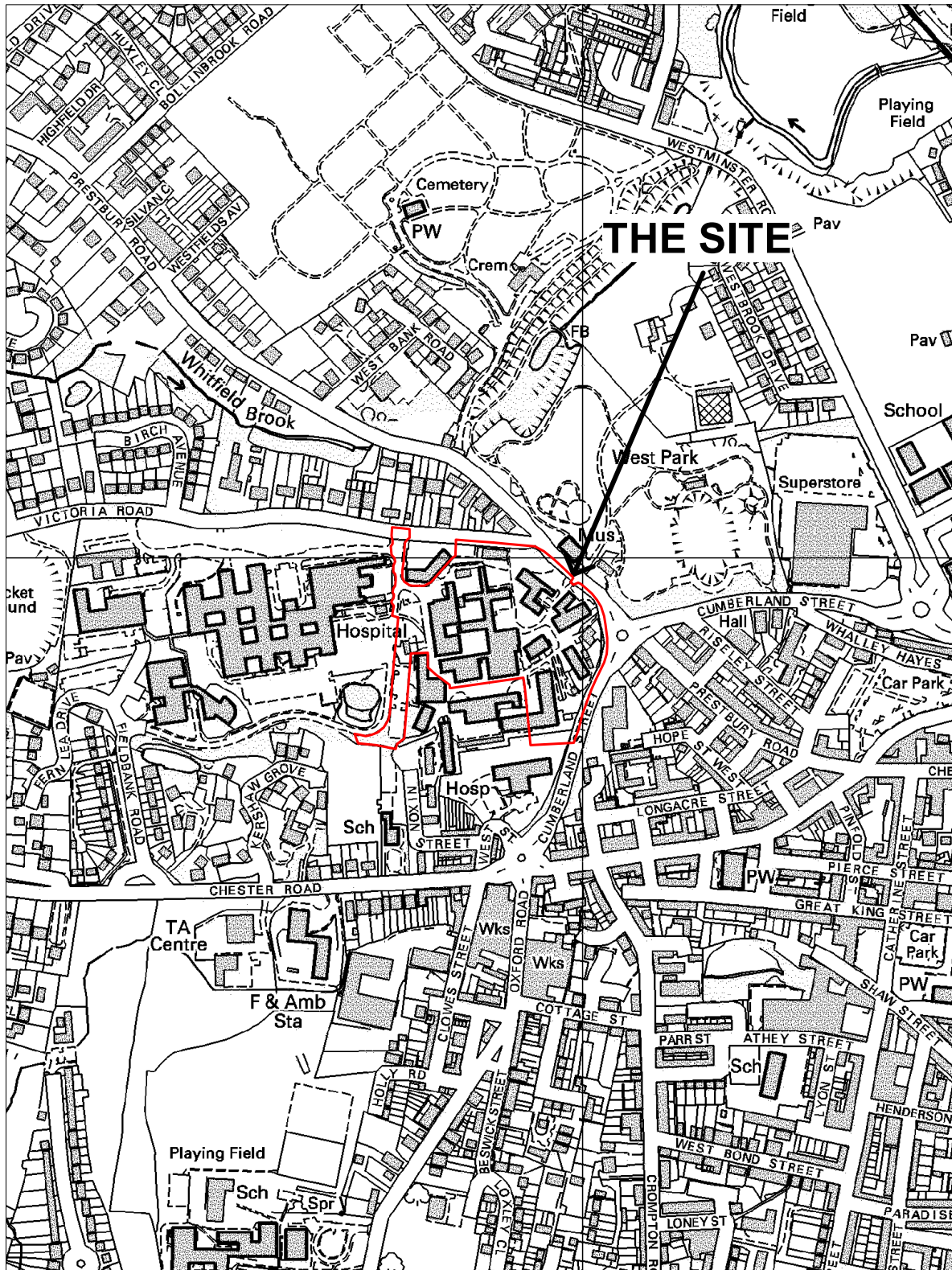
- Commuted sum payments in respect of amenity and playspace
- Provision of a Travel Plan and associated monitoring charges
- Highways matters including travel plan modifications/monitoring
- Monitoring costs

Application for Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A01OP - Submission of reserved matters

3. A05EX - Details of materials to be submitted
4. A06OP - Commencement of development
5. A08MC - Lighting details to be approved
6. A08OP - Ground levels to be submitted with reserved matters application
7. A09LS - Landscaping submitted with application for reserved matters
8. A19MC - Refuse storage facilities to be approved
9. A22GR - Protection from noise during construction (hours of construction)
10. A23GR - Pile Driving
11. A landscape management plan is required
12. A landscape management plan (for an appropriate period) including long-term design objectives, management responsibilities and maintenance schedules
13. Phasing plan for the implementation of landscape works (including opportunities for advance planting)
14. Highways conditions
15. Requirement for a Phasing/Management Plan to be submitted
16. Incorporation of features into the scheme suitable for use by breeding birds
17. Survey required to check for nesting birds between 1st March and 31st August
18. Tree conditions
19. Environment Agency requirements
20. Contaminated land
21. Environment Management Plan required
22. No burning of waste
23. Acoustic impact assessment to be submitted
24. Hours of deliveries
25. Hours of operation



09/1300M - MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD
N.G.R. - 390,920 - 373,940

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Application No: 09/1296M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED
CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT
APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND
ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND
EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS
(BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE
DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND
WHICH IS THE SUBJECT OF A SEPARATE OUTLINE PLANNING
APPLICATION. (FULL PLANNING)

Applicant: KEYWORKER HOMES (MACCLESFIELD) LTD &, EAST CHESHIRE
NHS TRUST

Expiry Date: 03-Aug-2009

Type: Full Planning

Date Report Prepared: 16 July 2009

SUMMARY RECOMMENDATION

Approve with conditions, subject to the views of outstanding consultees.

MAIN ISSUES

- Five applications have been received for the redevelopment of the area at Macclesfield Hospital known as the Blue Zone – consideration needs to be given as to whether these applications are in accordance with the Development Brief for the site and whether the applicant has addressed the reasons for refusal which were attached to applications which were considered by Macclesfield Borough Council on 26.01.09.
- Whether the principle of housing is acceptable for this full planning application and if so, whether the number and type of accommodation proposed is appropriate
- Whether the proposed scheme has an acceptable impact on the Listed Building
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether there is any impact on flooding on the site or within the locality
- Whether the proposal has any adverse impact on the residential amenity of nearby residents
- Whether there are any other material considerations
- Whether any permission granted should be accompanied by a Section 106 Agreement, and what these Heads of Terms would comprise

REASON FOR REPORT

The application has been referred to the Strategic Planning Board as the proposal is for a small scale major development (the site area is 3.3 hectares, including the Clocktower building).

DESCRIPTION OF SITE AND CONTEXT

The site is bounded by Cumberland Street, the main road leading into Macclesfield town centre from the west, Prestbury Road and Victoria Road, which provides the main access to the hospital. The site is within 1km of the town centre. Adjoining land uses include the Macclesfield District General Hospital, the Regency Hospital, and West Park. The residential

areas surrounding the hospital site include the 18th and 19th century Prestbury Road Conservation Area.

The site is located in an sustainable location in relation to the town centre, recreation facilities, community and health facilities and primary and secondary education establishments.

HISTORIC BACKGROUND

The site was developed between 1843 (on what was pasture land) to the late 20th century. The later additions (1960's onwards) are considered to have little architectural merit. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse. This moved the centre of gravity of the hospital away from the site, which has continued to house hospital functions until approximately 18 months ago.

The Clocktower building is a Grade II Listed Building. The curtilage of the listed building can be interpreted to be the original extent of the planned workhouse development, including early buildings, boundary walls, roads and landscape.

This application is an opportunity to regenerate the site by way of a sensitive refurbishment of the Clocktower building.

The East Cheshire Trust wish to follow Department of Health advice and achieve Foundation Trust status as soon as realistically possible. To achieve this goal the Trust has to demonstrate several attributes, one of which is to demonstrate sound financial management. With this in mind, the Trust decided 2-3 years ago to sell the land, which is known locally as the 'Blue Zone'. A Planning Brief was put forward, which was given recognition by Macclesfield Borough Council in November 2007. The Trust marketed the site during the Spring of 2008 and it became evident that the bids would not clear the debts which the hospital has accrued over time. The Trust has been working with Keyworker Homes since the summer of 2008, and held a public consultation event during the autumn and as joint applicants submitted 3 planning applications in early December 2008. The application for the conversion of the Clocktower (08/2621P) was refused by the former Macclesfield Borough Council on the following grounds: -

- In isolation, the use proposed would introduce an incompatible use within the existing hospital site, to the detriment of its proper operation and resultant harm caused to residential amenity.
- To develop the proposed building in isolation to the remainder of the site would jeopardise the comprehensive redevelopment of the site to the detriment of the planning of the area, contrary to the terms of the Blue Zone Planning Brief
- Development of the proposed building in isolation from the rest of the site would create incompatible development with inadequate servicing, amenity areas and relationships to existing buildings contrary to the provisions of policies BE1, H2, DC1, DC6

In addition to this current application, a total of five applications have been submitted for this site. Two relate to the 'Clocktower' building and two relate to what is commonly known as 'Building 6', and one relates to the comprehensive redevelopment of the site (an outline

scheme). Although the applications are separate submissions, the schemes are all interlinked. They are reported elsewhere on this agenda. From the Trusts perspective they aim to realise a financial payment as soon as possible following the granting of planning consent.

The main component of this application is the change of use of the Grade II Listed Clock Tower to 36 apartments available for affordable rent.

The main issue to consider in planning terms what impact this will have on the Listed Building and surrounding area. The proposal also includes a coffee shop and gym and car parking. Some of the attached structures would be removed and these fall to be considered under the application for Listed Building Consent (09/1295M).

DETAILS OF PROPOSAL

This proposal is for full planning permission. Detailed floor plans and elevations have been submitted accompanied by details of the formal landscaped garden areas.

RELEVANT HISTORY

08/2634P - Erection of 3 storey 75 x 1 bed care home, age restricted 4 storey sheltered retirement block, with 58 apartments, with ancillary accommodation, 4 storey building including retail units & 36 apartments, 4 storey office building, 14 no three storey townhouses & associated car parking, access roads and open space; and additional hospital parking deck (Outline Planning) - Refused 09.02.09

08/2722P - Change of use to Grade II Listed Clocktower building to provide 44 keyworker apartments, coffee shop, gym, laundry & ancillary accommodation, car parking & associated works, proposed demolition of curtilage buildings (2,6 & 9) to enable mixed use (Listed Building Consent) – Refused 09.02.09

08/2621P - Change of use and alterations to Grade II Listed Clocktower building (including partial demolition) to provide 44 keyworker apartments, 182 sq m coffee shop, 167 sq m gym, 24 sq m laundry & other ancillary accommodation, associated car parking and external site works (Full Planning) – Refused 09.02.09

There have been numerous other applications relating to the hospital use of the site, none of which are directly relevant to this application.

The site on Prestbury Road was undeveloped pastureland, until it was purchased for the construction of the New Union Workhouse. Construction started in 1843 and the buildings were completed in 1845. In the period between 1843 and 1871 further buildings were added in a similar architectural style but these are outside the site. In 1929 the Macclesfield Union Workhouse came under control of the newly established Public Assistance Authority. It later became Macclesfield General Hospital, West Park Branch. During the mid-to-late 20th century new buildings and extensions were constructed. The earliest of these buildings, built in the 1960's and 70's, are typically one or two storey, framed, system buildings common for the period. Some are freestanding; others are connected to the historic building by enclosed corridors, or built as extensions to the earlier buildings. Whilst these more recent additions

have served an important practical function in providing health services, they are not fit for purpose for the future health service, and are not considered to have architectural or historic merit. They detract from the character and appearance of the historic buildings. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse and hospital buildings. This moved the centre of gravity of the hospital away from the site that, nevertheless, has continued to house hospital functions until now.

POLICIES

Regional Spatial Strategy

DP2, DP3, DP5, DP6, DP7, L2, L5, RT2, EM1, EM18

Local Plan Policy

NE2, BE1, BE2, BE3, BE15 - BE19, H1, H2, H8, RT7, T1, IMP1, IMP4, C2, DC1-DC6, DC8, DC17-DC18, DC20, DC35-DC39, DC40, DC63.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPG15: Planning and the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG25: Development and Flood Risk

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

In addition, the Supplementary Planning Guidance documents relating to Section 106 Agreements and the 'Blue Zone Planning Brief' is of particular relevance.

CONSULTATIONS (External to Planning)

United Utilities : No objection to the proposal providing that if possible, the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. It will be necessary to provide pumps and storage for those buildings above two storeys' high to ensure an adequate supply of water.

Manchester Airport comment that the proposal does not conflict with any safeguarding criteria.

Ministry of Defence (Airport Safeguarding): No safeguarding objection to the proposal.

English Heritage comment that their specialist staff do not wish to offer any comments in relation to this application. It is recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Contamination Land Officer: No objection to the application. The site is currently a hospital and so there is the potential for contamination of the site and the wider environment to have occurred. The application includes new residential properties, which are a sensitive end use that could be affected by any contamination present. The report submitted in support of the planning application recommends that further site investigations be carried out. It is therefore suggested that a report is submitted which requires an assessment to be made of the actual/potential contamination risks on the site. If contaminants are found then a remediation statement will be required followed by a site Completion Report that details the conclusions and actions taken at each stage.

The application area has a history of use as a hospital, which may have included the use and storage/disposal of radioactive material, and therefore radioactive materials may affect the land. A radiological survey report will be required to assess the actual/potential radiological contamination risks at the site. This may be followed by a Radiological Remediation Statement, which if approved shall be carried out.

Environmental Health Officer: No objection to this application, however concerns are raised in relation to amenity caused by noise, in particular: -

- Noise generated during the demolition and construction phase of the development
- Noise from fixed plant and equipment on the site affecting surrounding future residents
- Impact of road traffic noise on the development
- Impact of noise from non-residential uses in close proximity to residential uses (retail development)
- Noise transmission between dwellings

It is acknowledged that in any development of this scale, there is potential for a deterioration in local air quality caused by road traffic, generated both as a result of the development and changes to traffic on patterns resulting in increased congestion phase of the development.

In addition, there is potential for dust generation during the demolition and construction phase of the development.

In order to mitigate these concerns and safeguard the amenity of existing and future occupants it is recommended that a condition requiring an Environmental Management Plan be submitted prior to the development commencing and its recommendations implemented during the construction phase. Conditions relating to the locations of fixed plant and equipment, to control deliveries and to control the hours of use of non-residential uses should be attached.

The **Highways Engineer** raises no objections subject to a number of issues being resolved prior to permission being granted. These are summarised as follows: -

1. Concern is expressed towards how the Clocktower development is linked to the outline application (09/1300M) and how this proposal appears dependent on the success of the outline application to be satisfactorily implementable.
2. A full phasing management strategy for the parking locations will be required to ensure there will not be a loss of parking on the site.
3. The access road for this application appears to link with that proposed under application 09/1300M. Safeguarding measures will need to be put in place to prevent the site from becoming a thru route.

Comments are awaited from the Environment Agency, Cheshire Constabulary, Leisure Services, and the Housing Strategy and Development Officer. These will be provided in the form of an update report.

OTHER REPRESENTATIONS

No letters have been received at the time of report preparation relating to the Clocktower proposal.

APPLICANT'S SUPPORTING INFORMATION

Various supporting information has been submitted to accompany the applications for the future development of this site. These include: -

- Planning Policy Statement
- Design and Access Statement
- Heritage Impact Statement
- Flood Risk and Surface Water Assessment
- Geo-Environmental Interpretative Report
- Building Surveys
- Asbestos Reports
- Transport Assessments
- Tree Surveys and Arboricultural Assessments
- Ecological Reports
- Air Quality Assessments
- Noise Quality Assessments

All of these documents are available in full on the planning file and Council's website.

In addition, there is a letter from the East Cheshire NHS Trust, which is available for inspection on the application file. This letter states that the East Cheshire NHS Trust has been working to remove its historic debt. A key element of the financial strategy remains the sale of the land. If this were not successful the Trust would need to find other ways of repaying the debt, which would have to be generated through additional efficiency savings with the Trust. The Trust has responded to comments made by Councillors and the public during the original submission which has led to changes to the plans. These changes have reduced the value of the land significantly, but the Trust remain confident that the scheme will deliver a sustainable development for the town and its residents. The reduced sale proceeds enable financial recovery for the Trust although further impositions such as Section 106 costs

will further challenge that recovery. It is hoped that Cheshire East will see the benefit of the plans in terms of an asset to the community and also in terms of sustaining clinical services in Macclesfield for the Public.

A letter has been submitted by Keyworker Homes (the developer) which explains that since the previous refusal, the applicants and their advisors have sought to address the areas of concern which were publicly expressed regarding the previous scheme. This has resulted in a scheme which will provide a viable solution to the re-use of the visually important buildings on site and create a development which generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

A copy of the exhibition boards from a 4-day public exhibition illustrate the significant changes to the scheme. Further comments from the exhibition have informed the application, especially in relation to the position and form of housing on Victoria Road (addressed within the outline application).

It is important to note that the scheme stands or falls as a whole and any further significant changes to any of the constituent elements may threaten the overall viability of the scheme.

A letter of support has been submitted from the Plus Dane Group, a registered social landlord. This confirms that there is a high demand for one and two bedroom affordable apartments within walking distance of Macclesfield' town centre. Dane are supportive of Keyworker's proposals for the Clocktower building and should the planning application be approved, would be most willing to work in partnership with Keyworker Homes to undertake responsibility for the Affordable for Rent housing to be provided within the existing Clocktower building.

OFFICER APPRAISAL

Principle of Development

This is a full planning application for the conversion of the Clocktower building to 36 affordable apartments available for rent. It is considered in principle that the nature of the development proposed, within the context of its surroundings would raise no strategic issues in planning terms.

The main principles of the development are considered under the heading 'Principle of Development' under application 09/1300M, reported elsewhere on this agenda.

It should be noted that although the proposals are put forward as a suite of applications, which are wholly related and inter-dependent, however, each application needs to be assessed on its planning merits on an individual basis.

Policy

The most relevant policies in the Local Plan relate to Built Environment Policies (BE18), Transport Policies, Housing Policies and Policy C2, the latter of which sets out the criteria for all proposals that fall within the Hospital site. Where appropriate these criteria will be referred to under the subject headings in this report. Policy C2 states that the site is "allocated for

health purposes and planning permission will normally be granted for health and related developments". Any development for land uses outside of this designation would need to be fully justified. It is considered that the use proposed within the Clocktower building to provide 36 affordable units would be acceptable. A legal agreement would be required to ensure that this is the case.

Any residential development will need to adhere to Development Control policies. Policy DC38, which outlines standards relating to space, light and privacy in new housing development, is particularly relevant. New developments should adhere to the LPA's guidelines on space between buildings unless the design and layout of the scheme and its relationship to the site provide a commensurate degree of light and privacy between buildings.

DESIGN

The Clock Tower building comprises three storeys and consists of a central spine with two cross wings. The former chapel wing to the west would accommodate a gym on the ground floor with a café on the first floor. The building would comprise 36 no. one bedroom and two bedoomed apartments. Residents, other hospital staff, other occupiers of the overall site and visitors would use the gym and coffee shop. The previous scheme for the conversion of the Clocktower (08/2621P) was for 44 apartments, which would have been restricted to hospital and health related staff only. It is not considered that the external alterations have changed significantly since the previously refused scheme, however, the internal layout has inevitably changed.

Under these proposals, the Clock Tower building would be re-established as the landmark building and, given its historical background, it should be the primary focus of the site. The proposal will achieve the restoration of the building by way of a sympathetic subdivision and retention of its features. The unsightly extensions should also be removed which, in association with an appropriate landscape, should improve its setting significantly. The use is considered to be sustainable and should secure its long-term retention.

Comments from the Conservation Officer are awaited however, it is considered that the scheme and the re-use of the Clocktower building is welcomed. It is an imposing building of 1843-5 by Scott and Moffatt. Whilst many workhouses were built by the Victorians, this is a particularly early example and one of the first not to be built in an austere classical design. The Clocktower is considered to have strong architectural features and is relatively original in form.

No objections were made to the overall design of the Clocktower for application 08/2621P and therefore, no objections are expected to be raised in listed building conservation terms in relation to this proposal.

The proposals clearly respect the traditional features of the building. There were some issues regarding fenestration with the previously refused scheme and it is anticipated that the Conservation Officer will comment on this element again in light of the changes made. It is

considered that historic building issues can be satisfactorily dealt with through the imposition of planning conditions.

LANDSCAPING AND TREE IMPLICATIONS

The area immediate to the front of the Clocktower would be set-aside as a formal open garden area. A detailed landscape scheme was submitted to accompany the application but it is not considered to be acceptable and therefore, it should not be approved at this stage. The scheme should be revised following submission of a landscape Masterplan for the whole of the Blue Zone when the landscape structure has been agreed. Landscape conditions are recommended to include hard and soft landscaping details, implementation and management arrangements.

IMPACT ON NEIGHBOURS

The proposal has been assessed in relation to both the existing buildings on the site, and the outline scheme (09/1300M), which is found elsewhere on this agenda. With either scheme, the Clocktower building would remain a satisfactory distance away from surrounding buildings where there would be critical space standard requirements, which would need to be adhered to with respect to the siting of windows. Although it is accepted that this relationship is tight, it is noted that there would be a lack of private open space in relation to this proposal, this is an inevitable concession in schemes of this nature, and on balance the relationships are considered to be acceptable.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

The Nature Conservation Officer has provided comments with regards to this proposal. It is noted that a protected species survey was originally prepared in respect of the Blue Zone master plan and a more recent survey undertaken specifically for bats. Both surveys appear to have been undertaken to a high standard with a greater amount of survey effort being undertaken in respect of the bat survey than is usually required for planning purposes, however, this survey was however undertaken slightly late in the year.

Bats

Two species of bats have been recorded roosting within the Clocktower building. As a result of bats being present on site and the bat survey being undertaken slightly late in the year, the ecologist who undertook the survey has advised that as a precaution all buildings on site should be regarded as supporting roosting bats until further survey work has established that bats are absent. Outline mitigation proposals have been suggested based upon this 'worse case scenario' of all buildings supporting roosting bats and replacement roosts together with suitable working practices to avoid harming/killing of bats during the construction phase have been suggested.

It is the Nature Conservation Officers view that suitable outline mitigation for the potential impact of the development upon the Clocktower bat roosts has been provided, however, no details of the number, exact size, location and orientation of the replacement roosts appears to have been included with the plans. This information must be provided prior to the determination of the application to ensure that appropriate mitigation for protected species is

being offered. Once this information has been provided, the Nature Conservation Officer will provide further comments.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license once permission has been granted.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The applicants’ various statements submitted to accompany this application and the ‘Blue Zone Planning Brief’ provide a clear case for the requirements for developing the site. The benefits of the scheme have been well documented in terms of the provision of affordable housing within the Clocktower building, and the sustainable re-use of buildings on the site will guarantee the future protection of the Listed Building. Given the constraints on the site, it would appear that there is no alternative way of establishing a re-use of the building without having an impact on the bats. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

As the proposal is contributing to the provision of affordable housing it would also be reasonable to conclude that the proposal is helping to address an important social need. In addition, it is important that the development generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

Mitigation

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. Willingness to provide a comprehensive mitigation scheme

has been provided within the applicant's ecological survey, which essentially would incorporate replacement roosts within the application site to improve the bat habitat in this area. The Council's Nature Conservation Officer is satisfied that there is an opportunity to provide the mitigation on the site. Details of this mitigation should however, be provided before the application is determined.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met; Members must form a view on this issue.

Bats and Trees

The bat survey submitted in respect of the Clocktower application contains a reference to undertaking a survey of mature trees on the site. However, no results for the bat survey of the trees has been provided. Clarification has been sought as to whether any trees will be lost to this part of the development and if so whether a bat survey has been undertaken of them.

Breeding Birds

No specific survey for breeding birds has been undertaken of the hospital site, however it appears likely that breeding birds will be present, associated with both the buildings and any landscaped areas. Conditions are required to ensure that the works associated with the development are carried out sensitively during the nesting season.

Landscaping

In accordance with PPS9 developments must now aim to achieve an overall gain for nature conservation. Opportunities in respect of the hospital site are perhaps limited, however the use of appropriate native species as part of the landscaping scheme and the incorporation of features for breeding birds as required by the above condition would make a contribution towards meeting this objective.

HIGHWAY AND TRANSPORT IMPLICATIONS

The rear of the Clocktower building would be used for parking and servicing. 19 parking spaces would be to the front of each end of the winged sections and 85 spaces would be available directly to the rear, however, it is unclear at the time of report preparation as to how these would be allocated. Access to the spaces will be from either Victoria Road or Fieldbank Drive access points, to the rear of the building, or, to the front of the building, via the new access road, which forms part of the outline scheme.

The Highways Engineer comments that the views of the Highway Authority should be read in conjunction with planning application numbers 09/1577M and 09/1300M. The satisfactory implementation of this application is reliant on the approval of a full application connected with the request under outline planning application 09/1300M.

It is understood that the Clocktower element of the site will be served via the existing junction with Victoria Road.

In the Transport Assessment dated Dec 2008 it considers a more intensive use of the site than that which has been submitted with the latest applications. The Highway statement then

identifies the net reduction in intensity and the proposed parking quantification for each element of the site.

The Traffic Assessment considers that the roundabout junction already operates under congested conditions and with the development proposals will only result in a marginal increase in traffic flow and queuing.

In relation to parking provision for the Clocktower, it is indicated in the Highway Statement that parking provision for the Clocktower apartments and ancillary uses is 46 spaces. No split has been provided between the apartments and ancillary use. If a 1.5 parking space per apartment provision is considered, then this would equate to a requirement for 54 spaces. It was unclear when the Highways Engineer provided comments where these 46 spaces were to be allocated and how these would be controlled and managed specifically for the Clocktower use. The site plan submitted with the Highways Statement appears to show an overall shared use facility and concern is raised that this could be used by anyone connected with any element of the whole development area, including the existing hospital. Clarification over the parking issue is being sought.

The availability of public transport in the area and close proximity to Macclesfield Town Centre help to mitigate for the low parking provision. The developer has also agreed to enter into a Section 106 agreement with regards to providing funding for the whole development site which will take the form of a parking study of the area and a residential parking scheme. Any remaining funding will be directed towards improved cycle facilities.

No Travel Plan has been provided for the Clocktower proposal, however, it is noted that a cycle store is indicated at the northern section of the Clocktower. The plan does not indicate the level of cycle provision that can be accommodated, but to facilitate sustainable travel choice, accommodation for 36 cycles will be required for long stay purposes. Short stay cycle facilities will also need to be provided.

The following issues need to be addressed/understood prior to permission being granted: -

- This development requires the creation of a new access road to the West of the site this is not included in this application but appears to be addressed in the outline application number 09/1300M which makes reference to an access road. Concern is raised that if the outline permission is refused this would compromise access to the Clocktower site. This application can therefore only be approved to follow on from the supporting transport infrastructure put forward for consideration as part of the outline scheme.
- The access road for the western element of the site would appear to be constructed on private land and is not likely to come forward for adoption. This road must be constructed to Local Authority standards and a Traffic Management Strategy must address overspill parking within the site. The turning heads must be kept clear and parking must be prevented along the access road to keep the development contained. The Highways Engineer advises that a legal agreement is required between the land owner and the developer which ensures that access to the development is maintained at all times for the western access road.

- A management strategy for the parking locations connected with the Clocktower Development will be required and confirmation of the parking allocations, due to the apparent discrepancies between the various documents/plans. The development should also be included in an overall travel plan.
- It is unclear at the time of report preparation, from the information provided whether there will be a loss of parking connected with the existing uses of the hospital and if so, how that will be addressed. Although additional parking in a decked car park is indicated on the outline application (09/1300M), care needs to be taken to ensure that if the outline application were to fail that parking would not be displaced further. It will be essential to have a full phasing management strategy for the whole site.
- There would appear to be a connection between the two new access roads that are sought approval via two separate planning applications. Safeguarding measures need to be put in place to prevent the access roads from providing a rat run.

OTHER MATERIAL PLANNING CONSIDERATIONS

The Council's current housing advice is based on PPS3, which lists the following criteria: -

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives *(does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration)*
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people *(does the application meet the housing needs of the area and/or provide affordable housing)*
3. The suitability of a site for housing, including its environmental sustainability *(is the site in a suitable and sustainable location, is it previously developed land, what constraints exist)*
4. Using land effectively and efficiently *(is the density at least 30 dwellings per hectare)*
5. Achieving high quality housing *(is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity)*

The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

Paragraphs 5.27 and 5.2.8 of the Agents Planning Statement refer to the provision of Specialist Housing, and the intention for the Plus Dane Housing group to undertake the responsibility for the provision and management of the affordable housing in partnership with

the applicants. It should be noted the Outline application (09/1300M), which essentially includes 15 dwellings and 16 apartments, does not include any affordable provision. The applicants however, suggest that the 36 apartment to be provided in the Clocktower (under this application) more than compensate for this, and when taken as a whole, the proposed provision of 36 affordable units amounts to 116% which is much greater than the 25% provision which is afforded under the Council's Local Plan policy H8 and PPS3.

At the time of report preparation comments are awaited from the Housing Strategy and Development Officer, however, it is anticipated that the officers will comment on the number of units, the size of the units, layout and will recommend that the applicants enter into a Section 106 Agreement to secure the proposals.

OTHER RELEVANT INFORMATION

Members of the committee visited the site on 21st July 2009.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The re-use of the Clocktower building for affordable housing purposes is welcomed. In addition, the proposal reflects the Planning Brief for the Blue Zone. The previous application 08/2621P was recommended for approval, however, it was refused by the former Macclesfield Borough Planning Committee following the refusal of the related outline scheme.

Given the nature of the development proposed and the loss of buildings within the curtilage of a Listed Building, it is important to ensure that the works are carried out to the Clocktower building and Building 6 before works on the residential elements and office block are commenced. However, it will be necessary for the access road (from the outline proposal 09/1300M) to be in place prior to the first occupation of the Clocktower building. It is therefore considered that a condition should be attached which requires a phasing and management plan to be submitted prior to works commencing on site.

SUBJECT TO

Comments are awaited from the Housing Strategy and Development Officer regarding the provision of affordable housing and Leisure Services Officer in relation to contributions towards open space and detailed comments are awaited from the Conservation Officer, Cheshire Constabulary and Environment Agency. In addition, further comments will be required from the Nature Conservation Officer in relation to the requested further bat survey. It is however, anticipated that the proposal will necessitate the satisfactory completion of a S106 Agreement comprising:

HEADS OF TERMS

Although comments are yet to be received from the Housing Strategy and Development Officer, in the event that the application were to be approved by the Strategic Planning Board, a Section 106 agreement would need to contain requirements for the following:

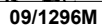
- To ensure that the proposed dwellings are genuinely affordable to hospital staff in perpetuity.

- To ensure that the developer provides funding for the whole development site, this will take the form of a parking study of the area and a residential parking scheme. Any remaining funding will be directed towards improved cycle facilities.
- Monitoring costs

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A05EX - Details of materials to be submitted
4. A19MC - Refuse storage facilities to be approved
5. A22GR - Protection from noise during construction (hours of construction)
6. Conservation conditions - relating to external appearance of the building
7. Compliance with bat mitigation proposals
8. Short stay cycle provision
9. Long stay cycle provision
10. Highways conditions
11. Requirement for a Phasing/Management Plan to be submitted
12. A landscape management plan (for an appropriate period) including long-term design objectives, management responsibilities and maintenance schedules
13. Hard and soft landscape details required
14. Landscape implementation
15. Landscape management arrangements
16. Phasing plan for the implementation of landscape works (including opportunities for advance planting)
17. Incorporation of features into the scheme suitable for use by breeding birds
18. Survey required to check for nesting birds between 1st March and 31st August
19. Contaminated land
20. Environment Management Plan required
21. No burning of waste
22. Hours of deliveries
23. Hours of operation
24. Requirement for a Traffic Management Strategy
25. Requirement for a parking management strategy
26. Requirement for a Travel Plan - to be drawn up in conjunction with the Hospitals Travel Plan



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Application No: 09/1295M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: CHANGE OF USE AND ALTERATIONS TO GRADE II LISTED CLOCKTOWER BUILDING TO PROVIDE 36 AFFORDABLE FOR RENT APARTMENTS, 161 SQ M COFFEE SHOP, 183 SQ M GYM AND ANCILLARY ACCOMMODATION; ASSOCIATED CAR PARKING AND EXTERNAL SITE WORKS; DEMOLITION OF 2 CURTILAGE BUILDINGS (BUILDINGS 2 AND 9) TO ENABLE THE ASSOCIATED MIXED USE DEVELOPMENT WITHIN THE OVERALL APPLICATION SITE AND WHICH IS THE SUBJECT OF A SEPERATE OUTLINE PLANNING APPLICATION. (LISTED BUILDING CONSENT)

Applicant: KEYWORKER HOMES (MACCLESFIELD) LTD &, EAST CHESHIRE NHS TRUST

Expiry Date: 08-Sep-2009

Type: Listed Building Consent

Date Report Prepared: 16 July 2009

SUMMARY RECOMMENDATION

Approve with conditions, subject to the views of outstanding consultees.

MAIN ISSUES

- Five applications have been received for the redevelopment of the area at Macclesfield Hospital known as the Blue Zone – consideration needs to be given as to whether these applications are in accordance with the Development Brief for the site and whether the applicant has addressed the reasons for refusal which were attached to applications which were considered by Macclesfield Borough Council on 26.01.09.
- Whether the works proposed to the Grade II Listed Clocktower building and removal of the attached structures is acceptable
- Whether the demolition of Buildings 2 and 9 is acceptable.
- Whether there are any other material considerations

REASON FOR REPORT

The application has been referred to the Strategic Planning Board as the proposal relates to planning applications which are major developments (the site area is 3.3 hectares, including the Clocktower building).

DESCRIPTION OF SITE AND CONTEXT

The site is bounded by Cumberland Street, the main road leading into Macclesfield town centre from the west, Prestbury Road and Victoria Road, which provides the main access to the hospital. The site is within 1km of the town centre. Adjoining land uses include the Macclesfield District General Hospital, the Regency Hospital, and West Park. The residential areas surrounding the hospital site include the 18th and 19th century Prestbury Road Conservation Area.

The site is located in an inherently sustainable location in relation to the town centre, recreation facilities, community and health facilities and primary and secondary education establishments.

HISTORIC BACKGROUND

The site was developed between 1843 (on what was pasture land) to the late 20th century. The later additions (1960's onwards) are considered to have little architectural merit. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse. This moved the centre of gravity of the hospital away from the site, which has continued to house hospital functions until approximately 18 months ago.

The Clocktower building is a Grade II Listed Building. The curtilage of the listed building can be interpreted to be the original extent of the planned workhouse development, including early buildings, boundary walls, roads and landscape.

This application is an opportunity to regenerate the site by way of a sensitive refurbishment of the Clocktower building.

The East Cheshire Trust wish to follow Department of Health advice and achieve Foundation Trust status as soon as realistically possible. To achieve this goal the Trust has to demonstrate several attributes, one of which is to demonstrate sound financial management. With this in mind, the Trust decided 2-3 years ago to sell the land, which is known locally as the 'Blue Zone'. A Planning Brief was put forward, which was given recognition by Macclesfield Borough Council in November 2007. The Trust marketed the site during the Spring of 2008 and it became evident that the bids would not clear the debts which the hospital has accrued over time. The Trust has been working with Keyworker Homes since the summer of 2008, and held a public consultation event during the autumn and as joint applicants submitted 3 planning applications in early December 2008. The Listed Building Consent application, which included the conversion of the Clocktower building and demolition of all other curtilage buildings (08/2722P) was refused by the former Macclesfield Borough Council on the following grounds: -

- The demolition of Buildings 2, 6 and 9 in the absence of a justifiable case and an appropriate redevelopment scheme would be harmful to the historic and architectural interest of this site, contrary to policies BE2, BE16, BE17 of the local plan, advice of PPG15 and the Blue Zone Planning Brief

A total of five applications have been submitted for this site. Two relate to the 'Clocktower' building and two relate to what is commonly known as 'Building 6', and one relates to the comprehensive redevelopment of the site (an outline scheme). Although the applications are separate submissions, the schemes are intrinsically interlinked. They are reported elsewhere on the Agenda. From the Trusts perspective they aim to realise a financial payment as soon as possible following the granting of planning consent.

This application for Listed Building Consent relates to the alterations proposed to the Grade 2 Listed Clocktower, which is to be converted to 36 affordable apartments (this would involve the removal of some of the attached structures) and the demolition of buildings 2 and 9 on the site. Is the demolition of buildings 2 and 9 acceptable?

DETAILS OF PROPOSAL

This proposal is for Listed Building Consent. Detailed floor plans and elevations have been submitted for the Clocktower building, showing what works are to be undertaken. Consent is also required for the demolition of all the curtilage buildings, with particular attention being drawn to Building 2 and 9, which are buildings of historic merit.

RELEVANT HISTORY

08/2634P - Erection of 3 storey 75 x 1 bed care home, age restricted 4 storey sheltered retirement block, with 58 apartments, with ancillary accommodation, 4 storey building including retail units & 36 apartments, 4 storey office building, 14 no three storey townhouses & associated car parking, access roads and open space; and additional hospital parking deck (Outline Planning) - Refused 09.02.09

08/2722P - Change of use to Grade II Listed Clocktower building to provide 44 keyworker apartments, coffee shop, gym, laundry & ancillary accommodation, car parking & associated works, proposed demolition of curtilage buildings (2,6 & 9) to enable mixed use (Listed Building Consent) – Refused 09.02.09

08/2621P - Change of use and alterations to Grade II Listed Clocktower building (including partial demolition) to provide 44 keyworker apartments, 182 sq m coffee shop, 167 sq m gym, 24 sq m laundry & other ancillary accommodation, associated car parking and external site works (Full Planning) – Refused 09.02.09

There have been numerous other applications relating to the hospital use of the site, none of which are directly relevant to this application.

The site on Prestbury Road was undeveloped pastureland, until it was purchased for the construction of the New Union Workhouse. Construction started in 1843 and the buildings were completed in 1845. In the period between 1843 and 1871 further buildings were added in a similar architectural style but these are outside the site. In 1929 the Macclesfield Union Workhouse came under control of the newly established Public Assistance Authority. It later became Macclesfield General Hospital, West Park Branch. During the mid-to-late 20th century new buildings and extensions were constructed. The earliest of these buildings, built in the 1960's and 70's, are typically one or two storey, framed, system buildings common for the period. Some are freestanding; others are connected to the historic building by enclosed corridors, or built as extensions to the earlier buildings. Whilst these more recent additions have served an important practical function in providing health services, they are not fit for purpose for the future health service, and are not considered to have architectural or historic merit. They detract from the character and appearance of the historic buildings. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse and hospital buildings. This moved the centre of gravity of the hospital away from the site that, nevertheless, has continued to house hospital functions until now.

POLICIES

Regional Spatial Strategy

DP2 and EM1

Local Plan Policy

BE2, BE15 - BE19

Other Material Considerations

National Planning Guidance in the form of: -
PPG15: Planning and the Historic Environment

In addition, the Supplementary Planning Guidance documents relating to the 'Blue Zone Planning Brief' is of particular relevance.

CONSULTATIONS (External to Planning)

Comments are awaited from English Heritage, The Ancient Monuments Society, The Society for the Protection of Ancient Buildings, The Council for British Archaeology, The Georgian Group and The Victorian Society.

OTHER REPRESENTATIONS

No letters have been received at the time of report preparation relating to the Listed Building Consent proposal.

APPLICANT'S SUPPORTING INFORMATION

Various supporting information has been submitted to accompany the applications for the future development of this site. These include: -

- Planning Policy Statement
- Design and Access Statement
- Heritage Impact Statement
- Flood Risk and Surface Water Assessment
- Geo-Environmental Interpretative Report
- Building Surveys
- Asbestos Reports
- Transport Assessments
- Tree Surveys and Arboricultural Assessments
- Ecological Reports
- Air Quality Assessments
- Noise Quality Assessments

All of these documents are available in full on the planning file and Council's website.

In addition, there is a letter from the East Cheshire NHS Trust, which is available for inspection on the application file. This letter states that the East Cheshire NHS Trust has been working to remove historic debt. A key element of the financial strategy remains the sale of the land. If this were not successful the Trust would need to find other ways of repaying the debt, which would have to be generated through additional efficiency savings with the Trust. The Trust has responded to comments made by Councillors and the public during the original submission which has led to changes to the plans. These changes have reduced the value of the land significantly, but the Trust remain confident that the scheme will deliver a sustainable development for the town and its residents. The reduced sale proceeds enable financial recovery for the Trust although further impositions such as Section 106 costs will further challenge that recovery. It is hoped that Cheshire East will see the benefit of the plans in terms of an asset to the community and also in terms of sustaining clinical services in Macclesfield for the Public.

A letter has been submitted by Keyworker Homes (the developer) which explains that since the previous refusal, the applicants and their advisors have sought to address the areas of concern which were publicly expressed regarding the previous scheme. This has resulted in a scheme which will provide a viable solution to the re-use of the visually important buildings on site and create a development which generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

A copy of the exhibition boards from a 4-day public exhibition illustrate the significant changes to the scheme. Further comments from the exhibition have informed the application, especially in relation to the position and form of housing on Victoria Road (addressed within the outline application).

It is important to note that the scheme stands or falls as a whole and any further significant changes to any of the constituent elements may threaten the overall viability of the scheme.

A letter of support has been submitted from the Plus Dane Group, a registered Social Landlord. This confirms that there is a high demand for one and two bedroom affordable apartments within walking distance of Macclesfield town centre. Dane are supportive of Keyworker's proposals for the Clocktower building and should the planning application be approved, would be most willing to work in partnership with Keyworker Homes to undertake responsibility for the Affordable for Rent housing to be provided within the existing Clocktower building.

OFFICER APPRAISAL

Principle of Development

This is an application for Listed Building Consent for the conversion of the Clocktower building to 36 affordable apartments, demolition of some of its attached structures and demolition of Buildings 2 and 9.

The main principles of the development are considered under the heading 'Principle of Development' under application 09/1300M, elsewhere on this agenda.

It should be noted that although the proposals are put forward as a suite of applications, each application needs to be assessed on its planning merits on an individual basis.

Policy

The most relevant policies in the Local Plan relate to Built Environment Policies BE15-BE18. Specifically, Policy BE15 states, "the repair and enhancement of buildings of architectural and historic importance (listed buildings) will be encouraged". BE16 states "development which would normally adversely affect the setting of a listed building will not normally be approved".

IMPACT ON LISTED BUILDINGS AND CURTILAGE BUILDINGS

THE CLOCKTOWER

The Clock Tower building comprises three storeys and consists of a central spine with two cross wings. The former chapel wing to the west would accommodate a gym on the ground floor with a café on the first floor. The building would comprise 36 no. one bedroom and two bedroomed apartments. Residents, other hospital staff, other occupiers of the overall site and visitors would use the gym and coffee shop. The previous scheme for the conversion of the Clocktower (08/2621P) was for 44 apartments, which would have been restricted to hospital and health related staff only. It is not considered that the external alterations have changed significantly since the previously refused scheme, however, the internal layout has inevitably changed.

Under these proposals, the Clock Tower building would be re-established as the landmark building and, given its historical background, it should be the primary focus of the site. The proposal will achieve the restoration of the building by way of a sympathetic subdivision and retention of its features. The unsightly extensions should also be removed which, in association with an appropriate landscape, should improve its setting significantly. The use is considered to be sustainable and should secure its long-term retention.

Comments from the Conservation Officer are awaited however, it is considered that the scheme and the re-use of the Clocktower building is welcomed. It is an imposing building of 1843-5 by Scott and Moffatt. Whilst many workhouses were built by the Victorians, this is a particularly early example and one of the first not to be built in an austere classical design. The Clocktower is considered to have strong architectural features and is relatively original in form.

No objections were made to the overall design of the Clocktower for application 08/2621P and therefore, no objections are expected to be raised in listed building conservation terms in relation to this part of the proposal.

The proposals clearly respect the traditional features of the building. There were some issues regarding fenestration with the previously refused scheme and it is anticipated that the Conservation Officer will comment on this element again in light of the changes made. It is considered that historic building issues can be satisfactorily dealt with through the imposition of planning conditions.

CURTILAGE BUILDINGS

As the buildings on the site remain largely complete, it is considered that the curtilage buildings, although not listed in their own right, are of particular interest and historic core value. They therefore constitute a legitimate and fundamental site constraint.

There have been many additions to the site since 1843, many have been added in more recent times, have no historic significance and are harmful to the character of the site. There is no objection to the removal of many of the buildings on site, however, it has consistently been recognised that there are three buildings, which require special mention.

Firstly, the building known as Building 2. This building was constructed in 1843, and is the former hospital block at the back, behind the courtyard. This is a three-storey building and has a relatively austere appearance, however, it does have very strong historic character and encloses and gives form to the rear of the historic complex. Its interior is likely to be extremely plain and retention of this building was considered under application 08/2722P. However, a conversion scheme with two extensions (modern office pavilions) each side was discussed with the Developer, and subsequently discounted, as they would not have been viable to the cost of the works. The Conservation Officer has reluctantly accepted that a replacement building is the only viable option for this part of the site.

The other original 1843 building is the Reception Block, located at the front and identified as Building 6. This is an attractive building, although there is a lean-to addition to the rear, which is not particularly sensitive to the original building. It is positively received that the developer is now proposing to retain this building as the Conservation Officer had previously objected to its loss. The works to be carried out to this building are considered under applications 09/1577M and 09/1613M which are reported elsewhere on this agenda.

One other building which is of significance is the 'Gawsworth' building (known also as Block 9). This building is not original. English Heritage do regard post-1870 workhouse buildings in a different light to their earlier counterparts and although it is a stone-built building of some merit, its retention would have a fairly critical impact on site planning and as a result the Conservation Officer has reluctantly conceded the loss of this building.

OTHER RELEVANT INFORMATION

Members of the committee visited the site on 21st July 2009.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The historic value of the Clocktower building and of buildings 2 and 9 has been examined in detail. The Conservation Officer reluctantly accepts the loss of the Gawsworth building, which is considered historically to be of least consequence should it be demolished. The loss of building 2 is regrettable, but a combination of its structural problems and proposed replacement building have persuaded officers that this loss is accepted on the basis of the wider planning and long term use of the site. The removal of the additions to the Clock Tower Building and the alterations proposed which would facilitate its conversion, are considered largely acceptable (subject to the formal comments of the Conservation Officer). The main reason for refusal of application 08/2722P was the demolition of Building 6, however this building is now proposed to be retained under application 09/1577M and the application for Listed Building Consent 09/1613M. These applications are reported elsewhere on this agenda and are very much welcomed.

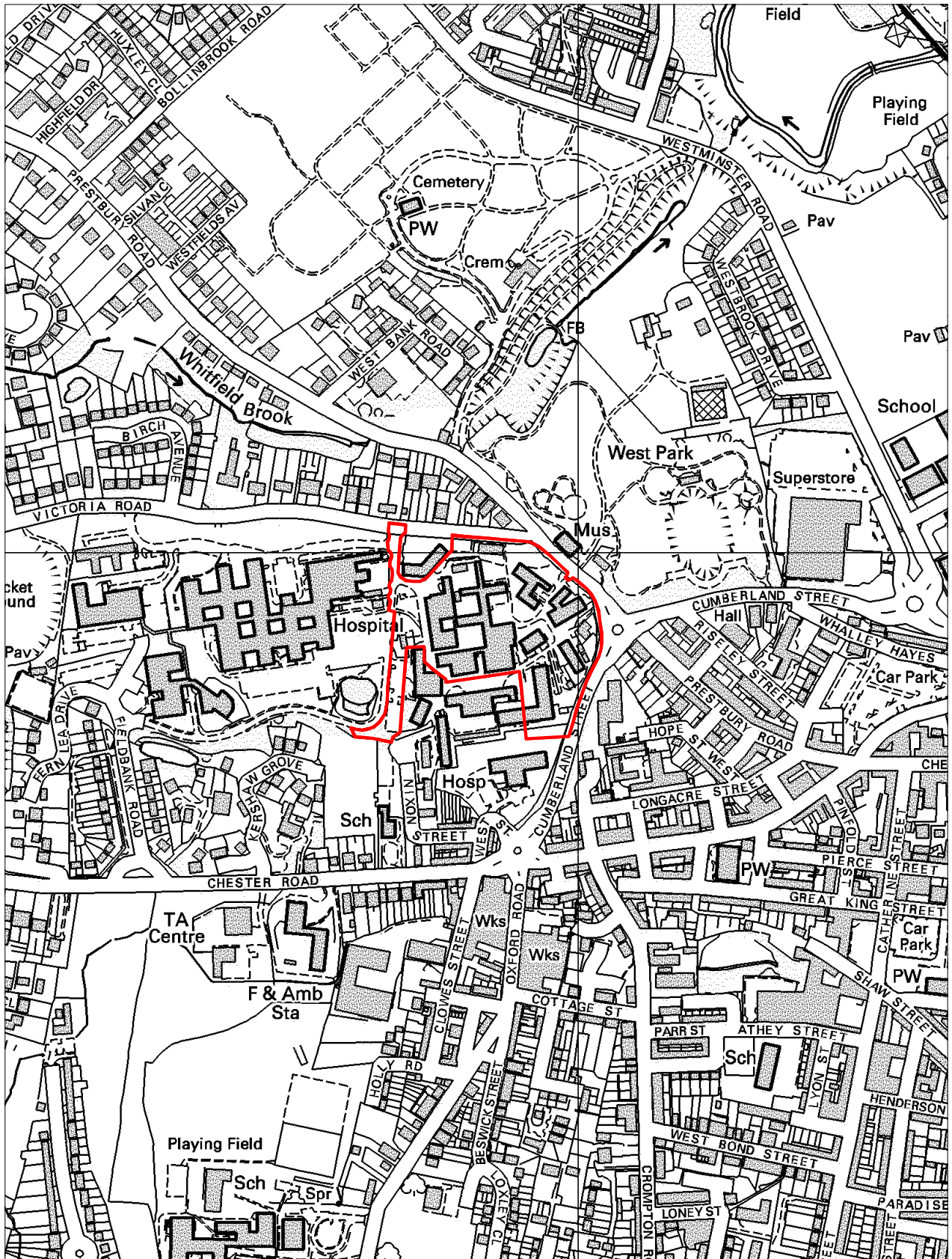
SUBJECT TO

Detailed comments are awaited from the Conservation Officer, and comments are awaited from English Heritage, The Ancient Monuments Society, The Society for the Protection of Ancient Buildings, The Council for British Archaeology, The Georgian Group and The Victorian Society.

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. A07LB - Standard Time Limit
2. A05LB - Protection of features
3. A05EX - Details of materials to be submitted



09/1295M

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Application No: 09/1577M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD,
MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: PROPOSED CONVERSION OF AND 420SQ M
EXTENSION TO CURTILAGE BUILDING 6 TO
ACCOMMODATE A CHANGE OF USE FROM C2 TO D1
TOGETHER WITH ASSOCIATED CAR PARKING (FULL
PLANNING)

Applicant: KEYWORKER HOMES (MACCLESFIELD) LTD &, EAST
CHESHIRE NHS TRUST

Expiry Date: 04-Aug-2009

Type: Full Planning

Date Report Prepared: 16 July 2009

SUMMARY RECOMMENDATION

Approve with conditions, subject to the views of outstanding consultees.

MAIN ISSUES

- Five applications have been received for the redevelopment of the area at Macclesfield Hospital known as the Blue Zone – consideration needs to be given as to whether these applications are in accordance with the Development Brief for the site and whether the applicant has addressed the reasons for refusal which were attached to applications which were considered by Macclesfield Borough Council on 26.01.09.
- Whether the principle of a D1 use is acceptable for this building and if so, whether the design and scale of the proposed extension is appropriate having regard to the fact that the building is of historic merit
- Whether the proposal would result in any adverse impact on protected species and if so, whether adequate mitigation can be provided
- Whether there are any other material considerations

REASON FOR REPORT

The application has been referred to the Strategic Planning Board as the proposal relates to the comprehensive redevelopment of the site (the site area is 3.3 hectares, including the Clocktower building).

DESCRIPTION OF SITE AND CONTEXT

The site is bounded by Cumberland Street, the main road leading into Macclesfield town centre from the west, Prestbury Road and Victoria Road, which provides the main access to the hospital. The site is within 1km of the town centre. Adjoining land uses include the Macclesfield District General Hospital, the Regency Hospital, and West Park. The residential areas surrounding the hospital site include the 18th and 19th century Prestbury Road Conservation Area.

The site is located in an inherently sustainable location in relation to the town centre, recreation facilities, community and health facilities and primary and secondary education establishments.

HISTORIC BACKGROUND

The site was developed between 1843 (on what was pasture land) to the late 20th century. The later additions (1960's onwards) are considered to have little architectural merit. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse. This moved the centre of gravity of the hospital away from the site, which has continued to house hospital functions until approximately 18 months ago.

The Clocktower building is a Grade II Listed Building. The curtilage of the listed building can be interpreted to be the original extent of the planned workhouse development, including early buildings, boundary walls, roads and landscape.

This application is an opportunity to regenerate the site by way of a sensitive refurbishment of the Clocktower building and Building 6, whilst combining this with new development within an attractive landscaped public realm. Trees should be retained wherever possible.

The East Cheshire Trust wish to follow Department of Health advice and achieve Foundation Trust status as soon as realistically possible. To achieve this goal the Trust has to demonstrate several attributes, one of which is to demonstrate sound financial management. With this in mind, the Trust decided 2-3 years ago to sell the land, which is known locally as the 'Blue Zone'. A Planning Brief was put forward, which was given recognition by Macclesfield Borough Council in November 2007. The Trust marketed the site during the Spring of 2008 and it became evident that the bids would not clear

the debts which the hospital has accrued over time. The Trust has been working with Keyworker Homes since the summer of 2008, and held a public consultation event during the autumn and as joint applicants submitted 3 planning applications in early December 2008. All 3 applications were refused on the following grounds: -

- The scale, density and layout would result in a cramped and intrusive form of development
- Direct loss of existing trees and threat to the continued well being of existing trees, which are the subject of the Macclesfield - West Park Hospital Site Tree Preservation Order 1996 and other trees worthy of protection
- The scale of retail development was considered to jeopardise the vitality and viability of nearby retail developments.
- The development would have resulted in the unjustified demolition of buildings of architectural and historic merit (buildings 2 and 6) within the curtilage of a Grade 2 Listed Building, and would adversely affect the character, appearance and historic interest of this site and the setting of the Grade 2 Listed Building.
- The balance of uses conflicted with the aims of Macclesfield Borough Local Plan Policy C2.

Four additional applications have been submitted. One is the Listed Building Consent application for Building 6, two relate to the 'Clocktower' building, and one is the outline scheme for the redevelopment of the site. Although the applications are separate submissions, the schemes are intrinsically interlinked. From the Trusts perspective they aim to realise a financial payment as soon as possible following the granting of planning consent.

DETAILS OF PROPOSAL

This full application seeks permission for the conversion and extension of Building 6. This would involve the removal of the modern additions, which would be replaced by an extension. The use would fall within use class D1 and such uses within this class include: - clinic, health centre, crèche or gallery. The Listed Building Consent application for the alterations proposed to this building is application 09/1613M.

RELEVANT HISTORY

08/2634P - Erection of 3 storey 75 x 1 bed care home, age restricted 4 storey sheltered retirement block, with 58 apartments, with ancillary accommodation, 4 storey building including retail units & 36 apartments, 4 storey office building, 14 no three storey townhouses & associated car parking, access roads and open space; and additional hospital parking deck (Outline Planning) - Refused 09.02.09

08/2722P - Change of use to Grade II Listed Clocktower building to provide 44 keyworker apartments, coffee shop, gym, laundry & ancillary accommodation, car parking & associated works, proposed demolition of

curtilage buildings (2,6 & 9) to enable mixed use (Listed Building Consent) – Refused 09.02.09

08/2621P - Change of use and alterations to Grade II Listed Clocktower building (including partial demolition) to provide 44 keyworker apartments, 182 sq m coffee shop, 167 sq m gym, 24 sq m laundry & other ancillary accommodation, associated car parking and external site works (Full Planning) – Refused 09.02.09

There have been numerous other applications relating to the hospital use of the site, none of which are directly relevant to this application.

The site on Prestbury Road was undeveloped pastureland, until it was purchased for the construction of the New Union Workhouse. Construction started in 1843 and the buildings were completed in 1845. In the period between 1843 and 1871 further buildings were added in a similar architectural style but these are outside the site. In 1929 the Macclesfield Union Workhouse came under control of the newly established Public Assistance Authority. It later became Macclesfield General Hospital, West Park Branch. During the mid-to-late 20th century new buildings and extensions were constructed. The earliest of these buildings, built in the 1960's and 70's, are typically one or two storey, framed, system buildings common for the period. Some are freestanding; others are connected to the historic building by enclosed corridors, or built as extensions to the earlier buildings. Whilst these more recent additions have served an important practical function in providing health services, they are not fit for purpose for the future health service, and are not considered to have architectural or historic merit. They detract from the character and appearance of the historic buildings. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse and hospital buildings. This moved the centre of gravity of the hospital away from the site that, nevertheless, has continued to house hospital functions until now.

POLICIES

Regional Spatial Strategy

DP2, DP3, DP5, DP6, DP7, RT2, EM1, EM18

Local Plan Policy

BE1, BE2, BE3, BE15 - BE19, T1, C2, DC1-DC6 and DC8.

Other Material Considerations

National Planning Guidance in the form of: -
PPS1: Delivering Sustainable Development
PPG15: Planning and the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive and the Conservation (Natural Habitats &c.) Regulations 1994.

In addition, the Supplementary Planning Guidance documents relating to Section 106 Agreements and the 'Blue Zone Planning Brief' is of particular relevance.

CONSULTATIONS (External to Planning)

United Utilities : No objection to the proposal providing that if possible, the site should be drained on a separate system, with foul drainage only connected into the foul sewer. Surface water should discharge to the soakaway/watercourse/surface water sewer and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. It will be necessary to provide pumps and storage for those buildings above two storeys' high to ensure an adequate supply of water.

The Environment Agency comment that a flood risk assessment has been previously agreed for the site. Therefore, no objections are made to this scheme.

English Heritage comment that their specialist staff do not wish to offer any comments in relation to this application. It is recommended that the application be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist conservation advice.

Contamination Land Officer: No objection to the application. The site is currently a hospital and so there is the potential for contamination of the site and the wider environment to have occurred. The application includes new residential properties, which are a sensitive end use that could be affected by any contamination present. The report submitted in support of the planning application recommends that further site investigations be carried out. It is therefore suggested that a report is submitted which requires an assessment to be made of the actual/potential contamination risks on the site. If contaminants are found then a remediation statement will be required followed by a site Completion Report that details the conclusions and actions taken at each stage.

The application area has a history of use as a hospital, which may have included the use and storage/disposal of radioactive material, and therefore radioactive materials may affect the land. A radiological survey report will be required to assess the actual/potential radiological contamination risks at the

site. This may be followed by a Radiological Remediation Statement, which if approved shall be carried out.

Environmental Health Officer: No objection to this application, however concerns are raised in relation to amenity caused by noise, in particular: -

- Noise generated during the demolition and construction phase of the development
- Noise from fixed plant and equipment on the site affecting surrounding future residents
- Impact of road traffic noise on the development

It is acknowledged that in any development of this scale, there is potential for a deterioration in local air quality caused by road traffic, generated both as a result of the development and changes to traffic on patterns resulting in increased congestion phase of the development.

In addition, there is potential for dust generation during the demolition and construction phase of the development.

In order to mitigate these concerns and safeguard the amenity of existing and future occupants it is recommended that a condition requiring an Environmental Management Plan be submitted prior to the development commencing and its recommendations implemented during the construction phase. Conditions relating to the locations of fixed plant and equipment, to control deliveries and to control the hours of use of non-residential uses should be attached.

The Highways Engineer raises no objections to this proposal. It is considered that the proposed D1 use will not result in a significant traffic addition to the Prestbury Road/Cumberland Street roundabout. The parking provision (22 spaces) should be adjusted to reflect current maximum standards. There is a necessity to incorporate the proposed D1 use into the travel plan for the whole site. A phasing strategy and parking plan will be required to ensure that the development integrates successfully with the other redevelopment proposals for the Blue Zone and guarantee that the access road is in place before the building is first occupied.

Comments are awaited from the Cheshire Constabulary, and Leisure Services. These will be provided in the form of an update report.

OTHER REPRESENTATIONS

No letters of representation have been received at the time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

Various supporting information has been submitted to accompany the applications for the future development of this site. These include: -

- Planning Policy Statement

- Design and Access Statement
- Heritage Impact Statement
- Flood Risk and Surface Water Assessment
- Geo-Environmental Interpretative Report
- Building Surveys
- Asbestos Reports
- Transport Assessments
- Tree Surveys and Arboricultural Assessments
- Ecological Reports
- Air Quality Assessments
- Noise Quality Assessments

All of these documents are available in full on the planning file and Council's website.

In addition, there is a letter from the East Cheshire NHS Trust, which is available for inspection on the application file. This letter states that the East Cheshire NHS Trust has been working to remove its historic debt. A key element of the financial strategy remains the sale of the land. If this were not successful the Trust would need to find other ways of repaying the debt, which would have to be generated through additional efficiency savings with the Trust. The Trust has responded to comments made by Councillors and the public during the original submission which has led to changes to the plans. These changes have reduced the value of the land significantly, but the Trust remain confident that the scheme will deliver a sustainable development for the town and its residents. The reduced sale proceeds enable financial recovery for the Trust although further impositions such as Section 106 costs will further challenge that recovery. It is hoped that Cheshire East will see the benefit of the plans in terms of an asset to the community and also in terms of sustaining clinical services in Macclesfield for the public.

A letter has been submitted by Keyworker Homes (the developer), which explains that since the previous refusal, the applicants and their advisors have sought to address the areas of concern which were publicly expressed regarding the previous scheme. This has resulted in a scheme which will provide a viable solution to the re-use of the visually important buildings on site and create a development which generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

A copy of the exhibition boards from a 4-day public exhibition illustrate that significant changes have been made to the scheme. Further comments from the exhibition have informed the application, especially in relation to the position and form of housing on Victoria Road.

The scheme would see the retention and enhancement of the site's historic buildings of merit. The setting would be enhanced through the retention of more of the trees which would provide visual amenity and the addition of suitably designed buildings.

It is important to note that the scheme stands or falls as a whole and any further significant changes to any of the constituent elements may threaten the overall viability of the scheme.

OFFICER APPRAISAL

Principle of Development

This is a full planning application for the conversion of Building 6 into a D1 use. It is considered in principle that the nature of the development proposed, within the context of its surroundings would raise no strategic issues in planning terms.

As the buildings on the site remain largely complete, it is considered that the curtilage buildings, although not listed in their own right, are of particular interest and historic core value. They therefore constitute a legitimate and fundamental site constraint. Under the previously refused applications, Building 6 was proposed to be demolished. Therefore, the fact that the building is to be retained and reused is greatly welcomed.

Although permission is sought for a D1 use, it is understood that the applicants have attracted interest for the site from a day nursery (which is a permitted use within the D1 category).

The main principles of the development are considered under the heading 'Principle of Development' under application 09/1300M, reported elsewhere on this agenda.

Policy

The most relevant policies in the Local Plan relate to Built Environment Policies (BE18 and BE19), Transport Policies, Playgroups and Nurseries (Policy DC45) and Policy C2, the latter of which sets out the criteria for all proposals that fall within the Hospital site. Where appropriate these criteria will be referred to under the subject headings in this report. Policy C2 states that the site is "allocated for health purposes and planning permission will normally be granted for health and related developments". Any development for land uses outside of this designation would need to be fully justified. It is considered that the re-use proposed within Building 6 to provide a D1 use would be acceptable.

Design / impact on the listed building

Building 6 was an original building on the site, dating back to 1843. It is regarded to be an attractive building, although there is a lean-to addition to the rear, which is not particularly sensitive to the original building. The historic value as part of the original complex and architectural contribution to it is clear and the building is convertible.

Comments are awaited from the Conservation Officer at the time of report preparation, in relation to the proposed conversion, extension and external alterations proposed to the building. The proposal includes the demolition of the southern, single storey additions to the building, which would be replaced by a single storey extension with a roof terrace above. The extension would measure approximately 13m by 30m. The proposed shows that materials for the extension would be stone, with rendered panels and large areas of glazing. Other alterations to the building include some changes to some of the window and door openings. The Conservation Officer has had many discussions and site visits with the developer since the refusal of the applications in January 2009, in order to consider the alternative options for Building 6. It is understood that the Conservation Officer has concerns with the elevations treatment of the extension, however it is hoped that this can be addressed by the architect prior to the application being determined. Further comments will follow from the Conservation Officer in due course.

Impact on neighbouring buildings

It is considered that the relationship between Building 6 and the neighbouring residential properties will be on balance acceptable.

LANDSCAPING AND TREE IMPLICATIONS

The Landscape Officer raises concern about the proposed mesh boundary fencing for this plot. The potential site user (a day nursery) has specific requirements, however, the Landscape Officer has asked the landscape consultant to give this further consideration because it will define the curtilage of the listed building and it is a very prominent location at the main entrance to the Blue Zone development.

In addition, the Landscape Officer has requested that the landscape consultant reconsiders the route of the “green pedestrian link” between the clock tower and West Park which currently passes through the car park of this plot, which is not ideal.

The landscape proposals should include large tree species around the main entrance and along the main site access road.

If the application is approved the conditions should be attached in relation to the provision of hard and soft landscape details, boundary treatment, implementation and landscape management arrangements.

Although no comments have yet been received from the Arboricultural Officer, it is understood that the Arboricultural Officer has had several meetings with the developer and the arboricultural consultant prior to the applications for the Blue Zone being submitted, in an effort to resolve tree related issues. It is expected that the Arboricultural Officer will comment further on the proposed

extension, access and parking areas and the impact on the trees within the vicinity of the building.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

The Nature Conservation Officer has provided comments with regards to this proposal. It is noted that a protected species survey was originally prepared in respect of the Blue Zone master plan and a more recent survey undertaken specifically for bats. Both surveys appear to have been undertaken to a high standard with a greater amount of survey effort being undertaken in respect of the bat survey than is usually required for planning purposes, however, this survey was however undertaken slightly late in the year.

Bats

Two species of bats have been recorded roosting within the Clocktower building. As a result of bats being present on site and the bat survey being undertaken slightly late in the year, the ecologist who undertook the survey has advised that as a precaution all buildings on site should be regarded as supporting roosting bats until further survey work has established that bats are absent. Outline mitigation proposals have been suggested based upon this 'worse case scenario' of all buildings supporting roosting bats and replacement roosts together with suitable working practices to avoid harming/killing of bats during the construction phase have been suggested.

It is the Nature Conservation Officers view that suitable outline mitigation for the potential impact of the development upon the Clocktower bat roosts has been provided, however, no details of the number, exact size, location and orientation of the replacement roosts appears to have been included with the plans. This information must be provided prior to the determination of the application to ensure that appropriate mitigation for protected species is being offered. Once this information has been provided, the Nature Conservation Officer will provide further comments.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitat Regulations, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by

Natural England prior to them issuing a protected species license once permission has been granted.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The applicants’ various statements submitted to accompany this application and the ‘Blue Zone Planning Brief’ provide a clear case for the requirements for developing the site. The benefits of the scheme have been well documented in terms of the provision of a sustainable re-use of Building 6 on the site and how this will guarantee the future protection of the Listed Building. Given the constraints on the site, it would appear that there is no alternative way of establishing a re-use of the building without having an impact on bats, should they be found present. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

The building has been highlighted as being a building of historic merit, It is therefore important that a sensitive re-use is secured. The removal of the more modern additions and proposed extension is considered to be the only viable way of retaining the building. In addition, it is important that the development generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

Mitigation

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. Willingness to provide a comprehensive mitigation scheme has been provided within the applicant’s ecological survey, which essentially would incorporate replacement roosts within the application site to improve the bat habitat in this area. The Council’s Nature Conservation Officer is satisfied that there is an opportunity to provide the mitigation on the site. Details of this mitigation should however, be provided before the application is determined.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met; Members must form a view on this issue.

Bats and Trees

The submitted bat survey submitted contains a reference to undertaking a survey of mature trees on the site. However, no results for the bat survey of the trees has been provided. Clarification has been sought as to whether any trees will be lost to this part of the development and if so whether a bat survey has been undertaken of them.

Breeding Birds

No specific survey for breeding birds has been undertaken of the hospital site, however it appears likely that breeding birds will be present, associated with both the buildings and any landscaped areas. Conditions are required to ensure that the works associated with the development are carried out sensitively during the nesting season.

Landscaping

In accordance with PPS9 developments must now aim to achieve an overall gain for nature conservation. Opportunities in respect of the hospital site are perhaps limited, however the use of appropriate native species as part of the landscaping scheme and the incorporation of features for breeding birds as required by the above condition would make a contribution towards meeting this objective.

In summary, as the buildings on the site, other than the Clocktower, are not confirmed as supporting bat roosts and are only assumed to be so, it has been recommended that a further survey is undertaken (during early July) to allow the status of bats within all of the buildings to be more accurately assessed and allow protected species interests and mitigation to be more fully considered during the determination of the application. This will be reported within an update report.

HIGHWAY AND TRANSPORT IMPLICATIONS

The Highways Engineer has provided comments in relation to this application, which should be considered in conjunction with the comments made to applications 09/1300M and 09/1296M.

It would appear that the re-use of Building 6 has not been forecast into the traffic generation and assessment of the roundabout junction. Given that currently the end user is going to be a day nursery, it is likely that the peak attraction to this building will be during the am and pm periods. Evidence has been submitted which suggests that the section of highway adjacent to the site is congested and any additional contribution by the nursery would be marginal. It is therefore considered that there would be no further benefit from undertaking further assessment work. The site could in fact become operational for hospital use which could attract traffic generation throughout the course of the day. The introduction of a nursery is likely to represent a reduction in the intensity of traffic which could occur. There are also the additional benefits in that the main vehicles that come to the site (ie parents) will not require all day parking. The level of staff vehicles can be controlled by a reduced parking level and inclusion within the travel plan.

It is noted that within the planning application there are 22 no. car parking spaces provided for the D1 use, but it is unclear as to where these spaces are allocated. Further clarification has been sought on this issue. The Highways Engineer considers that 22 no. Spaces appear to be very excessive for a nursery and this provision does not accord with the Councils Standards. The parking provision should be adjusted to reflect current maximum standards, or a reduced level to support the principles of sustainable development.

It is noted that the developer has agreed to enter into a Section 106 agreement with regards to providing funding for the development site. This will provide for a parking study of the area and a residential parking scheme. Any remaining funding will be directed towards improved cycle facilities. This matter has been addressed under the outline application 09/1300M.

An interim travel plan has been received, which was not available when the Highways Engineer provided comments for application 09/1296M, however, Building 6 is not included within it. It is therefore suggested that this building is included within the main travel plan which will be secured through condition.

Access to this site will be created through a new access road that will connect to the existing highway at the roundabout junction of Cumberland Street and Prestbury Road. The access road does not form part of this application and needs to be approved under application 09/1300M. It therefore follows that this development cannot be occupied until the access road which serves it has been created. This scheme cannot be approved unless application 09/1300M is approved first. This access road including the two turning heads when approved will require to be adopted by the Local Authority.

An overall parking management strategy will be required to prevent issues with displaced parking and to ensure the development conforms to sustainable development principles.

The private access road will require parking regulation and private enforcement to ensure that the private access roads remain clear. The private access road need to be constructed to the Local Authority specification and the building should not be occupied until this is completed

Cycle parking is indicated for the site, but no details are provided for how many, or where these would be sited has been provided. This can be addressed by a condition to provide appropriate facilities for the staff.

It is considered that although the boundary wall that is located adjacent to the new roundabout does not meet the appropriate standards in relation to forward visibility on entry to a roundabout, it is considered that the position of the wall is acceptable. The reason for this is to ensure that entry speeds onto the roundabout are maintained at a lower speed.

FLOOD RISK

In accordance with PPS25, a Flood Risk Assessment has been submitted as part of the application. The Environment Agency requires a preliminary risk assessment to be carried out and investigation scheme, to be followed by an options appraisal and remediation strategy. On this basis the Environment Agency raises no objections and it is considered that the proposal adequately addresses Flood Risk.

OTHER RELEVANT INFORMATION

Members of the committee visited the site on 21st July 2009.

CONCLUSIONS AND REASON(S) FOR THE DECISION

It is considered that the retention and conversion of Building 6 is welcomed. The proposal integrates positively with the historic setting of the site and it is thought (subject to the formal comments of the Conservation Officer) that the impact of the development on the curtilage building is acceptable. The scale of the extension is considered to be sympathetic to the local environment and streetscape, however, it is considered that the elevational treatment of the extension will require revising to ensure a satisfactory appearance from the public viewpoint. As the use of the building would fall within Class D1 of the use classes order, which is a community use, it is considered that the applicants have presented a proposal for Building 6, which reflects the Planning Brief for the Blue Zone.

SUBJECT TO

Comments are awaited from the Leisure Services Officer in relation to contributions towards open space and detailed comments are awaited from the Conservation Officer, Landscape Officer, Arboricultural Officer and Cheshire Constabulary. Further consideration of the bat survey and mitigation will be required following further comments from the Nature Conservation Officer.

HEADS OF TERMS

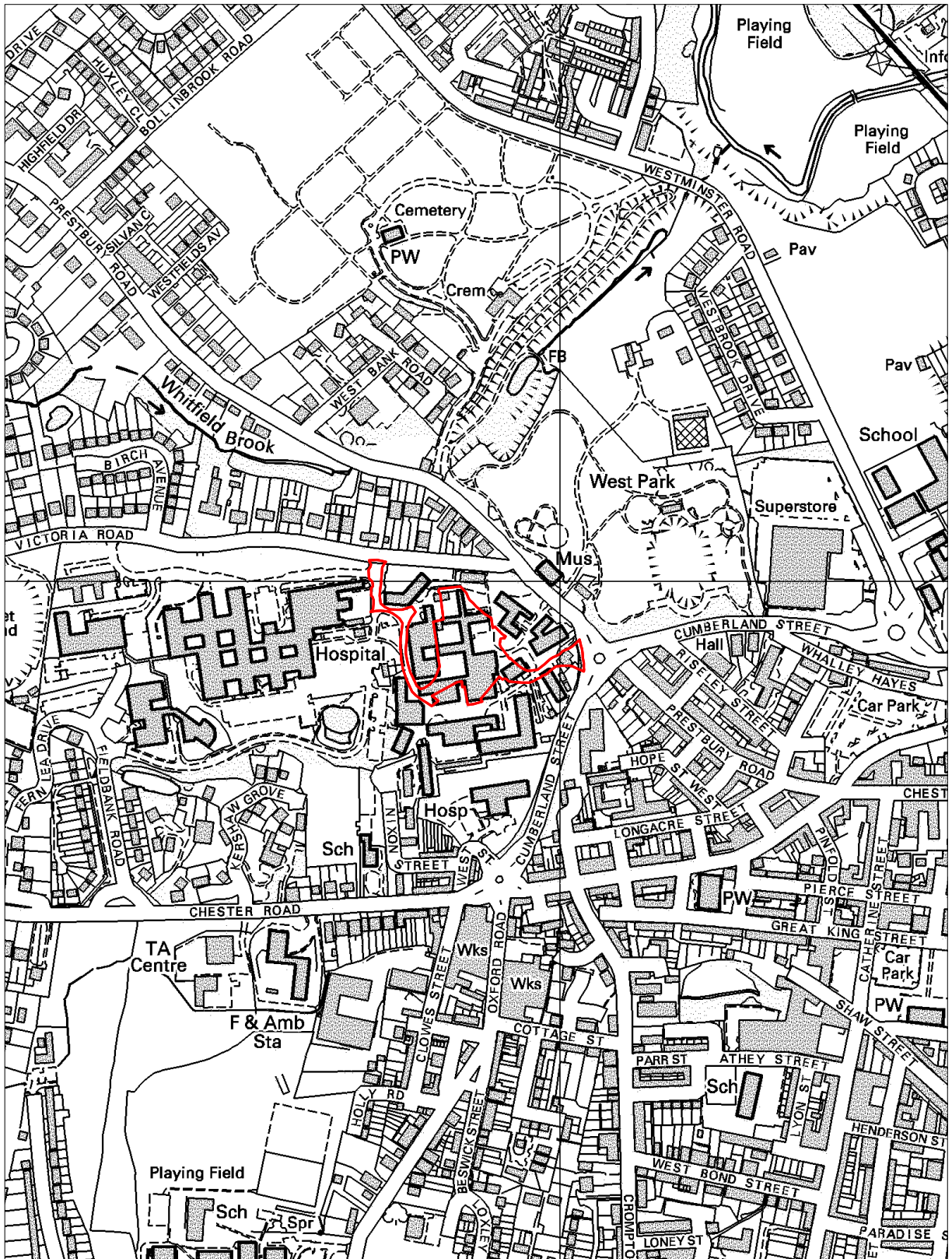
A Section 106 agreement would need to contain requirements for the following:

- The operation of a Travel Plan
- To maintain, implement and enforce the Traffic Restraint & Parking Management Policy for the Blue Zone Development.
- Monitoring costs

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. A03FP - Commencement of development (3 years)
3. A05EX - Details of materials to be submitted
4. A19MC - Refuse storage facilities to be approved
5. A22GR - Protection from noise during construction (hours of construction)
6. A02HA - Construction of access
7. A07HA - No gates - new access
8. A12HA - Closure of access
9. A24HA - Provision / retention of service facility
10. A26HA - Prevention of surface water flowing onto highways
11. A07HP - Drainage and surfacing of hardstanding areas
12. A10HP - Driveway surfacing - single access drive
13. A05HP - Provision of shower, changing, locker and drying facilities
14. A30HA - Protection of highway from mud and debris
15. A32HA - Submission of construction method statement
16. Requirement for a Phasing/Management Plan to be submitted
17. Incorporation of features into the scheme suitable for use by breeding birds
18. Survey required to check for nesting birds between 1st March and 31st August
19. Conservation conditions - relating to external appearance of the building
20. Compliance with bat mitigation proposals
21. Contaminated land
22. Environment Management Plan required
23. No burning of waste
24. Hours of deliveries
25. Hours of operation
26. Provision of car, cycle and motorcycle parking (scheme to be submitted)
- 27.
28. Provision of car, cycle and motorcycle parking (scheme to be submitted)
29. Parking for cars (including disabled parking and parking allocated for car-sharers), cycles (long stay and short-stay facilities) to be submitted
30. Requirement for an appropriate Traffic Restraint/Management Policy for the Blue Zone Development to prevent parking on the private access road



09/1577M

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Application No: 09/1613M

Location: MACCLESFIELD DISTRICT HOSPITAL, VICTORIA ROAD, MACCLESFIELD, CHESHIRE, SK10 3BL

Proposal: PROPOSED CONVERSION OF AND 420SQ M EXTENSION TO CURTILAGE BUILDING 6 TO ACCOMMODATE A CHANGE OF USE FROM C2 TO D1 TOGETHER WITH ASSOCIATED CAR PARKING. (LISTED BUILDING CONSENT)

Applicant: KEYWORKER HOMES (MACCLESFIELD) LTD &, EAST CHESHIRE NHS TRUST

Expiry Date: 04-Aug-2009

Type: Listed Building Consent

Date Report Prepared: 16 July 2009

SUMMARY RECOMMENDATION

Approve with conditions, subject to the views of outstanding consultees.

MAIN ISSUES

- Five applications have been received for the redevelopment of the area at Macclesfield Hospital known as the Blue Zone – consideration needs to be given as to whether these applications are in accordance with the Development Brief for the site and whether the applicant has addressed the reasons for refusal which were attached to applications which were considered by Macclesfield Borough Council on 26.01.09.
- Whether the works proposed to Building 6, which is a curtilage building to the Grade II Listed Clocktower building are acceptable
- Whether there are any other material considerations

REASON FOR REPORT

The application has been referred to the Strategic Planning Board as the proposal relates to planning applications which are major developments (the site area is 3.3 hectares, including the Clocktower building).

DESCRIPTION OF SITE AND CONTEXT

The site is bounded by Cumberland Street, the main road leading into Macclesfield town centre from the west, Prestbury Road and Victoria Road, which provides the main access to the hospital. The site is within 1km of the town centre. Adjoining land uses include the Macclesfield District General Hospital, the Regency Hospital, and West Park. The residential areas surrounding the hospital site include the 18th and 19th century Prestbury Road Conservation Area.

The site is located in an inherently sustainable location in relation to the town centre, recreation facilities, community and health facilities and primary and secondary education establishments.

HISTORIC BACKGROUND

The site was developed between 1843 (on what was pasture land) to the late 20th century. The later additions (1960's onwards) are considered to have little architectural merit. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse. This moved the centre of gravity of the hospital away from the site, which has continued to house hospital functions until approximately 18 months ago.

The Clocktower building is a Grade II Listed Building. The curtilage of the listed building can be interpreted to be the original extent of the planned workhouse development, including early buildings, boundary walls, roads and landscape.

This application is an opportunity to regenerate the site by way of a sensitive refurbishment of the Clocktower building.

The East Cheshire Trust wish to follow Department of Health advice and achieve Foundation Trust status as soon as realistically possible. To achieve this goal the Trust has to demonstrate several attributes, one of which is to demonstrate sound financial management. With this in mind, the Trust decided 2-3 years ago to sell the land, which is known locally as the 'Blue Zone'. A Planning Brief was put forward, which was given recognition by Macclesfield Borough Council in November 2007. The Trust marketed the site during the Spring of 2008 and it became evident that the bids would not clear the debts which the hospital has accrued over time. The Trust has been working with Keyworker Homes since the summer of 2008, and held a public consultation event during the autumn and as joint applicants submitted 3 planning applications in early December 2008. The Listed Building Consent application, which included the conversion of the Clocktower building and demolition of all other curtilage buildings (08/2722P) was refused by the former Macclesfield Borough Council on the following grounds: -

- The demolition of Buildings 2, 6 and 9 in the absence of a justifiable case and an appropriate redevelopment scheme would be harmful to the historic and architectural interest of this site, contrary to policies BE2, BE16, BE17 of the local plan, advice of PPG15 and the Blue Zone Planning Brief

A total of five applications have been submitted for this site. One is the full planning application for Building 6, two relate to the 'Clocktower' building and one relates to the comprehensive redevelopment of the site (an outline scheme). Although the applications are separate submissions, the schemes are intrinsically interlinked. They are reported elsewhere on the Agenda. From the Trusts perspective they aim to realise a financial payment as soon as possible following the granting of planning consent.

This application for Listed Building Consent relates to the alterations proposed to Building 6, which is to be converted to a D1 use and extended.

DETAILS OF PROPOSAL

This full application seeks permission for the conversion and extension of Building 6. This would involve the removal of the modern additions, which would be replaced by an extension. The use would fall within use class D1 and such uses within this class include: - clinic, health centre, crèche or gallery. The full planning application for the alterations proposed to this building is application 09/1577M.

RELEVANT HISTORY

08/2634P - Erection of 3 storey 75 x 1 bed care home, age restricted 4 storey sheltered retirement block, with 58 apartments, with ancillary accommodation, 4 storey building including retail units & 36 apartments, 4 storey office building, 14 no three storey townhouses & associated car parking, access roads and open space; and additional hospital parking deck (Outline Planning) - Refused 09.02.09

08/2722P - Change of use to Grade II Listed Clocktower building to provide 44 keyworker apartments, coffee shop, gym, laundry & ancillary accommodation, car parking & associated works, proposed demolition of curtilage buildings (2,6 & 9) to enable mixed use (Listed Building Consent) – Refused 09.02.09

08/2621P - Change of use and alterations to Grade II Listed Clocktower building (including partial demolition) to provide 44 keyworker apartments, 182 sq m coffee shop, 167 sq m gym, 24 sq m laundry & other ancillary accommodation, associated car parking and external site works (Full Planning) – Refused 09.02.09

There have been numerous other applications relating to the hospital use of the site, none of which are directly relevant to this application.

The site on Prestbury Road was undeveloped pastureland, until it was purchased for the construction of the New Union Workhouse. Construction started in 1843 and the buildings were completed in 1845. In the period between 1843 and 1871 further buildings were added in a similar architectural style but these are outside the site. In 1929 the Macclesfield Union Workhouse came under control of the newly established Public Assistance Authority. It later became Macclesfield General Hospital, West Park Branch. During the mid-to-late 20th century new buildings and extensions were constructed. The earliest of these buildings, built in the 1960's and 70's, are typically one or two storey, framed, system buildings common for the period. Some are freestanding; others are connected to the historic building by enclosed corridors, or built as extensions to the earlier buildings. Whilst these more recent additions have served an important practical function in providing health services, they are not fit for purpose for the future health service, and are not considered to have architectural or historic merit. They detract from the character and appearance of the historic buildings. Cumberland Street was constructed in the 1990's to link Chester Road and Prestbury Road.

In the 1980's the new Hospital was constructed immediately to the west of the original workhouse and hospital buildings. This moved the centre of gravity of the hospital away from the site that, nevertheless, has continued to house hospital functions until now.

POLICIES

Regional Spatial Strategy

EM1

Local Plan Policy

BE2, BE15 - BE19

Other Material Considerations

National Planning Guidance in the form of: -
PPG15: Planning and the Historic Environment

In addition, the Supplementary Planning Guidance documents relating to the 'Blue Zone Planning Brief' is of particular relevance.

CONSULTATIONS (External to Planning)

English Heritage do not consider it is necessary for this application to be notified to English Heritage.

Comments are awaited from English Heritage, The Ancient Monuments Society, The Society for the Protection of Ancient Buildings, The Council for British Archaeology, The Georgian Group and The Victorian Society.

OTHER REPRESENTATIONS

No letters have been received at the time of report preparation relating to the Listed Building Consent proposal.

APPLICANT'S SUPPORTING INFORMATION

Various supporting information has been submitted to accompany the applications for the future development of this site. These include: -

- Planning Policy Statement
- Design and Access Statement
- Heritage Impact Statement
- Flood Risk and Surface Water Assessment
- Geo-Environmental Interpretative Report
- Building Surveys
- Asbestos Reports
- Transport Assessments
- Tree Surveys and Arboricultural Assessments
- Ecological Reports
- Air Quality Assessments
- Noise Quality Assessments

All of these documents are available in full on the planning file and Council's website.

In addition, there is a letter from the East Cheshire NHS Trust, which is available for inspection on the application file. This letter states that the East Cheshire NHS Trust has been working to remove historic debt. A key element of the financial strategy remains the sale of the land. If this were not successful the Trust would need to find other ways of repaying the debt, which would have to be generated through additional efficiency savings with the Trust. The Trust has responded to comments made by Councillors and the public during the original submission which has led to changes to the plans. These changes have reduced the value of the land significantly, but the Trust remain confident that the scheme will deliver a sustainable development for the town and its residents. The reduced sale proceeds enable financial recovery for the Trust although further impositions such as Section 106 costs will further challenge that recovery. It is hoped that Cheshire East will see the benefit of the plans in terms of an asset to the community and also in terms of sustaining clinical services in Macclesfield for the Public.

A letter has been submitted by Keyworker Homes (the developer) which explains that since the previous refusal, the applicants and their advisors have sought to address the areas of concern which were publicly expressed regarding the previous scheme. This has resulted in a scheme which will provide a viable solution to the re-use of the visually important buildings on site and create a development which generates enough land value for the East Cheshire NHS Trust to realise its aspirations for the future of health care provision in the town.

A copy of the exhibition boards from a 4-day public exhibition illustrate the significant changes to the scheme. Further comments from the exhibition have informed the application, especially in relation to the position and form of housing on Victoria Road (addressed within the outline application).

It is important to note that the scheme stands or falls as a whole and any further significant changes to any of the constituent elements may threaten the overall viability of the scheme.

OFFICER APPRAISAL

Principle of Development

This is an application for Listed Building Consent for the conversion and extension of Building 6. As the buildings on the site remain largely complete, it is considered that the curtilage buildings, although not listed in their own right, are of particular interest and historic core value. They therefore constitute a legitimate and fundamental site constraint. Under the previously refused applications, Building 6 was proposed to be demolished. Therefore, the fact that the building is to be retained and reused is greatly welcomed.

Policy

The most relevant policies in the Local Plan relate to Built Environment Policies BE15-BE18. Specifically, Policy BE15 states, “the repair and enhancement of buildings of architectural and historic importance (listed buildings) will be encouraged”. BE16 states “development which would normally adversely affect the setting of a listed building will not normally be approved”.

IMPACT ON THE LISTED BUILDING

Building 6 was an original building on the site, dating back to 1843. It is regarded to be an attractive building, although there is a lean-to addition to the rear, which is not particularly sensitive to the original building. The historic value as part of the original complex and architectural contribution to it is clear and the building is convertible.

Comments are awaited from the Conservation Officer at the time of report preparation, in relation to the proposed conversion, extension and external alterations proposed to the building. The proposal includes the demolition of the southern, single storey additions to the building, which would be replaced by a single storey extension with a roof terrace above. The extension would measure approximately 13m by 30m. The proposed shows that materials for the extension would be stone, with rendered panels and large areas of glazing. The proposal will achieve the restoration of the building by way of a sympathetic subdivision and retention of its features. The unsightly extensions should also be removed which, in association with an appropriate landscape, should improve its setting significantly. The use is considered to be

sustainable and should secure its long-term retention. Other alterations to the building include some changes to some of the window and door openings. The Conservation Officer has had many discussions and site visits with the developer since the refusal of the applications in January 2009, in order to consider the alternative options for Building 6. It is understood that the Conservation Officer has concerns with the elevations treatment of the extension, however it is hoped that this can be addressed by the architect prior to the application being determined. Further comments will follow from the Conservation Officer in due course.

OTHER RELEVANT INFORMATION

Members of the committee visited the site on 21st July 2009.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The historic value of the Building 6 has been examined in detail and it is considered that its retention and conversion is welcomed. The proposal integrates positively with the historic setting of the site and it is thought (subject to the formal comments of the Conservation Officer) that the impact of the extension on the curtilage building is acceptable. It is considered that the elevational treatment of the extension will require revising to ensure a satisfactory appearance from the public viewpoint. It is considered that the applicants have presented a proposal for Building 6, which reflects the Planning Brief for the Blue Zone.

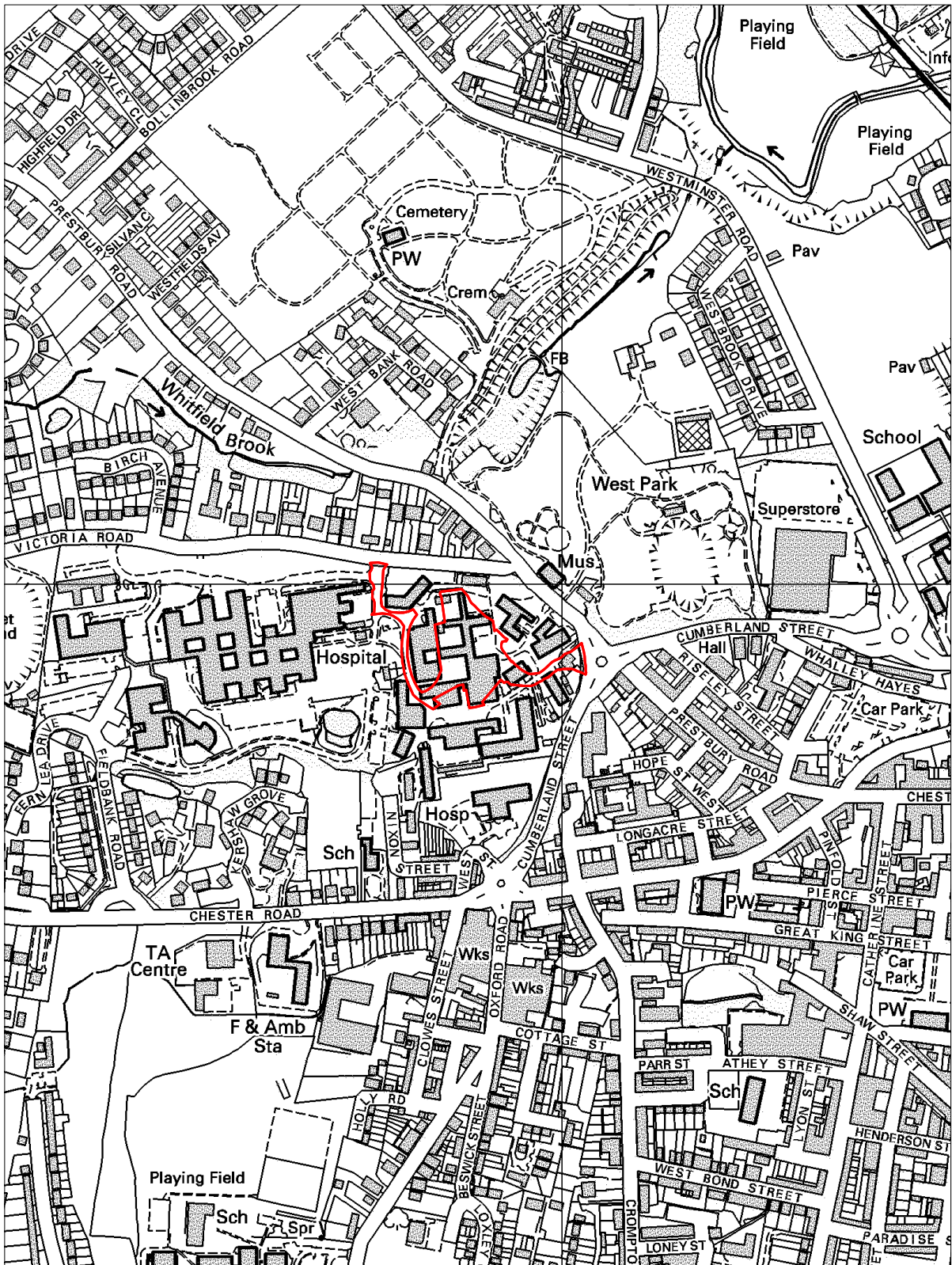
SUBJECT TO

Detailed comments are awaited from the Conservation Officer, and comments are awaited from English Heritage, The Ancient Monuments Society, The Society for the Protection of Ancient Buildings, The Council for British Archaeology, The Georgian Group and The Victorian Society.

Application for Listed Building Consent

RECOMMENDATION: Approve subject to following conditions

1. A07LB - Standard Time Limit
2. A05LB - Protection of features
3. A05EX - Details of materials to be submitted



09/1613M

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Application No: 09/0695M

Location: LAND ADJACENT TO, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE

Proposal: DEVELOPMENT OF A CARE VILLAGE COMPRISING 58 BEDROOM CARE HOME(USE CLASS C2); 47 CLOSE CARE COTTAGES (USE CLASS C3) ; 15 SHARED OWNERSHIP AFFORDABLE DWELLINGS (USE CLASS C3); AND ASSOCIATED ACCESS ROADS, PUBLIC OPEN SPACE, LANDSCAPING, CAR PARKING AND ANCILLARY DEVELOPMENT.

Applicant: GREYSTONE (UK) LTD

Expiry Date: 25-Jun-2009

Type: Full Planning Permission

Date Report Prepared: 17 July 2009

SUMMARY RECOMMENDATION

Approve subject to condition and s106 Legal Agreement

MAIN ISSUES

- Departure from Development Plan policy – assessment of material considerations to justify a departure from policy.
- Site planning considerations.

REASON FOR REPORT

This is an application which raises significant planning policy issues as a departure from the development plan.

DESCRIPTION OF SITE AND CONTEXT

The site is a Greenfield site lying on the eastern fringe of the Handforth urban area. The site is surrounded on its north and east boundaries by comprehensive landscaping implemented with the A34 bypass and Handforth Dean retail development. A mature hedgerow and public footpath form the southern boundary to the site, with open fields extending to the south. The Western boundary abuts the boundary of the grounds of Handforth Hall, a Grade II* listed building. Hall Road and residential properties to the south exist along the southwest boundary of the site.

DETAILS OF PROPOSAL

The site covers approximately 2.4 hectares and forms a strip of land between Coppice Way and Hall Road on the eastern edge of Handforth. The site is Greenfield. The majority of the site identified as safeguarded land under policy GC7 of the Local Plan. The Western section of the site is identified as Open Space under policy RT6 of the Local plan.

The application for full planning permission proposes the development of the site for a 58 bed care home (Use Class C2), as well as 47 Close Care Cottage for people over the age of 55 (Use Class C3) and a further 15 affordable houses (Use Class C3) to be provided on a shared ownership basis. A community pavilion would also be provided within the site, including a restaurant and other services. The application is accompanied by application ref. 09/0708M for the access road off Coppice Way. The developments should be considered together and have only been disaggregated to prevent land ownership differences complicating a legal agreement if the application was to be approved.

The 58 bed care home is a 2.5 / 3 storey building located on the eastern section of the site close to the A34 bypass. Although 3 storeys, the top floor is generally within the roof space. 16 parking spaces would be provided adjacent to the building including 2 disabled spaces.

The proposed close care cottages would be located on the central part of the site, and consist of bungalows and 2 storey units. 49 parking spaces would be provided amounting to 1 space per dwelling and 2 additional spaces.

The 15 affordable dwellings would be located on the western side of the site, all being 2 storey properties of similar design to the close care cottages and with parking provision of 16 spaces.

Access into the site would be taken from Coppice Way (see application 09/0708M). The access road would leave an access spur into the adjoining safeguarded land to the South.

The development would also involve the diversion of Public Footpath 91 that links Hall Road and Coppice Way. The proposal includes a new footpath that would skirt the western edge of the affordable housing units.

RELEVANT HISTORY

08/1847P Development of care village incorporating care home (use class C2); and care cottages and shared ownership affordable dwellings (use class C3): and associated access roads, public open space, landscaping, car parking and ancillary development.

Withdrawn 7.11.2008.

POLICIES

The Development Plan consists of the North West of England Plan Regional Spatial Strategy to 2021 (RSS), the saved policies of the Structure Plan Alteration: Cheshire 2016, and the saved policies of the Macclesfield Borough Local Plan.

Regional Spatial Strategy

Relevant policies of the RSS include: DP1 Spatial Principles; DP2 Promote Sustainable Communities; DP3 Promote Sustainable Economic Development; DP4 make the Best Use of Existing Resources and Infrastructure; DP5 Manage Travel Demand - Reduce the Need to Travel, and Increase Accessibility; DP7 Promote Environmental Quality; DP9 Reduce Emissions and Adapt to Climate Change; RDF 2 Rural Areas; Policy L1 Health, Sport, Recreation, Cultural and Education Services Provision; L2 Understanding Housing Markets; L4 Regional Housing Provision; L5 Affordable Housing; RT2 Managing Travel Demand; RT9 Walking and Cycling; EM1 Integrated Enhancement and Protection of the Region's Environmental Assets; EM3 Green Infrastructure; EM16 Energy Conservation and Efficiency; EM18 Decentralised Energy Supply; MCR3 Southern Part of the Manchester City Region.

Of the remaining saved Structure Plan policies, only policy T7: Parking is of relevance.

Local Plan Policy

Relevant policies of the Local Plan include: NE11 and NE17 relating to nature conservation; BE1 Design Guidance; BE2 Historic Fabric; BE16 protecting the setting of listed buildings; BE24 Archaeology; GC7 Safeguarded Land; RT1, RT2 and RT6 Open Space; H2 Environmental Quality in Housing Developments; H9 Affordable Housing; H13 Protecting Residential Areas; DC1 and DC5 Design; DC3 Residential Amenity; DC6 Circulation and Access; DC8 Landscaping; DC9 Tree Protection; DC17 and DC18 Water Resources; DC35, DC36, DC37, DC38 relating to the layout of residential development; DC57 Residential Institutions; T3 Pedestrians; T4 Access for people with restricted mobility; and T5 Provision for Cyclists.

The site lies within an area of safeguarded land designated in the Macclesfield Borough Local Plan and part of the site also includes land designated as Open Space within the Plan. The site also lies adjacent to the grounds of Handforth Hall, a Grade II* listed building.

Other Material Considerations

National policy guidance set out in PPS1 Delivering Sustainable Development, PPS3 Housing, PPS9 Biodiversity and Geological Conservation, PPG13 Transport, PPG15 Planning and the Historic Environment, PPG16 Archaeology and Planning, PPG17 Sport and Recreation, PPG24 Planning and Noise and PPS25 Development and Flood Risk are of most relevance to the proposed development.

Circulars of most relevance include: ODPM 06/2005 Biodiversity and Geological Conservation; ODPM 05/2005 Planning Obligations; and 11/95 The use of Conditions in Planning Permissions.

Relevant legislation also includes the EC Habitats Directive, the Conservation (Natural Habitats &c.) Regulations 1994, Wildlife and Countryside Act 1981 and the Hedgerow Regulations 1997.

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions and a s106 agreement relating to the operation of a travel plan, maintenance of the proposed access road and public footpath, and funding of traffic regulation orders. They state that the parking provision is substandard, but consider that due to the location of the site and guidance in PPG13 they cannot insist on more parking spaces. They also state that any overspill parking is likely to be kept within the site and not interfere with the public highway, and that should such a situation arise that would have to be dealt with by traffic regulation orders.

Environment Agency: They initially raised an objection to the proposals on the basis that they have been informed that the public footpath crossing the site is subject to localised flooding and therefore the proposed housing would be at risk if flooding. It was stated that the flood risk assessment did not address this issue. The Environment Agency officer has informed the Council that they have now withdrawn their objection following the receipt of sufficient information from the applicant to demonstrate how they will develop the site to prevent surface water flooding.

Natural England: They are not aware of any nationally designated landscapes or any statutorily designated areas of nature conservation importance that would be significantly affected by the proposed planning application. They note that the information provided identifies that the following protected species may be affected by the proposal: Great Crested Newts, Bats and Breeding Birds. Natural England notes that this development may have a detrimental effect on protected species and that **further surveys for bats may be required**. They also recommend that an appropriate condition is included in any planning permission to ensure clearance works are undertaken outside of the bird breeding season or that a check on any trees/shrubs to be felled is made by a suitably qualified ecologist. They also note that the applicant has identified a need for a Natural England licence to be in place prior to any works commencing.

Note: a bat survey has since been undertaken and submitted.

English Heritage: The application should be determined in accordance with local and national policy guidance, and on the basis of your specialist conservation advice.

United Utilities: No objection to the proposal provided the site is drained on a separate system, with only foul drainage connected into the foul sewer. Foul drainage should be connected to the existing 825mm diameter public sewer crossing Hall Lane and surface water to be discharged to watercourse to the southwest of the site, subject to the approval of the Environment Agency. All surface water drains must have adequate oil interceptors.

Officer for Archaeology - The proposed development will occur in an area of land to the west of Handforth Hall which was constructed in the 16th century and is recorded in the Cheshire Historic Environment Record. The applicant has commissioned a desk-based archaeological assessment in response to suggestions of the presence of a chapel and burials in the vicinity of the Hall. The provisional conclusion of the report was that the chapel had been within the application area and that pre-determination evaluation would be necessary. Subsequently, however, further documentary evidence was located which indicated that the chapel and burials were not within the application area but had been sited

much closer to the Hall. In these circumstances, it was concluded that further archaeological work would not be required and I am happy to accept this conclusion.

Public Rights of Way Unit: In order for the development to proceed, the public footpath crossing the site would need to be diverted under the Town and County Planning Act 1990. Wish to investigate the possibility of securing improvements to another nearby public footpath via a S106 agreement.

Leisure Services: No comments received.

Housing Strategy & Needs: The Borough's Housing Strategy, Key Aim 3: 'To provide supported accommodation appropriate to the needs of the Borough's population', fully supports this proposal that will provide purpose built accommodation for this vulnerable group of older residents. The proposal also fits with the Cheshire Supporting People Strategic Vision 'to offer vulnerable people the opportunity to improve their quality of life by providing a stable environment that enables greater independence'. Further, the proposed development fully accords with Central Government's National Strategy for Housing in an Ageing Society 'Lifetime Homes, Lifetime Neighbourhoods' February 2008.

Environmental Health: No objection subject to a condition controlling hours of construction. In terms of potential land contamination the application area has a history of farm use and therefore the land may be contaminated. The application is for new properties, which are a sensitive end use and could be affected by any contamination present. The Preliminary Risk Assessment report submitted in support of the application recommends that further investigation is required. No objection subject to conditions to take this into account.

The impact of noise from the A34 bypass has also been considered, in terms of any potential impact on future residents of the care home. No objection is raised in this respect subject to conditions.

REPRESENTATIONS

A petition against the proposal has been submitted with 343 names. This number includes people from the same households and also names without an address. The petition requests the plans to be rejected and states that the development would be very damaging to the local area and would destroy a large area of natural beauty.

Letters from 89 objectors (of different addresses) have been received. These objections and concerns are summarised as follows:

- Development will lead to localised flooding due to the serious reduction of natural soakaway. Contrary to policies DC17 and DC18.
- Must make sure Hall Road is not used during construction – would be a safety hazard and damage to the road
- Noise pollution – location with Bypass would be intolerable for inhabitants.
- Damage to ancient hedgerow by sewer pipes, railings and proximity to dwellings. It will be fragmented by future occupiers.
- Destroy large area of natural land, loss of green space and wildlife habitat including protected species of newts, breeding birds, foxes, badgers.

- The tests of the Habitats Regulations in relation to European Protected Species would not be met.
- Other locations would be better
- There is not need for the development. Plenty of care homes in the locality. Honford Court recently closed down. Due to lack of demand residents would be moving in from outside the local areas.
- Detrimental to health service in Handforth due to increased pressure on Handforth Health Centre
- Harm to nature conservation interests, including Great Crested Newts
- Ruin setting of Handforth Hall, a Grade II listed building, contrary to policy BE16 of the Local Plan.
- Highly likely that visitors will park their cars at the end of Hall Road.
- Congestion at roundabout on Coppice Way.
- The future of the field to the South would be endangered.
- Re-routing of footpath is longer and infringement on public right.
- Contrary to policies of the Local Plan to protect safeguarded land (GC7) and public open space (RT6).
- Secure boundaries mean development is not socially inclusive and contrary to PPS1. Benefits of development and services within the development will not serve the local community. Does not enhance environment as required by PPS1.
- Development not sustainable and not in sustainable location. Links to public transport are poor. Does not comply with PPS3.
- Severe under provision of parking. 68 staff would work at the care home and only 16 spaces provided. Also insufficient visitor parking within the care village. Bus stops are difficult to access from the site and there will be people travelling into the site to use the on-site facilities. This will result in highway safety problems.
- There is not sufficient need for the development to override important Development Plan policies. The appraisal done by the developer must be questioned as other sites are discounted solely because they do not fit with their model of development.
- If approved request conditions to prevent parking on Hall Road and to prevent any future access onto Hall Road.
- The access will break into the noise protection bund from Coppice Way
- Failure to retain tree cover
- Fails to provide any decent private amenity areas for future residents.
- The site layout increases the risk of crime with high wall adjacent to the elongated public footpath.
- The land must remain as a buffer zone between residential areas and the superstores and A34 bypass.
- The proposed development would create an area of substantial risk to vulnerable residents by reason of physical danger, particularly to those handicapped, those of mature age, young children, who may live on site or visit, from road, ponds or traffic accident or just poor access.
- Does not take account of the recently completed Spath Lane care village development which is half vacant.
- Evidence of historic burials/chapel on the site of archaeological importance.
- The area has been enjoyed by local residents for many years as a recreational to walk dogs etc.
- Overlooking into our property from balconies of proposed dwellings

- Inaccurate assessment of trees.
- Statement says that Hall Road will be used for the construction access – this is totally unacceptable and will be a safety hazard to nearby Primary School.
- New build proposal would be out of character with surroundings.
- Air pollution would affect the elderly living in the care centre
- Elderly people want to be part of the community and not isolated in a care centre
- Fear that once it is built it will expand into adjoining open space
- Little pedestrian access to Handforth Dean shopping complex during construction.

Cheshire Fire and Rescue Service have advised that roads should be constructed in accordance with relevant design guidance to ensure emergency access and details of water main installations should be submitted to them.

Representatives of Marks and Spencer have submitted a statement requesting assurance that a high level of screening be maintained on the bund between the proposed development and the retail outlet, with the use of conditions or a legal agreement. They also state that the capacity of the road junctions onto Coppice Way should not be prejudiced by the development.

Wilmslow Trust: Is it in accordance with zoning for domestic housing? Is it needed? As the area appears to be well served in this speciality. The access will add to a danger spot.

2 letters of support have been received.

APPLICANT'S PRE-APPLICATION CONSULTATION

A statement of community engagement has been submitted, which essentially relates to the consultation process undertaken by the applicant prior to submitting the 2008 application ref. 08/1847P. Their publicity involved advertisements in the local press, posters, advertisement on the Council's website, and 2 public exhibitions held at Handforth Library. The exhibitions attracted over 150 attendees and 80 comment sheets were completed. Of these comments, 12 contained points of support and 75 contained points of objection. Following the comments received, the applicant made alterations to the scheme before submitting the original planning application. The major changes included removing the proposed access from Hall Road and altering the site layout.

APPLICANT'S SUPPORTING INFORMATION

The information that has been submitted alongside the plans and drawings include:

- i) Planning Statement;
- ii) Housing Needs Assessment;
- iii) PPS3 Sequential Analysis;
- iv) Draft Heads of Terms for Section 106 Agreement;
- v) Statement of Community Engagement;
- vi) Transport Assessment;
- vii) Flood Risk Assessment and Drainage Report;
- viii) Ground Investigation Report;
- ix) Phase 1 Habitat Survey, Phase 2 Grassland Survey; Great Crested Newt Survey;

- x) Arboricultural Survey;
- xi) Desktop Archaeological Report

These documents can be viewed online as background information. The planning statement concludes that:

The development site extends to 2.4 hectares and adjoins the built up area of Handforth. The proposed development is situated in close proximity to a range of key services and facilities, and is well served by public transport which provides frequent transport services to surrounding settlements.

The proposal has been prepared in the context of current local, regional and national planning policy guidance, and accompanying background material. We consider that the need for the development outweighs any potential harm that may be caused to the natural and built environment. There are a number of material considerations to be taken into account in support of this:

- a) The proposed care home, Close Care Cottages and affordable housing respond to housing needs and demand in the local area, and therefore provide for a shortage of this type of housing. This proposed development will contribute to the creation of mixed communities in accordance with PPS3.
- b) Notwithstanding the identification of the site in the Local Plan for housing delivery after 2011, the demonstrated need for this type of development offers suitable conditions for the site to be brought forward for development.
- c) The proposed development provides for the retention and improvement of the quality of open space, including improvements to the local biodiversity.
- d) The site has good sustainability credentials with a range of facilities available within Handforth and further afield in Wilmslow, Stockport and Manchester. The site is well connected to the wider area with two regular bus services and a railway station within 500m of the site.
- e) The proposed development is well designed, appropriate to the location, scale and density of its surroundings.
- f) The development of the site will create new employment opportunities and as such will positively contribute to the local economy, in accordance with PPS1.

The proposed development should be considered as an exception to the current Development Plan policies and in our view other material considerations justify the proposal.

OFFICER APPRAISAL

Principal of Development

The application site is currently split into two areas, which in terms of planning policy are quite distinct from one another. The land to the east of footpath 91 is designated as 'Safeguarded

Land' under Local Plan policy GC7 whilst the area to the west of the footpath is allocated for recreation purposes and amenity open space under Local Plan policy RT6(10).

Safeguarded land may be required to serve development needs beyond the Local Plan period (2011). It is clear that although the land is not Green Belt, it is also not allocated for development at the present time and policies relating to development in the countryside will apply. Policy GC5 deals with development in the open countryside, which "will not be permitted unless it is essential for agriculture, forestry, outdoor recreation or for other uses appropriate to a rural area". Clearly the development does not fall into one of those categories.

Policy GC7 also states that development that would prejudice its later comprehensive development will not be permitted. The applications include an access road to serve the proposed new development. This access road includes a spur, which could be utilised to access the remaining majority of the safeguarded land. Under these proposals, the Local Authority would adopt this part of the access road and therefore any future comprehensive development on the remaining land would not be prejudiced.

The land to the west of the footpath and land bounding the site to the north (including the proposed access to be considered separately under application 09/0708M) is allocated under policy RT6(10) for amenity open space. Policy RT1 asserts that 'areas of recreational land and open space as shown on the proposals map will be protected from development and policy RT2 states that 'incidental open spaces / amenity areas in residential areas will normally be protected from development and enhanced as appropriate'. The proposed development would take approximately 0.34ha of the allocated amenity space (not including the loss proposed as part of the access under separate consideration). Although the application claims to re-instate 0.82ha within the development, it is also clear that the development will be self-contained and secured. Consequently, the open space provided will not be accessible to the general public and cannot be regarded as replacement for the amenity space lost. The Council may wish to consider what compensation measures would be appropriate for the loss of amenity space should the application be approved. To the west of the open space land exists land designated as a Nature Conservation Priority Area in the local plan, Handforth Wood. Policy NE16 states that the Borough Council will seek to implement management plans to enhance nature conservation interests in this area. A contribution towards the management of this land could provide appropriate mitigation for the loss of open space.

In terms of both GC7 and RT6, the application represents a departure from the development plan. Planning applications should be determined in accordance with the development plan, unless material considerations indicate otherwise.

It is also clear that the strategic planning context has changed considerably since the adoption of the Local Plan in January 2004. The Regional Spatial Strategy (adopted 30th Sept 2008) requires 400 net additional homes to be built per annum in the former Macclesfield District between 2003 and 2021. This is a large increase over the numbers previously set out in the Cheshire Structure Plan alteration, which required an average of 200 per year between 2006 and 2011, dropping to 100 per year between 2011 and 2016. Housing provision in the Local Plan was addressed with regard to these lower figures.

The Strategic Housing Land Availability Assessment (SHLAA) shows that sufficient sites could be found to meet the RSS requirement to 2021, although residential development on a number of these would involve a departure from the adopted Local Plan. Whilst the SHLAA is not policy and does not alter existing allocations, it does show that development on certain sites not currently allocated, or allocated for uses other than residential will be required to meet the RSS housing provision figure. The need for affordable housing provision in the Borough is well documented. Despite recent changes in the economy, there remains a local affordability issue, with Macclesfield being one of the least affordable places in the region. In addition, Macclesfield Borough has an ageing population with a higher proportion of pensioner households than the regional average (2001 Census) and population predictions indicate that there will be 13,400 additional persons in the over 65 age group by 2029. The 2004 Housing Needs Study suggests a requirement for sheltered accommodation of 1,200 private market units and 827 affordable units. Some of this requirement will be addressed by flow from the existing stock but there are issues around the acceptability of this stock to meet modern standards.

Whilst the proposed residential care home would not contribute to meeting this affordable and sheltered accommodation demand, the 47 close care cottages and 15 affordable units for over 55s would certainly help to address local housing need in this category. Although the site is a Greenfield site, it is on the edge of an urban area and is within 500m of a bus stop, 600m from Handforth rail station and 800m from Handforth district centre. It is also adjacent to Handforth Dean with its large comparison and convenience shopping facilities. The site is therefore considered to be in a relatively sustainable location.

In conclusion, it could be argued that the material considerations are sufficient to justify a departure from the Development Plan subject to other policy and site planning considerations.

Close Care

Members will be familiar with the terms 'close care' and 'extra care'. There are subtle differences between the two, and essentially close care remains a residential use under use class C3 of the Use Classes Order, whereas extra care schemes are more likely to fall under use class C2, the same as a care / nursing home.

This proposed scheme includes both use classes, with the care home (C2) and the close care cottages (C3). Close care is commonly defined as sheltered accommodation within the grounds of a care home, ensuring access to care as and when required. The proposed care village would operate differently than many other models as the care home on the site would not be providing the care service to the occupants of the cottages. The care services to the occupiers of the cottages would be bought in as part of an agreement within the lease.

A draft operational plan has been submitted and further detail needs to be addressed within the proposed legal agreement. The applicant's business model would attempt to secure a balanced community across the site, varying from people over 55 with an independent life, to those with a higher degree of care dependency. Whilst it is inevitable that the care needs of any occupants would grow over time officers are keen to eliminate the possibility of the village being occupied pre-dominantly by residents with no care needs at all on initial occupancy.

A care assessment would be undertaken of all prospective purchasers and as part of the basic service charge all occupants would receive 1 hour of domestic or personal help per week. Occupants would then purchase a care package above that level dependent on need. The applicant has agreed in principle that a minimum of 60% of the initial occupiers of the cottages and affordable dwellings would *require* at least a basic level of care following their initial care assessment. This could be written into the legal agreement.

The applicant has submitted a sequential analysis with the proposal, which concludes that there are no other more sustainable, available or feasible sites in the search area to accommodate the proposed development. Officers agree with this assessment, but on the basis that the proposed elements cannot be disaggregated. This goes to the heart of the consideration of the application. In theory, as the care home would not be providing the on site care to the close care cottages, those elements of the scheme could be disaggregated. The applicant is stating that the geographic proximity of the care home to the rest of the village would provide an important continuity and accessibility factor for residents of the cottages who may ultimately require full time care in the proposed care home. Members must consider whether the applicant's proposed justification for the village in one geographic location is a robust argument. It would clearly be preferable if there was a higher level of integration between the care home and the rest of the village, but on balance the proximity of the care home to the rest of the village as considered to be a valid material consideration.

Policy

PPS1 states that sustainable development is the core principle underpinning the planning process. Planning should facilitate and promote sustainable patterns of development through protecting and enhancing the natural and historic environment, and ensuring high quality development through good design and efficient use of resources.

Development which contributes to the creation of safe, sustainable, mixed and liveable communities is encouraged. The concentration of mixed use developments, use of previously developed land, building in sustainable locations and those well served by a variety of public transport is a key to this approach. Clearly this proposal does not make use of previously developed land, and many of the objections received in the representations contest that the site is not in a sustainable location.

The requirement in PPS3 is that planning authorities create sustainable and mixed communities which meet the different household needs of its population. These needs will be based on tenure, price and the accommodation requirements of specific groups such as older people.

Policy L4 of the Regional Spatial Strategy sets out the framework for regional housing provision. Targets for housing provision and criteria by which to appropriately achieve those targets are set out in the policy. It is stated that Local Authorities should work in partnership with developers and other housing providers to address the housing requirements (including local needs and affordable housing needs) of different groups. This should be achieved taking account of the spatial principles of the RSS and advice in national guidance PPS3. Affordable Housing provision is dealt with in policy L5. This policy sets out delivery mechanisms to secure provision of affordable housing. One of the objectives is to ensure that wherever possible, the property remains affordable and available in perpetuity. Policy R2 deal with

managing travel demand with a key objective being to ensure that major new developments are located where there is good access to public transport, backed by effective provision for pedestrians and cyclists to minimise the need to travel by private car. This is also emphasised in policy RT9.

In addition to the strategic policy issues noted above, specific development control policies are relevant to this proposal. Policy DC57 of the Local Plan sets out criteria for residential institutions. The site must be close to local facilities such as bus services, local shops and other community facilities and is normally sited in a residential area. A concentration of specialist housing and care facilities should be avoided. Amenity of neighbouring property should not be harmed. A reasonable sized private garden with a pleasant aspect must be provided. Adequate parking and safe access should be provided. Policies BE1 and DC1 of the Local Plan seek to ensure a high quality of design in new development that is of appropriate scale and sympathetic to the site and its surroundings. Policy DC5 encourages the layout of developments to reduce the risk of further crime. Policy DC6 requires safe convenient access, including access to bus routes. Policy DC8 sets out criteria for landscaping and policy DC9 requires the protection of trees of amenity value. Other relevant policies are dealt with under the respective issues below.

Impact on setting of Handforth Hall

The Western boundary of the site adjoins the grounds of Handforth Hall, a Grade II* listed building. Policy BE16 of the Local Plan states that development that adversely affects the setting of a listed building will not normally be approved. The applicant has had extensive pre-application discussion with officers in respect of the impact on the setting of Handforth Hall. Original proposals showed the larger care home building sited close to the common boundary with the Hall. This was considered to have an unacceptable impact and would have prevented any substantial degree of tree screening. The proposal now has the care home on the eastern site of the site, and the less dominant 2-storey dwellings on the Western side. The buildings nearest to the boundary with the Hall would be between 17 and 30 metres away from the boundary. This distance would allow space for a sufficient amount of the existing tree and hedge screening to be retained and supplemented. The conservation officer has no objections to this proposal.

Archaeology

In response to suggestions that the site may include a chapel and burial ground of archaeological interest, with historic connections to Handforth Hall, the applicant has commissioned a desk-top. The County's senior officer responsible for archaeological regeneration is satisfied with the conclusions of the report that no further work is required.

Impact on residential amenity

The interaction of the proposed development with adjoining residential uses is restricted to the Western end of the site. The rear of the affordable dwellings face towards Handforth Hall, but good boundary screening and sufficient distance will prevent any significant harm to the living conditions of that property. Other properties close to the development include those on Wadsworth Close, Hall Road and Old Hall Crescent. Objections have been raised about potential overlooking into private garden areas. The property closest to those dwellings would

be a bungalow and good boundary screening would prevent any harmful loss of privacy. The nearest 2 storey cottages to those properties, plots 26 and 27 would comply with the guidelines for space, light and privacy set out in policy DC38 of the Local Plan. It is not considered that there would be any harmful impact on living conditions as a result of the proposed development and therefore the proposal would accord with policies DC3 and H13 of the local plan.

Noise

Objections have been raised on the basis that the location of the care home adjacent to the A34 bypass is unsuitable due to noise for future inhabitants. The east elevation of the care home would be located approximately 60 metres from the bypass, at a point where traffic is slowing down toward the Handforth Dean roundabout. PPG24 sets out guidance for noise sensitive development, outlining categories of noise which would be deemed unacceptable for the location of residential property. Given the embankment between the bypass and the 60 metre distance to the proposed care home, change in ground levels and extensive vegetation, the environmental health officer is satisfied that noise levels would be within accepted standards subject to a conditions. This could involve the installation of high specification glazing and ventilation system, and/or alterations to the internal layout of several rooms within the care home. This can be dealt with by condition for a scheme of sound insulation to be approved.

Public Rights of Way

The development would involve the diversion of Public Footpath 91 that cuts through the site between Hall Road and Coppice Way. The proposed footpath would provide a cycle lane in addition to a 2 metre wide footpath. The length of the footpath will be elongated as it has to curve around the north side of the development. It is not considered that there should be an objection in principle to the diversion of the footpath to facilitate the development. Subject to the new footpath being of a higher standard for pedestrian and cycle users. In the previous proposal where was concern that the proposed footpath would be more restrictive in terms of natural surveillance due to a proposed 2m high brick wall, contrary to policies T3 and DC5 of the Local Plan. This is now proposed to be a low wall with railings and open to the west side of the footpath, which is considered to be acceptable.

Highways

A transport statement and a draft framework travel plan have been submitted with the application.

Whilst the site is not adjacent to the public transport network, it is an a reasonably sustainable location being approximately 500m from the bus stop on station road, approximately half a mile from the centre of Handforth and near to the Handforth Dean Shopping complex. This is considered to be in accordance with the objectives of policies DC6 and DC57 of the local plan.

The Highway Authority has raised no objections to the proposed development in terms of parking provision and the new access proposed. Given the nature of the residential development and the relatively sustainable location of the site, the allocation of 1 space per

dwelling is considered acceptable. 16 parking spaces, including 2 for the disabled, would be provided at the front of the care home, this is below the standard normally required by Cheshire County Council standards, which would be 19 spaces and disabled parking provision. However, the highway authority is satisfied, on balance, that this is acceptable, and that any potential overspill onto the public highway could be dealt with by traffic regulation orders. The draft framework travel plan would also help reduce car dependency. A legal agreement would be required to secure and monitor the implementation of a fully detailed travel plan.

The Highway Agency was consulted on the withdrawn application and confirms that the development will have a negligible impact on the trunk road network.

Design and visual impact

As the site is green field, the development clearly has a landscape impact. An area that is currently agricultural / open space land will be occupied by an urban form. The layout has been influenced by the natural and physical constraints of the site, particularly the ponds within the site and the location of Handforth Hall to the west. The more dominant care home building would be located to the north-east corner of the site, away from Handforth Hall, and would be viewed in the landscape against the backdrop of the planted mound along the A34 bypass. Existing mature vegetation would provide good natural screening from the west, north and east vantage points. The most prominent local vantage points from outside the site would be from the south, where the care village will be viewed above the existing mature hedge that forms the southern boundary of the site. The 2 storey dwellings would respect the scale of existing dwellings near to the site accessed from Hall Road. The diverted public footpath would also provide new vantage points looking east across the proposed development, which need to be considered. Whilst the proposal clearly involves a change in landscape, the overall massing and layout of the development is considered to respect the constraints of the site and is sympathetic to adjoining buildings and its surroundings.

The care home building would have a U-shaped footprint, creating its own internal courtyard at the rear, which would create a modest private outdoor space for residents. Criterion 4 of policy DC57 requires appropriate private garden space to be provided in the order of 10 sq m per resident. This proposal would be substandard in this respect being approximately 7 sq m per resident, but the objective of the policy to provide adequate amenity space is considered to be met. The architecture is of a traditional design, with arts and craft influences. It would be a brick building with timber detailing and render and herringbone brick infill and slate roof. The design has been influenced by details of Handforth Hall, but sited a good distance from the Hall there is no danger of it competing with or overbearing the Hall.

The proposed close care cottages and affordable dwellings are also of a traditional design with appropriate materials and detailing, providing some variety of materials and design details but maintaining a commonality that adds cohesion to the development.

The proposed community centre has a colonial design influence and provides a focal point for the development. The building has a first floor within the roof space, and its heavier roof form and clock tower are considered to give it an appropriate identity as a communal building.

The development also re-establishes the ponds within the site, and along with the proposed village green, this helps to provide some aesthetically pleasing aspects to the overall layout. The design achieves a housing density of 36 dwellings per hectare, which complies with the requirements of PPS3.

Whilst the development would not be in the public realm, officers raised objection to the previous scheme due to its lack of reference to the design guide 'Manual for Streets'. The key objective of which is to place the layout of the buildings first and the road layout afterwards. The proposed layout is an improvement in this respect, with the access road within the site given less dominance and the position of the buildings providing more interest by reducing site lines through the site. The result is a site that would be more pedestrian friendly and less car dominant, and whilst the proposals could go further to fully embrace the guidance in Manual for Streets, an objection on these grounds is now considered difficult to sustain.

Landscaping and tree protection

Policies DC8 and DC9 of the local plan require schemes to have appropriate landscaping and ensure the retention of trees of amenity value. Policy EM1 of the RSS seeks to avoid damage to landscape assets, enhance biodiversity assets and mitigate any unavoidable loss in resources. The site has no special designation of landscape interest.

The site is characterized by a mound along the northern boundary of the site adjacent to Coppice Way, intersected along its length by a footpath (footpath 91), which links Hall Road with the retail development. The mound has been landscaped with trees comprising of a mix of Oak, Aspen, Cherry, Field Maple, Silver Birch, Hazel, Hawthorn, Rowan, Alder and Flowering Crab. There is also evidence of natural regeneration/seeding of Goat Willow and Ash occurring within the mound.

The southern section of the site is generally flat/slightly undulating and comprises of scattered groups and some isolated individual trees comprising predominantly of Sycamore, Ash, Goat Willow and Crack Willow. The strongest visual element of the site is the Hawthorn hedge, which delineates the southern boundary of the site along footpath 127, which links Hall Road and the Total Fitness Centre over the Wilmslow/Handforth bypass. The hedgerow consists primarily of Hawthorn, with occasional Elder and is shown for retention on the submitted layout plan. The retention of this feature is to be welcomed, however there will be a requirement to ensure the retention and management of this feature in its entirety to avoid potential fragmentation by future residents. Clarification is being sought as to whether the hedge constitutes an 'important hedgerow' as defined by the Hedgerow Regulations 1997. Historical and ecological information received so far suggest that it is unlikely to meet the necessary criteria to be classified an 'important hedgerow'. Officers have assessed that impact on a precautionary basis, however, and the hedge is specified for retention so there would be no breach of the regulations in any event. The applicant is proposing railings on the inside of the hedgerow to delineate the curtilage of the development. This would aid the protection of the hedge and, should it be proven that the hedgerow is an 'important hedgerow' it would ensure that the 1997 regulations would continue to apply and hence ensure its future protection.

The development will inevitably lead to tree loss within the site, however, it is the view of the Council's officer for arboriculture that none of the trees shown for removal are of sufficient significance that they cannot be adequately mitigated for in a landscaping scheme.

Landscaping plans have been submitted with the proposals. The landscape issues can be divided into two discrete sections. Firstly the landscaping and management of the public open space to the west of the proposed diverted public footpath, and secondly the quality of the landscaping within the care village itself. The Council's landscape architect has not raised an objection to the proposals but has raised several issues that would need to be dealt with in an improved landscaping scheme that could be dealt with by condition. In particular clarification is required to the management of the public open space.

A key issue relates to the proximity of dwellings to the northern-planted mound that would screen the development from Coppice Way. Although north facing, the proximity of the dwellings and the care home, combined with the projected future growth of the trees has a potential of resulting in requests to fell trees on the slope. It has been clarified that some tree removal on the fringe of the slope within the site will be required. The buildings have been moved slightly further away from the northern slope from the previous application and sections have been provided that illustrate the relationship with the trees on the slope. The removal of trees from the area owned by the developer will improve the relationship between the dwellings and the wooded embankment. The trees and shrubs in this area will require regular pruning or removal to prevent encroachment and shading. This should form part of a landscape and habitat management plan that would be required across the site and across the open space to the west.

Ecology

Guidance in PPS9 requires that LPAs adhere to key principles to ensure the potential impacts of planning decisions on biodiversity and geological conservation are fully considered. Where granting planning permission would result in significant harm to those interests, the Council will need to be satisfied that the development cannot reasonably be located on any alternative sites that would result in less or no harm. In the absence of any such alternatives, adequate mitigation measures must be secured before planning permission is granted. The guidance is reinforced in ODPM Circular 06/2005.

A phase 1 habitat survey and great crested newt (GCN) survey was undertaken by the applicant. Natural England has been consulted. The previous application was withdrawn due to the presence of garden ponds in the grounds of Handforth Hall, which had not been picked up on the original GCN survey, and which were considered potentially to support a GCN population. An updated survey has been undertaken which reveals the presence of Great Crested Newts, a European Protected Species, and a mitigation strategy is now proposed. Whilst the application site itself does not show to contain breeding ponds for GCNs, the site is well within the foraging areas that would be used by the newts. Given the potential impact on GCN habitat, the developer would require a license from Natural England.

The phase 1 habitat survey stated that the site is unlikely to provide habitat for bats, also a European Protected Species. However, Natural England have recently suggested that a bat survey should be undertaken for the avoidance of doubt. This survey has now been undertaken and submitted which has shown evidence of bats using the area for foraging. The

nature conservation officer is satisfied with the results on the survey and that there would be no adverse impact on bats, subject to the retention of several trees with potential for bat roosts.

Article 12 (1) of the EC Habitats Directive requires Member states to take requisite measures to establish a system of strict protection of certain animal species prohibiting the deterioration or destruction of breeding sites and resting places.

Regulation 3(4) of the Conservation (Natural Habitats &c.) Regulations 1994 provides that the local planning authority must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions.

It should be noted that since a European Protected Species has been recorded on site and is likely to be adversely affected by the proposed development, the planning authority must consider two of the three tests in respect of the Habitats Directive, i.e. (i) that there is no satisfactory alternative and (ii) that the development is of overriding public interest. Evidence of how the LPA has considered these issues will be required by Natural England prior to them issuing a protected species license.

Current case law instructs that if it is considered clear, or very likely, that the requirements of the Directive cannot be met because there is a satisfactory alternative or because there are no conceivable “other imperative reasons of overriding public interest” then planning permission should be refused. Conversely if it seems that the requirements are likely to be met, then there would be no impediment to planning permission in this regard. If it is unclear whether the requirements would be met or not, a balanced view taking into account the particular circumstances of the application should be taken.

Alternatives

The applicant has submitted a sequential analysis which concludes that there would be no realistic alternative sites in the area to provide the kind of care village proposed. It is also clear that there is no alternative way a care village could be provided on this site without having an impact on the GCN habitat. Taking these factors into account it would be reasonable to conclude that there are no satisfactory alternatives.

Overriding public Interest

As the proposal is contributing to a specialist housing / care need for the Borough’s ageing population it would also be reasonable to conclude that the proposal is helping to address an important social need.

Mitigation

In line with guidance in PPS9, appropriate mitigation and enhancement should be secured if planning permission is granted. A comprehensive mitigation scheme has been proposed, which essentially utilises open space land to the west of the application site to improve GCN habitat in this area. The Council’s nature conservation officer is satisfied with these proposals subject to appropriate conditions.

On the basis of the above it is considered reasonably likely that the requirements of the Habitats Directive would be met; Members must form a view on this issue.

Other ecological issues

The impact on breeding birds and other fauna is also a material consideration to the application. The mitigation proposals will satisfactorily ensure bio-diversity interests are secured and conditions, including time of year for development, are necessary to prevent harm to breeding birds.

Toads are also present on the site. This species is a national BAP priority and hence a material consideration. The mitigation formulated for Great Crested Newts will have similar benefits for this species.

Ponds are both a local and national BAP priority habitat and hence a material consideration. All three existing ponds will be retained on site. Unfortunately, two of these are proposed for water balancing purposes and as such their nature conservation value is likely to be reduced. As three new ponds are proposed as part of the habitat creation scheme for the proposal the impacts on these ponds will be adequately mitigated for. The design of the ponds on site should be agreed by the LPA as part of the habitat management plan to be secured by legal agreement.

Semi-improved neutral grassland formally occurred across part of the proposed development site. This habitat has recently been destroyed by ploughing and re-sowing with an agricultural crop. Whilst this grassland did not support any particularly uncommon species it was considered to have some ecological value within the local context. Replacement grassland habitat is proposed as part of the scheme.

Flood Risk

Objections have been raised regarding potential localised flooding due to a large reduction in soakaway capacity over the site due to the proportion of building footprint and hardstanding across the site. There has also been anecdotal evidence of flooding of the existing footpath through the site. The applicant has submitted a flood risk assessment detailing proposed storm water drainage. It stated that the drainage system will be designed using Sustainable Urban Drainage System (SUDS) techniques. The Environment Agency has withdrawn its initial objection and is now satisfied with the proposals and therefore the application is considered acceptable in this regard.

Renewable energy

Policy EM18 of the Regional Spatial Strategy deals with decentralised and renewable energy supply. In advance of local targets being set through the Cheshire East Local Development Framework, EM18 requires that all major developments secure at least 10% of their predicted energy requirements from decentralised and renewable or low carbon sources, unless it can be demonstrated by the applicant, having regard to the type of development involved and its design, that it is not feasible or viable. The applicant has not demonstrated that this is not feasible and the design and access statement considers the incorporation of such measures.

A condition is therefore considered necessary to ensure the requirements of the policy would be met.

The applicant's submission incorporates measures for energy efficiency which are to be welcomed.

HEADS OF TERMS

The applicant has submitted a draft head of terms for a s106 legal agreement. This covers the following:

- Occupation for persons over 55 years
- 'Cascade provision' to ensure the development meets local needs first
- Provision of affordable housing at 80% of market value (with qualifying criteria)
- An operational plan for the close care cottages
- Individual travel plans for the care home and close care cottages.
- Monitoring fees

Further detail and amendments are required following consultation with the Council's Legal Section including:

- Minimum 60% of occupants of close care and affordable dwellings requiring a more than minimal care need as demonstrated through the care assessment, on first occupation.
- Leasehold resale rather than shared ownership scheme for the affordable housing element
- LPA to approve any sales documentation for the close care cottages
- LPA to approve the operational plan for the close care cottages and no variations or amendments to be made to such without the LPA's consent. The operational plan should remain in operation while the development is occupied.
- Timing of the development to ensure the care home and the close are cottages are built out together

The legal agreement will also be required to cover:

- 10 year landscape and habitat management plan including pond design and provision and all European Protected Species mitigation.
- Open space management
- Contribution towards open space enhancement, including the management of Handforth Wood, as mitigation for the loss of open space
- Provision of a Traffic Regulation Order
- Design and construction of the site access roads
- Design and construction of the public footpath

Other matters

As a departure from the Development Plan, if the Board resolve to approve the application it will be referred to the Government Office North West for their consideration.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development represents a departure from the Development Plan due to the development of land designated as Open Space and Safeguarded Land within the Macclesfield Borough Local Plan, in particular policies RT6 and GC7 would not be complied with. The proposal is considered to comply with all other relevant policies of the Development Plan. There are also other material considerations to be considered as outlined in the report, in particular the impact on European Protected Species.

The impact on European Protected Species and other ecological interests has been assessed by the Council's specialist nature conservation officer and has been referred to Natural England for comment. It is considered that the proposal accords with the relevant national guidance in PPS9 and ODPM Circular 06/2005. There is also not considered to be any reason, having regard to the Conservation (Natural Habitats &c.) Regulations 1994, to withhold planning permission in this case.

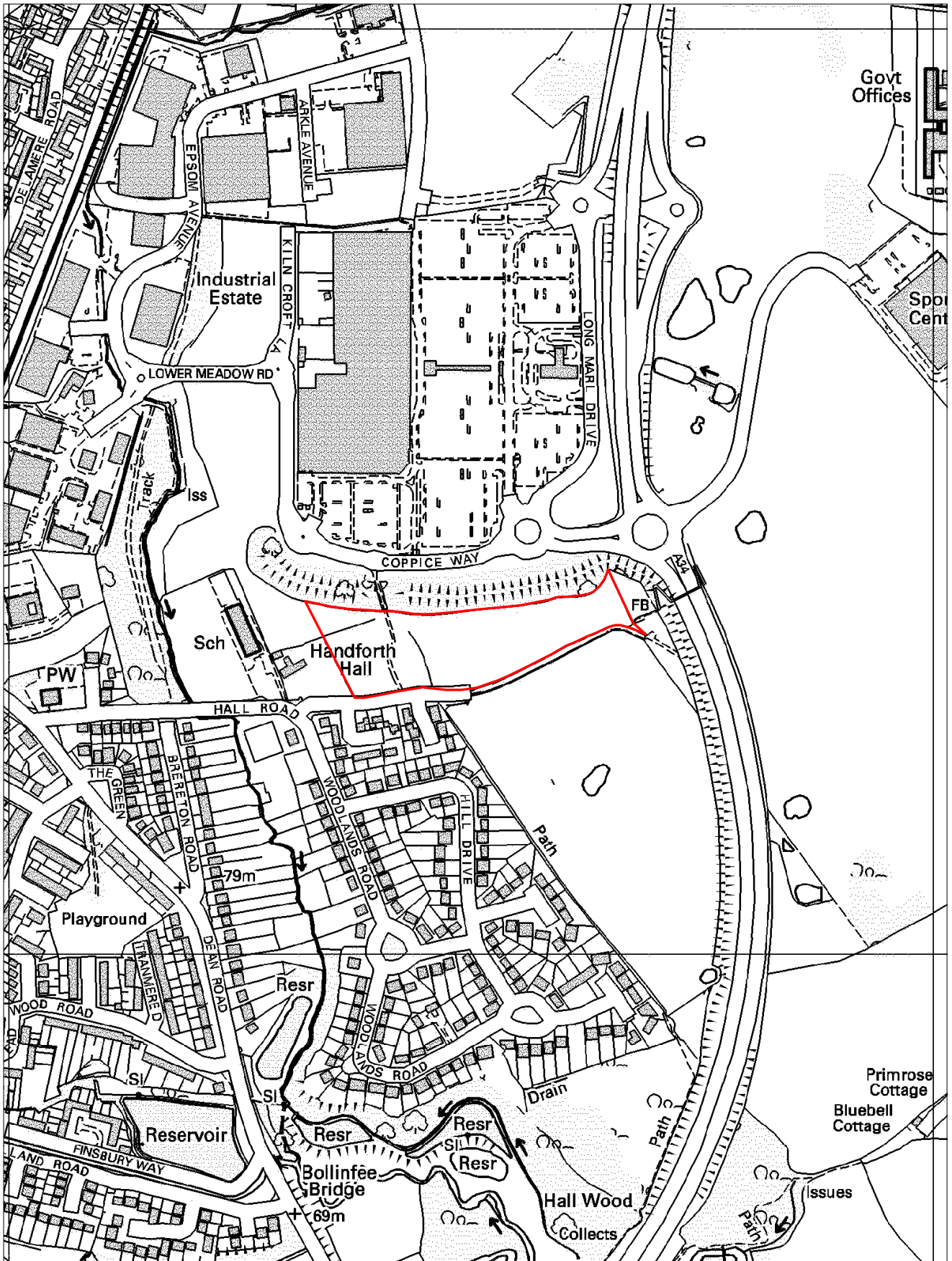
It is considered that the proposal would provide a valuable contribution towards meeting a specialist housing need for a vulnerable group of people within the Borough. It is considered that this is material consideration that should be afforded significant weight. In the light of section 38(6) of the Planning and Compulsory Purchase Act 2004 it is considered that there are sufficient material considerations in favour of the proposal to outweigh a decision wholly in accordance with the Development Plan. As such the application is recommended for approval subject to conditions and a s106 legal agreement.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A01LS - Landscaping - submission of details
5. A04LS - Landscaping (implementation)
6. A12LS - Landscaping to include details of boundary treatment
7. A05TR - Arboricultural method statement
8. A14TR - Protection of existing hedges
9. A17MC - Decontamination of land
10. A08MC - Lighting details to be approved
11. A19MC - Refuse storage facilities to be approved
12. A22GR - Protection from noise during construction (hours of construction)
13. A01MC - Noise insulation

- 14.A01GR - Removal of permitted development rights
- 15.A06LP - Limitation on use
- 16.A08HA - Gates set back from footway/carriageway
- 17.A24HA - Provision / retention of service facility
- 18.A02HP - Provision of car parking (scheme to be submitted)
- 19.A26HA - Prevention of surface water flowing onto highways
- 20.Breeding birds - protection
- 21.Breeding birds - enhancement
- 22.Visibility Splays
- 23.Scheme of details for construction of junction of the approved access road with public highway
- 24.No construction of care home or dwellings until the access road from Coppice Way is constructed up to the laying course
- 25.Provision and retention of turning facilities
- 26.Facilities for cycles (care home staff)
- 27.Visitor cycle facilities
- 28.Requirement to enter into Section 278 Agreement under the Highways Act 1980
- 29.Specification of access road serving the development (continuation from access road from Coppice Way)
- 30.Prior to commencement of development the public footpath shall be diverted and surfaced
- 31.Development in accordance with the approved Flood Risk Assessment and mitigation measures
- 32.Provision of decentralised / renewable energy to meet 10% of predicted energy requirements
- 33.Dwellings to meet code for sustainable homes
- 34.Lighting details to be approved
- 35.No fires on site during construction



09/0695M

#

Application No: 09/0708M

Location: LAND ADJACENT TO, COPPICE WAY, HANDFORTH, WILMSLOW, CHESHIRE

Proposal: FORMATION OF NEW VEHICULAR ACCESS FROM COPPICE WAY & ENGINEERING WORKS

Applicant: GREYSTONE (UK) LTD

Expiry Date: 24-May-2009

Type: Full Planning Permission

Date Report Prepared: 17 July 2009

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

Justification for the development, highway safety and landscape impact.

DETAILS OF PROPOSAL

This proposal seeks to provide an access from Coppice Way to the proposed Care Village. The development would involve cutting through the wooded embankment that forms the northern boundary of the proposed care village site.

The relevant issues and policy relating to the overall care village development are discussed in the parallel report on the agenda ref. 09/0695M, and they will not be repeated here. The key site planning issues relating specifically to the proposed access road are considered to be those of landscaping, trees and highway safety.

This application has been separated from the main application site for the care village purely for landownership reasons and to prevent complications of a legal agreement in the event it were to be approved.

RELEVANT HISTORY

08/1848P Formation of new vehicular access from Coppice Way & engineering works.
Withdrawn 07.11.2008.

CONSULTATIONS (External to Planning)

Highway Authority – There are no objections to the proposal to construct a new access off the existing Coppice Way roundabout. The route as identified within the area edged red on the submitted plan is satisfactory in its overall layout following consultations with the Highway Authority. However, this road will need to be constructed as a local distributor road, to cater for likely future development south of the site identified under 09/0695M, in accordance with the departments Design Aid for Housing, Commercial and Industrial Estate Roads under a section 278 agreement of the Highways Act 1980.

Highways Agency – They were consulted on the previous access proposal that remains unchanged and commented that having given the applications due consideration the Highways Agency has no objections to these applications being granted consent as the proposed development would have negligible impact on the trunk road network.

OTHER REPRESENTATIONS

14 letters of objection have been received, but objections to the related application for the care village may also be considered relevant in part. The letters refer to general objections to the entire care village development, however specific objections relating to this section of access road include:

- Loss of landscaping which is required to screen A34 bypass from residential property. Therefore resulting in increased noise and light pollution;
- Loss of trees and wildlife habitat
- Threat to highway safety
- No provision for pedestrians
- Loss of open space.
- Contrary to policy
- Future development of safeguarded land will follow.

OFFICER APPRAISAL

Policy

The site is designated within the Local plan as Open Space and adjoins an area of Safeguarded Land. Policy GC7 states, inter alia, that if the safeguarded land is to be developed in the future, access will be taken from Coppice Way. Therefore, subject to an acceptable development scheme on the safeguarded land to the South, the principle of an access from Coppice Way is established in Development Plan policy. Pre-application consultation undertaken by the developer demonstrated a strong local opposition to an additional access from Hall Road and the plans were altered on this basis.

The issues in principle, regarding the loss of open space and other matters, are discussed in the associated report for the care village. If Members resolve to approve the proposed care village then there is no objection in principle to the proposed access, and indeed the access point proposed would be the most preferable to the site. However, if Members resolve to

refuse the care village application then clearly there would be no justification for this development.

Highways

As detailed in the comments from the Highway Agency and Highway Authority there are no objections on the basis of highway safety arising from the proposed development.

Landscaping

The route of the access will necessitate the removal of a section of tree planting on the mound, which will extend beyond just the width of road itself. Some clarification would be necessary as to the extent of re-grading required for the new embankment detailing to ensure the minimum construction works necessary to achieve the access without compromising unreasonable numbers of trees. This could be dealt with by condition. The Council's landscape and tree officers raise no objection, although concern is raised regarding the number of trees required for removal and the requirement for a method statement to ensure this is minimised.

The proposed cut-through is located towards the eastern end of the site (of the proposed care village) this is well away from the residential areas near Hall Road and as such there is not considered to be an issue in terms of impact on residential amenity resulting from a break in the existing landscape screen.

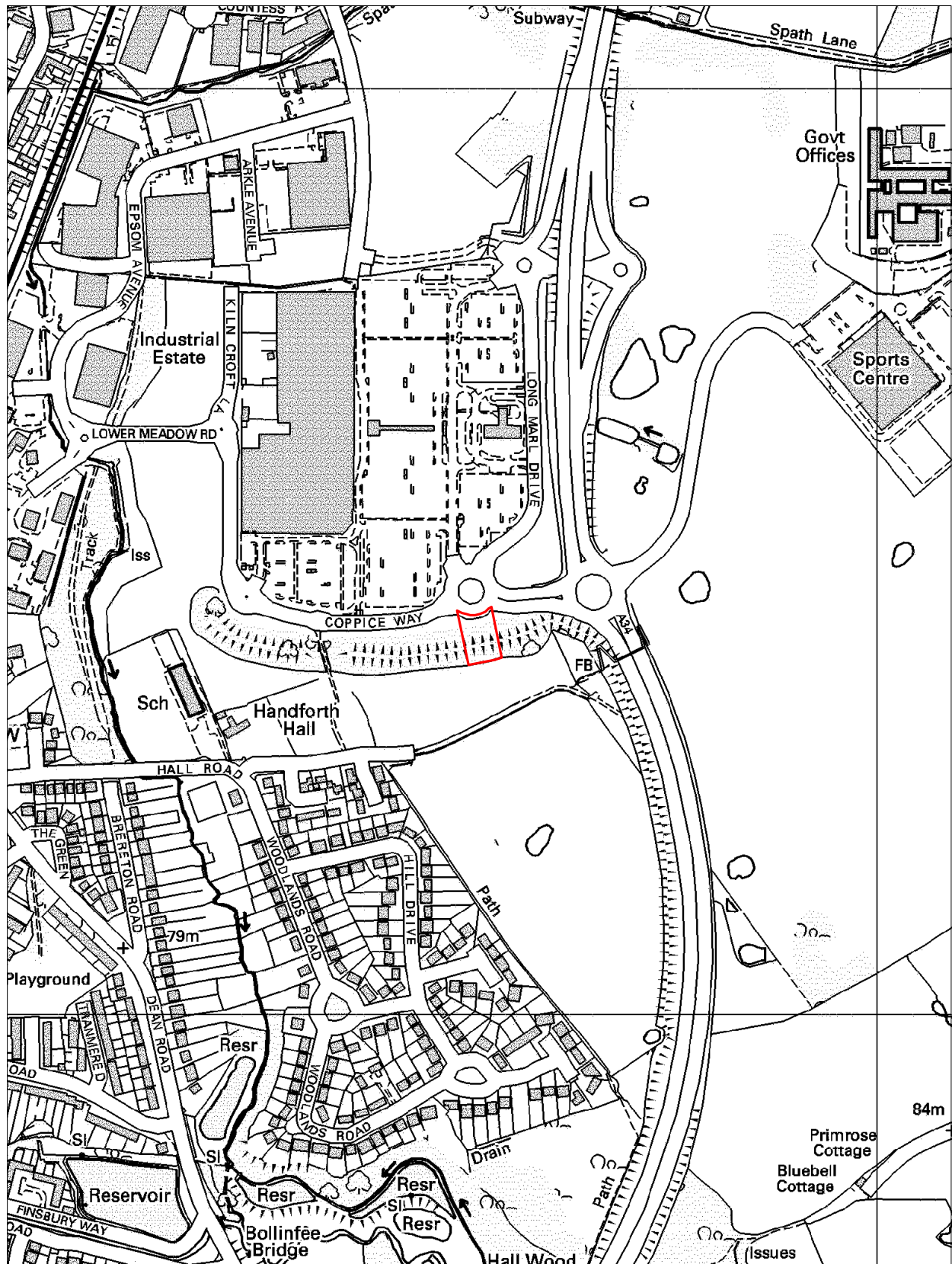
CONCLUSIONS AND REASON(S) FOR THE DECISION

The development of safeguarded land would require an access to be created from Coppice Way. Subject to approval of the associated Care Village development there is therefore no objection in principle to this proposal. Conditions are required to ensure landscape impact is minimised and the proposal will be acceptable in terms of highway safety. The proposal is therefore recommended for approval subject to conditions.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. Submission of arboricultural method statement
6. Submission of details of ground levels
7. Requirement to enter into a Section 278 Agreement, under the Highways Act 1980, regarding the construction of the proposed junction and carriageway.
8. No development until a contract and phasing agreement in place for development of the care village



09.0708M

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Planning Reference No:	09/1442N
Application Address:	Land at Vernon Way, Crewe
Proposal:	Demolition of Existing Retail Stores and Music Club and Erection of Retail Store with Associated Cafe, Servicing Arrangements, Plant and Car Parking; Upgrading of Vehicular and Pedestrian Access Arrangements to Site; Erection of Petrol Filling Station; Erection of Two Units (A1, A2, A3, A4) Use; Creation of Public Square Space; and Landscaping
Applicant:	Sainsbury's Supermarkets Ltd.
Application Type:	Full Planning Permission
Grid Reference:	370700 355480
Ward:	Crewe East
Earliest Determination Date:	15 th July 2009
Expiry Dated:	2 nd September 2009
Date of Officer's Site Visit:	4 th June 2009
Date Report Prepared:	20 th July 2009
Constraints:	Settlement Boundary Town Centre Boundary

SUMMARY RECOMMENDATION:

- **APPROVE** subject to conditions

MAIN ISSUES:

- **Acceptability in Principle**
- **Siting and Layout**
- **Building Design**
- **Sustainability**
- **Landscape and Ecology**
- **Crime and Disorder**
- **Drainage and Flood Risk.**
- **Public Consultation**
- **Impact on neighbour amenity**
- **Highway Considerations**

1. REASON FOR REFERRAL

The application has been referred to committee because it is a commercial building of over 1000 square metres in floor area.

2. DESCRIPTION OF SITE AND CONTEXT

The application site measures 2.17ha (5.4 acres) and lies within the defined Crewe Town Centre Boundary, which runs along Vernon Way and bounds the site to the south and east.

The site is relatively flat and comprises 2 no. retail units, 1 of which has recently become vacant following the closure of MFI and 1 that is currently trading as Dunelm. The units are c.9m high and are constructed of mixed brick / block/ cladding materials and are of low visual quality. The floorspace of these units is c.5,295sq.m (gross).

The existing units face east onto a large surface car park area. A service road runs along the northern side of the units to a service yard at the rear. An area of fenced hard standing that is becoming overgrown is also located to the south of the Dunelm unit. This was formerly a garden centre to the unit when it was occupied by B&Q.

The site also includes a two storey music club building at the end of High Street, to the rear of the two retail units, that is constructed of brick; a cleared area (formerly a garage) that is now becoming overgrown, located to the west of the retail units; and an electricity sub station to the south of the units.

The eastern and southern site boundaries are heavily treed which largely blocks views into the site. The northern boundary also includes some tree and shrub planting. Some self seeded shrubs and area of scrub land are now present on the cleared area.

3. DETAILS OF PROPOSAL

The proposed development involves the demolition of all the buildings within the site and the erection of a new foodstore with car parking and petrol filling station (PFS) for Sainsbury's Supermarkets Ltd, together with 2 no. small units for occupation by A1 (retail) / A2 (financial and professional services) / A3 (restaurants / cafes) / A4 (drinking establishments) uses. A new public open space area will also be provided, at the end of High Street, adjacent to the new store.

The new store will be erected over two levels. The sales floorspace will be provided at first floor level above the car parking at ground level, which is assisted by the topography of the site.

The store will have a sales area of 5,574sq.m and gross floor space of 10,428sq.m. This will breakdown to comprise 3,716 sq.m of food sales and 1,858 of non food sales floorspace. A mezzanine level will accommodate a customer restaurant (263sq.m) and staff domestic areas.

445 car parking spaces, including 22 disabled and 18 parent and child spaces are to be provided beneath the store and are, therefore, screened from views by the store and boundary landscaping. 11 motorcycle spaces and 12 cycle parking spaces will also be provided. Access will be from the roundabouts on Vernon Way / High Street, and Lyon Street / Vernon Way, which will also provide the service access.

Unlike the existing retail units on the site, the new store will face towards the town centre, and will front on to a new area of public open space located at the end of High Street. This will include soft and hard landscaping and will be linked into the town centre via High Street and a new pedestrian ramp up to Forge Street.

Two small retail / food and drink units are proposed on the western side of the public space, opposite the proposed store. These units will face onto the public space and link into the end of High Street to provide active frontage and activity to these spaces. An area of external seating will also be provided to the front of these units for further activity.

4. RELEVANT HISTORY

7/8036	Retail building – approved on Appeal May 1982
P03/1292	Removal of Condition 3 of permission 7/8036 – Approved with conditions - October 2003.
P04/0426	Removal of condition 2 of permission P03.1292 to allow food sales. – Approved 28 th May 2004.
P09/0174	Removal of Condition 2 attached to permission P03/1292 to allow Food Sales –Approved 7 th April 2009

5. POLICIES

North West of England Plan - Regional Spatial Strategy to 2011

Policy DP 5	Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility
Policy DP 7	Promote Environmental Quality
Policy DP 9	Reduce Emissions and Adapt to Climate Change
Policy RDF 1	Spatial Priorities
Policy W 1	Strengthening the Regional Economy
Policy W 5	Retail Development
Policy RT 1	Integrated Transport Networks
Policy RT 2	Managing Travel Demand
Policy RT 3	Public Transport Framework
Policy RT 9	Walking and Cycling
Policy EM9	Secondary and Recycled Agregates
Policy EM 11	Waste Management Principles
Policy EM 12	Locational Principles
Policy EM 15	A Framework For Sustainable Energy In The North West
Policy EM 16	Energy Conservation & Efficiency
Policy EM 17	Renewable Energy
Policy EM18	Decentralised Energy Supply
Policy MCR 4	South Cheshire

Cheshire Replacement Waste Local Plan

Policy 11 (Development and Waste Recycling)

Borough of Crewe and Nantwich Replacement Local Plan 2011

BE.1 (Amenity)

BE.2 (Design Standards)

BE.3 (Access and Parking)

BE.4 (Drainage, Utilities and Resources)

BE.5 (Infrastructure)

TRAN.1 (Public Transport)

TRAN.3 (Pedestrians)

TRAN.4 (Access for the Disabled)

TRAN.5 (Provision for Cyclists)

TRAN.6 (Cycle Routes)

TRAN.9 (Car Parking Standards)

S.10 (Major Shopping Proposals)

S.12.2 (Mixed Use Regeneration Areas) Mill Street, Crewe

E.7 (Existing Employment Sites)

National policy

PPS 1: Delivering Sustainable Development

PPS 6: Planning for Town Centres

PPS 25: Development and Flood Risk

PPG 13: Transport

Department for Transport – Manual for Streets

Proposed Changes to PPS6: Planning for Town Centres – Consultation

6. CONSULTATIONS (External to Planning)

Environment Agency

No objection subject to conditions relating to the surface water regulation system; maximum discharge and surface water attenuation measures; a scheme for management of overland flow and informatives to be attached to the decision notice.

Highways Authority

MVA Consultants have been commissioned to review the submitted Transport Assessment (MVA hold and operate the Crewe town centre traffic model). A number of issues were identified and discussions have taken place with the applicant in respect of the following.

- Trip rates were discussed and agreed.
- Cycle/Motorcycle parking – increased provision agreed.
- Pedestrian access – signal controlled pedestrian/cycle crossing to be provided west of Vernon Way/Mill St/High St roundabout.

- Modifications to both vehicular accesses to be considered. I have concerns regarding the design of the priority junctions that give priority to Sainsbury's traffic.
- Traffic impact – Savell Bird & Axon have undertaken further traffic modelling work following comments from MVA Consultants. All parties now accept the traffic modelling undertaken is accurate.
- Cycle facilities - Sainsbury's are considering our request for a financial contribute (or construction of) off-carriageway cycle facilities on Vernon Way.
- Further detail of the operation of the PFS and the store service bay will be provided by Savell Bird & Axon to support the submitted design proposals.
- Minor modifications to the car park layout will be undertaken to improve pedestrian access from Vernon Way to Forge Street. Pedestrian visibility will be improved at the pedestrian access onto Forge Street.

The Highway Authority expect the outstanding issues above to be resolved, in which case they will recommend that the application be approved subject to planning conditions and possibly a S106 Agreement.

7. VIEWS OF THE PARISH / TOWN COUNCIL:

N/A

8. OTHER REPRESENTATIONS:

Letters of support have been received from the following addresses: 7 Springwell Close, Crewe; 16 Whirlow Road, Crewe; 10C Portland Grove, Haslington; 219 Bradfield Road, Crewe; 22 Ashmuir Close, Crewe; 10, Lewis Street, Crewe; making the following comments:-

- welcome and fully support the proposal
- Will be an asset to the declining shopping facilities in Crewe.
- Consider it to be an asset to the town and would bring more people into the area which can only improve trading figures I trust you will consider this planning application favourably.
- Besides being a wonderful supermarket, environmentally it is a good thing. Currently shoppers must drive to Sainsbury's in Nantwich as there is not a bus conveniently serves the store. Whereas the proposed site in Crewe is easily served by buses from all sides of Crewe.
- As well as creating new jobs it will smarten up the area into High Street, which has been an eyesore for quite some time, providing of course that an alternative site will be found for Dunelm Mill.
- It will be a huge boost to Crewe and good competition for Tesco, as well as it bringing new jobs to the area.
- I moved to Haslington some five years ago and the store I miss the most is Sainsbury. The quality of the food is second to none and the prices are keen. I really do hope that there will be no objections to Sainsbury's plans as the town will certainly benefit by such high class competition.
- the town desperately needs this store as the town is already run down and this development will go towards getting the town back on its feet again, I also urge you to bring forward and give the go ahead for other

proposed developments in the town, if you reject the Sainsbury application we might as well forget about Crewe and let it become more derelict than it already is.

A letter of representation has been received from the owner of 27 High Street, Crewe and formerly known as Kettells Hotel, currently operating as function rooms and a night club. The property is located on the northwest boundary of the above application site and shares a party wall with the existing cinema which is to be demolished as part of the enabling works for the supermarket, garage, retail units and open public space proposal.

In principle they support this development wholeheartedly as part of a much needed investment in the revitalization of Crewe Town Centre and hope that by refurbishing and restoring no. 27 High Street it will allow them to continue the regeneration initiative along High Street by integrating a neighbouring historic landmark building into the process. Reviewing the detail design of application no. 09/144 2N however, they do have a number of points as follows:

- 1. Relocation of Retail Units Planned to Abut no. 27 High Street** - A pedestrian right of way exists along the ground floor passageway between no. 27 and no. 25 is based on a historical requirement. It is not used as it is dark and unsupervised and only attracts undesirable activities and people depositing litter. They consider that this should be relocated and combined with the proposed newly formed public open space.

To assist in the natural policing of the public space the newly exposed southeast elevation of no. 27 should overlook the public space from all floors. As reflected in its physical condition the current nightclub is financially unsustainable for the building as a whole. It is therefore proposed to relocate the club to the basement area, provide bar / restaurant facilities on the ground floor and design high quality purpose built student residential accommodation on the upper floors. The mixed use approach will help bring life to the area, particularly the newly formed public open space around the clock and specifically compliment the regeneration of the area as well as complying with sound urban design principles generally. The form of the proposed retail units is not successful in leading one into the public space and would be better positioned as a landmark punctuating the end of the High Street.

Deliveries to the retail units in the current location are shown across the public space and do not account for the change in level between the Sainsbury's car park and the public space.

- 2. Right of Way to Rear of 27 High Street** - For over 80 years the owner of 27 High Street has had 'Right of Way' for delivery and collection of stock to the cellars at the back of the building, as well as, the refuse collection and in the case of emergency, fire tenders. Currently access is via the MFI car park.

3. **Fire Escapes from 27 High Street** - Fire Escape routes from No. 27 High Street High Street lead to rear of building. No provision has been allowed for such access on the propose plans as extensive planting is shown in this area.
4. **Party Wall Appearance** - Demolition of 'The M Club' will leave a potentially unsightly 'scar' on the party wall elevation where currently attached to our building and we want to clarify what the implications are to our building and who will pay for any damage, re-instatement work .
5. **Foul Drainage** - Foul drainage from a number of properties along High Street repeatedly causes problems of blockages and basement flooding. Although not directly a planning related matter they should like to highlight this as an issue that maybe dealt resolved in parallel with the development of the Sainsbury's Site should the application be successful.

9. **APPLICANT'S SUPPORTING INFORMATION:**

Transport Assessment – Savill Bird and Axon

- Updated Statement Awaited at the time of report preparation.

Consultation Statement – Dialogue

- The applicant has carried out a consultation exercise which has involved contacting local residents, key stakeholders, a press release and a public exhibition.
 - o Feedback received at the exhibition was largely positive with many people in favour of the proposals. Approximately 50 people attended the exhibition n over the course of the two days.
 - o A total of 239 feedback forms have been received so far, with 187 (77%) agreeing with the proposals
 - o Telephone correspondence has been received form a number of local residents.
 - o Reasons respondents support the proposal include:
 - o Many respondents commented that they currently travel to Sainsbury's in Nantwich and that the proposed new store in Crewe would reduce their time spent travelling.
 - o Competition - respondents have overwhelmingly welcomed the additional of a new foodstore in Crewe and the increased competition that it would bring.
 - o The positioning of the proposed store, fronting onto High Street along with the addition of two retail units and a public space and penetration link t o the town centre, was widely welcomed.
 - o Many attendees at the exhibition commented that they hoped that the development would spur on the regeneration of High Street and encourage other traders to move into some of the empty units in the area. Good public transport and pedestrian links to the site

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- A number of issues have arisen during the consultation process. These are:
 - o Increased traffic. A number of local residents commented that Vernon Way and surrounding roads were already extremely busy and feared that the proposed store would exacerbate this problem. Sainsbury's consultants Savell Bird and Axon have reported that most trips to the new store would be drawn from existing supermarkets and other trips into the town centre. Therefore not vastly increasing traffic in the area.
 - o Disability and access issues. A local disabled resident attended the exhibition enquiring about a range of issues regarding access to the store for disabled customers. These included enquiries about the grade of the slope from High Street to Forge Street, placement of the disabled parking spaces in the car park and the number of lifts from the car park to the store entrance. A response to the resident's queries was sent to him by letter in the week commencing 16th March 2009. The new store will be compliant with all access regulations, as well as the two non-Sainsbury's retail units and public space on High Street. Crewe Disability Resource exchange has also been contacted offering further information.
 - o Dunelm Mill – several feedback forms were submitted with respondents say their support for the proposed Sainsbury's store would be dependent on finding a suitable site for Dunelm Mill in the town. Sainsbury's are continuing negotiations with Dunelm Mill to find a suitable site for relocation.

Sustainability Statement – Sainsbury's

- Sainsbury's aim to demonstrate their continued commitment to building sustainability into each development they undertake. The report shows their commitment to carbon dioxide reduction at Crewe
- The Crewe development will include the generation of an element of the site energy requirement from on-site renewable energy sources. During the design phase the project team will determine the predicted annual energy profile for the development, taking into account all incorporated energy efficiency measures and calculate the equivalent energy value to be provided from renewable sources
- The selection of the renewable energy sources to be incorporated will be made through consideration of the available technologies and their sustainability for adoption on the Crewe site within reasonable cost limits.

Ecology Assessment – Landscape Science Consultancy

- The aims of the ecological survey was to identify all relevant aspects of ecology on the site and assess their relative importance, as well as determining the likely scale and magnitude of ecological impact from the development proposals.
- The major habitat identified on the site is ornamental planting with scattered trees and is of negligible ecological value. Other habitat includes small areas of dense scrub, semi-improved grassland and tall ruderal vegetation.
- The loss of those areas, which will not be retained under the proposed development is considered to be a negligible adverse impact and could be

mitigated for by the incorporation of new native tree and shrub planting within the landscaping of the new development

- It has been identified that there is potential habitat for nesting birds on site. The potential of the music venue to support roosting bats could not be assessed adequately due to access and visibility restrictions. Recommendations have been made to ensure that these protected species are not impacted by the proposed developments.
- The pitched roof of the music venue on Vernon Way was found to support many potential roosting features for bats. However, no evidence of actual roosting bats was found. It has been considered that the ecological isolation of the music venue would be a limiting factor to the presence of roosting bats. In light of the evidence available and in order to confirm to best practice and the relevant legislation, it is considered that all potential roosting sites identified on the building should be stripped carefully by hand under supervision by a licensed bat worker during demolition.

Planning and Retail Statement – Turley Associates

A Planning and Retail Statement has been provided which can be summarised as follows:

- The development is consistent with the key objectives of national and local planning policy to achieve sustainable mixed use development and to regenerate urban areas. In the context of retail development, this entails locating new shopping in the centre of the catchment that it seeks to serve, in areas that are easily accessible and well served by public transport.
- The proposed store and site development will result in significant design and townscape improvements to this part of Crewe town centre removing outmoded units and a large unattractive car park area. The proposal effectively integrates and links the site into areas to the north and west via use of topography and pedestrian routes to achieve positive urban design improvements.
- The public square will provide a meeting place and an improved physical and visual environment for pedestrians moving around the town centre via this area. It also provides a comprehensive remodelling of the end of High Street in visual and accessibility terms to attract people into High Street and this part of the town centre.
- The new food store will encourage linked trips to other shops / facilities in the centre thus further supporting the viability and vitality of the town centre
- Sainsbury's multi million pound investment in a modern store with associated public square and other facilities is a key regeneration scheme and commitment to the town. Creating c500 jobs in the store and other in the construction process it is also a clear boost to the local job market.
- The development here has clear and far reaching benefits for the site, town centre and area as a whole and deserves the fullest possible support.

Design and Access Statement – Hadfield Cawkwell Davidson

- The scheme proposals follow a detailed analysis of the site and surroundings, the identification of key opportunities and constraints for the

redevelopment of the site, and details of the proposed scheme, which are supported by and follow key design principles

- The key elements of the scheme include:
 - The utilisation of the site's topography and landscaping by accommodating car parking at ground floor level, much of the parking is disguised by the mature trees along Vernon Way.
 - Creating a public square which forms part of the pedestrian route to and from the town centre. The design of this space has been developed during consultation with the Local Planning Authority.
 - Improved public realm and landscaping to enhance the site's setting
 - A high quality, contemporary buildings, simple in its articulation with glazed elements to add animation and which sits within its mixed surroundings, and adds a modern contrast to the traditional brick buildings within the vicinity. The design of the building has been developed during consultation with the Local Planning Authority.
 - Enhancing and contributing to an existing popular pedestrian route to Crewe town centre from the south.
 - Act as a catalyst for the regeneration of High Street and surrounding context.

Flood Risk Assessment – Hadfield Cawkwell Davidson

- **Fluvial Flooding** - The Valley Brook is located close to the site to the south. This is a minor watercourse and flooding causes only very localized inundation immediately adjacent.
- **Pluvial (Development Runoff)** – The existing drainage systems will be replaced on site. Off-site drainage is provided by a network of sewers in the control of the Local Authority and United Utilities. Water is directed into this system and notwithstanding blockages should be taken away from the development.
- **Overland Flows** – unlikely to affect the site as the development is located in an area of high density development all having independent drainage systems that collect rainfall and direct it to the public sewer system. The site is bounded by roads on 3 sides which have independent drainage systems managed by the Local Authority which direct water away from the site.
- **Groundwater** – The site is currently hard surfaced and there is no contemporary evidence to suggest that groundwater levels are such that they would affect the proposed development. Surface water from the buildings and hard stand areas on site is currently positively connected by gutters and rainwater pipes and discharged into a system of pipes connected to the main sewerage system off site.
- **Probability of Flooding** - The site is within Zone 1 (low probability i.e.: flooding event of < 0.1%) of the EA indicative floodmap. Correct design, management and control of the surface water discharge from the site will ensure flooding due to surcharging of the proposed drainage solution does not occur.

Drainage Strategy – Hadfield Cawkwell Davidson

- Impermeable areas of the proposed development will be similar to the existing development.
- Rainfall run off from the development will be managed in a similar manner to the previous development in that run-off will be positively collected and directed into an underground piped on-site drainage system which would then discharge to adopted sewers. Surface water from external paved areas will be tanked through petrol interceptors prior to discharging from site.
- Intrusive investigations of the site have indicated that the site is underlain with clay and therefore the use of soakaways is considered unlikely to be viable in this particular case.
- The development is subject to the effects of climate change within the lifetime of the building. This is not expected to go beyond 2085 and therefore a 20% increase in rainfall intensities and 20% increase in river flows are precautionary allowances in accordance with PPS25 table B.2.
- It is intended that this increase will be factored into the design for the surface water drainage for the development to allow for the effects of increased surface water run-off it is intended that some on-site attenuation will be incorporated prior to connection to the existing sewers.
- The design criteria for the storm drainage and attenuation will be as follows:
 - 30 year design storm – No flooding on site (below ground storage)
 - 100 year design storm (No flooding of the building (flooding contained on external site areas
 - Outfall from site restricted to flow calculated from existing impermeable drained surfaces based upon a rainfall intensity of 50mm/hr and using Modified Rational method.
 - Future rainfall design intensities increased by 20% to allow for climate change over the life of the building
- Foul water from the development will be managed in a similar manner to the previous development in that it will be positively collected and directed into an underground piped on-site drainage system which would then discharge to adopted sewers.
- Two existing sewers owned by United Utilities currently run across the site North to South. One is a surface water drain and the other is combined. To allow the development to proceed these sewers will be diverted with the agreement of United Utilities along the west elevation of the proposed store.

10. OFFICER APPRAISAL

Principle of Development

The site lies within the Crewe Town Centre Boundary where new retail development is considered to be acceptable in principle and it is not therefore necessary to consider the impact of the development on the vitality and viability of Crewe and Nantwich town centres. The main issues that need to be considered are details of siting and layout, building design, sustainability, landscape and ecology, crime and disorder, drainage and flood risk, public consultation, impact on neighbour amenity and highway considerations

Siting and Layout

Given the very large scale of this development and the huge regeneration potential of this part of the town centre, it is critical that the proposed development integrates well with the existing urban form, is well linked to the town centre. It must also act as a catalyst for and not prejudice other regeneration opportunities in the immediate vicinity.

Early pre-application discussion with Planning Officers has ensured that the store is well orientated facing towards the town centre, unlike the existing retail units on site. There are good pedestrian linkages with the town centre via High Street and the new pedestrian link to Forge Street. The new store will increase footfall significantly along these routes as shoppers walk between it and the town centre and it is hoped that this will encourage other retailers to move into the vacant shops and have a revitalising effect on this run-down area. The new public space in front of the store will create a focal point at the end of High Street and will improve the quality of the public realm in this location.

The majority of the car-parking will be hidden from view underneath the store, although two rows of spaces and an access road are proposed between the building and the public space. Due to the difference in ground levels the car park and the public space will be separated by a retaining wall. There is some concern that this will divorce the building from the public space, reducing active frontage and creating a gulf filled by car parking. However, the applicant has argued that this gap is necessary due to the sewer easement and will enhance the space by creating a wider vista between the end of Mill Street and the church. Furthermore, given that the new store is such a large building, it is the applicant's view that it requires a substantial space in front of it to prevent it from appearing overdominant. They also believe that the car parking area will not be seen from the open space due to the parapet wall running alongside.

Concern has also been expressed in respect of the petrol filling station which occupies a prominent position on the roundabout at the junction of High Street and Vernon Way, in front of the store. Due to operational site constraints the applicant was adamant that this is the only suitable location in practical terms so it was initially suggested that the filling station should take the form of a piece of statement architecture. However, it is now considered that the existing mature landscaping to the Vernon Way boundary will largely conceal the building and therefore a low, simple, single storey brick structure is proposed, although some improvements have been secured to the design of the canopy. It is essential however, that the existing landscaping on the frontage is protected and retained and this issue is discussed in more detail below.

As initially submitted, two small retail / café units were proposed at the end of High Street. However, being single storey it was considered by Officers that they did not provide the strong "bookend" which was required to complete High Street or turn the corner into the public space. Negotiations have therefore taken place and amended plans have been submitted showing the number of units reduced to one, which has been moved into the centre of the public space, to form pavilion, leaving the existing four storey building at 27 High Street to act as the end-stop to the development on the north side of the road.

This modification has also adequately resolved a number of issues, which have been raised by the owner of 27 High Street in response to the consultation on the application. Although many of these such as issues regarding private rights of way were not planning matters, the urban design concerns expressed in the representations were issues which Officers had already raised with the applicant prior to the representation being received and eventually led to the amended plans being submitted.

Building Design

Due to its very large scale and prominent location, the proposed building will have a significant visual impact on the immediate area and the character of the town centre as a whole.

The new store is essentially a rectangular, flat roofed structure, with a decked service yard to the rear, and projecting stair towers to the sides. It is to be finished in white metal cladding panels, and relies on an oversailing roof and metal louvers between the stair towers and the addition of a glazed atrium, (also with an oversailing roof and louvers), to the front of the building, facing the open space, to break down its massing and add visual interest.

Whilst it could be argued that architecturally, it is somewhat uninspiring, it does reflect the current Sainsbury's corporate image and general practice in supermarket design at the present time. Although it does little to enhance local distinctiveness, contemporary retail architecture of this type is to be expected in modern town and city centres and as further regeneration and redevelopment takes place within Crewe town centre, it will almost certainly appear less out of place. Furthermore, it could be argued that it will represent a considerable improvement over the buildings which it replaces, which are also predominantly flat roofed, metal clad, bulky goods retail units.

Officers had hoped that the building would include an architectural feature at the south west corner which would act as a focal point at the end of the High Street vista and would emphasise the entrance to the building making it more legible for the user. Sainsbury's have been reluctant to modify the design but it is hoped that the effect will be achieved by the proposed public space with the retail unit / café pavilion at its centre.

Sustainability

Sainsbury's as a company are dedicated to reducing their carbon footprint and have pledged to investigate a number of sustainable construction techniques and energy saving / generating systems which can be incorporated into the building. A supplementary statement has been submitted which provides information on how this sustainable agenda will apply to the store proposal in Crewe.

Sainsbury's adopt a proactive strategy of understanding climate change and implementing programmes to reduce direct environmental impact. Sainsbury's goal is to reduce their carbon dioxide emissions by: sourcing energy

responsibly, minimising energy demand, and promoting efficient consumption. Sainsbury's already purchase their electrical energy from suppliers that produce 10 per cent of electricity from renewable sources with an additional 40 per cent coming from Combined Heat and Power plants. This source of electrical supply will apply to the new store in Crewe. This sourcing of energy is in line with policy EM18 of North West England Plan Regional Spatial Strategy (RSS) which outlines that, in advance of the setting of local targets for decentralised/renewable/low-carbon source energy supply that a least 10% of predicted energy requirements should be from such sources unless it is demonstrated not to be viable. It is also in line with policy EM17 that at least 10% of the electricity supplied within the Region should be from renewable sources.

Sainsbury's is committed to building stores that have a low impact on their environment and will do this through intelligent design, sustainable sourcing of materials, efficient use of energy and resources and site waste reduction programmes. The need to consider energy efficiency and to incorporate renewable technologies from the outset is understood by Sainsbury's development teams and the developers that Sainsbury's partners when bringing projects forward. Sainsbury's aim to minimise the impact on the environment of a new store both during construction and once completed, through intelligent design, sustainable sourcing of materials, and efficient use of energy and resources and site waste reduction programmes.

Sainsbury's aim for every new store is to achieve a 'Very Good' BREEAM rating and this will be met at Crewe. Additionally the proposed Crewe store, like all new Sainsbury's stores will include the following environmental/sustainable features; solatube daylighting, providing natural light to the sales floor areas; rainwater harvesting; low flush W.C's; waterless urinals; natural light with dimming; weir screens (refrigeration); night blinds (refrigeration); LED's in cold rooms (refrigeration); energy sub metering. These factors align with policy EM16 of RSS to minimise energy consumption, promote maximum efficiency and minimise waste (as is further considered below).

The proposal will involve the demolition of a number of existing buildings on site. Sainsbury's appointed contractors will employ a waste management plan to ensure that full regard is taken to reuse on site or appropriate disposal of demolition waste off site. This process is in line with policy EM11 of RSS for waste management principles.

Sainsbury's target is to achieve a 50% reduction in mains water use per square meter of sales floor by March 2012. This will include via measures such as rain water harvesting and toilet technologies. The incorporation of such measures is in line with policy EM5 of RSS which requires new developments to incorporate sustainable drainage systems and water conservation and efficiency measures.

It is recommended that conditions be added to any approval to ensure that the measures outlined above are incorporated into the final design of the building and to ensure compliance with RSS Policies DP 9 (Reduce Emissions and Adapt to Climate Change), EM 16 (Energy Conservation & Efficiency), EM 17 (Renewable Energy), EM18 (Decentralised Energy Supply) EM9 (Secondary

and Recycled Aggregates) and EM11 (Waste Management Principles) as well as the provisions of Policy 11 (Development and Waste Recycling) of the Waste Local Plan

Landscape and Ecology

There is a significant amount of existing well-established landscaping around the site perimeter. It will be important to ensure that as much of this as possible is retained and integrated into the development to soften the impact of this large new building. The retention of the semi-mature trees along the Vernon Way frontage will be particularly important to screen the undercroft parking and un-slightly service area and rear elevation to the petrol station. Whilst the submitted plans show the majority of the trees to be retained, there is some concern about the proximity of development works, to the trees. In particular parking areas and access roads which appear to be under tree crowns, where roots and canopies are susceptible to damage. The Landscape Officer's views as to whether the proposal would pose an unacceptable threat to the trees or whether problems could be adequately mitigated through the use of special construction techniques were still awaited at the time of report preparation and will be reported to Members at the meeting.

An ecological survey has also been undertaken, which has concluded that there is likely to be limited impact on habitats as a result of this proposal. The existing buildings on site may have some potential for bat roosting and it is recommended that roosting sites identified should be stripped carefully by hand under supervision by a licensed bat worker during demolition. This can be secured by condition. The views of the Council's ecologist were awaited at the time of report preparation and his views and any further conditions which may be necessary will be reported to Members at the meeting.

Impact on neighbour amenity

Given the town centre location and the nature of the surrounding land-uses, which are predominantly associated with commercial and retail activity, this is not considered to be a significant issue in this case.

Crime and Disorder

It is important to ensure that large new retail developments and public spaces are designed in such a way as to minimise opportunities for crime and anti-social behaviour. The views of the Police Architectural Liaison Officer were still awaited at the time of report preparation and will be reported to Members at the meeting.

Overall, however, the public areas within the development appear to benefit from good natural surveillance from the atrium and the café / retail unit. The relocation of this building to the middle of the public space has removed several concealed areas and has increased the opportunity for overlooking of the space from 27 High Street.

As with all large retail proposals involving substantial car parks there are concerns about car-related antisocial behaviour on the car park when the supermarket is closed. Such problems have been experienced at the other stores in the Borough and it is therefore suggested that conditions should be imposed requiring CCTV and speed humps to be installed within the car park areas.

Public Consultation

In support of the application, the developer has submitted a Consultation Statement. The Borough Council's Adopted Statement of Community Involvement, which provides guidance on the production of Statements of Local Engagement states, at Paragraph 8.3, that such documents should show how applicants have involved the local community and where the proposals have been amended, as a consequence of involving the local community.

The Statement, submitted as part of this planning application, outlines the public consultation that has taken place and summarises the responses. The feedback which appears to have been received is overwhelmingly positive, and this conclusion is born out by the results of the consultation on the planning application. Consequently little modification to the scheme has been required. The main concerns appear to have been concerning the relocation of Dunelm, and Sainsbury's are continuing to work with the store to secure a new premises.

Drainage and Flood Risk.

There is a need to ensure that the proposed development does not generate a risk of on-site flooding or exacerbate existing flooding problems elsewhere. A Flood Risk Assessment and Drainage Strategy have been produced which state that Sainsbury's will ensure that the rate of runoff of surface water from the site will be no worse than the original conditions before the development, taking into account predicted climate change impacts over the lifetime of the development. The Statements have been scrutinised by the Environment Agency and no concerns have been raised in respect of the methodology and conclusions. Consequently, they have no objection to the scheme subject to the imposition of the relevant conditions. United Utilities have also been consulted, although no response had been received at the time of report preparation. United Utilities support will be particularly important for this scheme as it involves the diversion of a public sewer.

Highway Considerations

It is important to ensure that adequate parking and servicing facilities are available within the site and that a safe access can be achieved into and out of the site which does not result in an unacceptable level of congestion or queuing at any of the existing roundabouts. The impact of the additional traffic generated on the wider highway network must also be taken into account and the developer has submitted a Traffic Impact Assessment. The Highway Authority has raised some concerns regarding the detailed layout of the road network within the site and the service yard. They have also pointed out a number of issues in respect of the way in which the traffic impact has been assessed.

However, discussions have taken between the applicant's consultants and the Highway Authority and Savell Bird & Axon have undertaken further traffic modelling work following comments from the Highway Authority's consultants. All parties now accept the traffic modelling undertaken is accurate. Negotiations have also taken place to resolve the other matters and a number of amendments to the scheme and mitigation measures have been agreed. These include increased cycle/motorcycle parking, an improved signal controlled pedestrian/cycle crossing to be provided west of Vernon Way/Mill St/High St roundabout, modifications to both vehicular accesses, minor modifications to the car park layout to improve pedestrian access from Vernon Way to Forge Street and improved visibility at the pedestrian access onto Forge Street. All of the above can be achieved through the submission of amended plans or conditions.

Sainsbury's are considering the Highway Authority request for a financial contribute (or construction of) off-carriageway cycle facilities on Vernon Way. If a financial contribution is agreed, it will need to be secured through a S106 agreement.

10. CONCLUSION

The site lies within the Crewe Town Centre Boundary where new retail development is considered to be acceptable in principle. Early pre-application discussion has resulted in a scheme being submitted which has significant regeneration potential and is of a high quality in terms of urban design. Further, negotiations in respect of a number of matters of detail have resolved the outstanding issues in respect of the layout and design of the scheme.

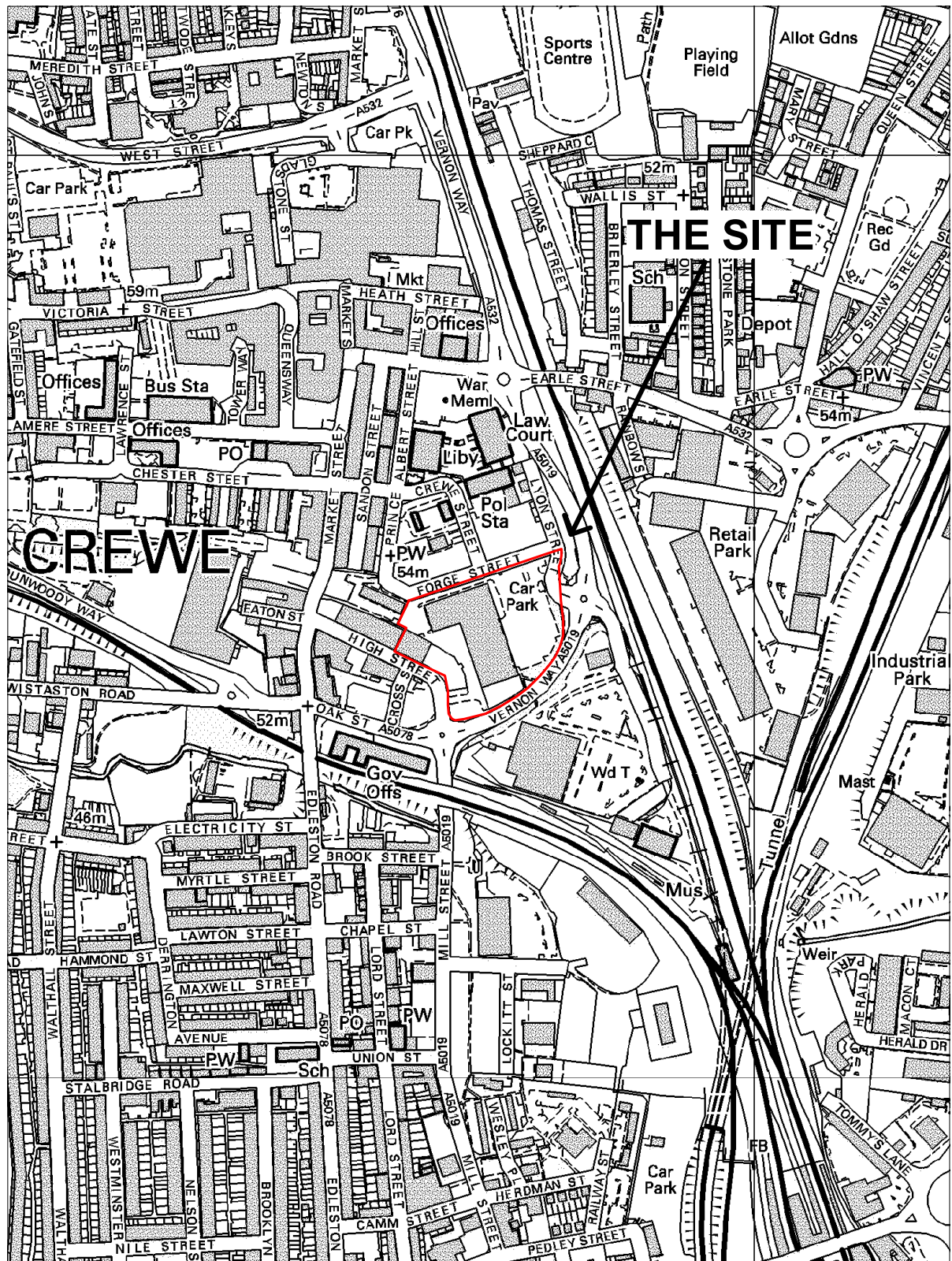
The proposal meets the necessary Local Plan requirements in respect of sustainability, crime and disorder, drainage and flood risk, public consultation and impact on neighbour amenity. The majority of the highway issues have also now been resolved, with the exception of the on-going discussions in respect of the provision of a cycle link along Vernon Way. The only other outstanding matter is that pertaining to the retention and protection of the trees on the Vernon Way boundary and it is hoped that updates can be provided to Members on both these matters at the meeting.

Having due regard to all other matters raised, it is considered that the proposal complies with the relevant Development Plan policies, as set out above and in the absence of any other material considerations, it is recommended for approval subject to conditions as set out below.

11. RECOMMENDATIONS

APPROVE subject to the following conditions:

- 1. Standard**
- 2. Approved Plans**
- 3. Materials**
- 4. Landscape Scheme**
- 5. Implementation of Landscaping**
- 6. Tree protection measures**
- 7. No works within protected area**
- 8. Surface water regulation system**
- 9. Maximum discharge**
- 10. Surface water attenuation measures;**
- 11. Scheme for management of overland flow**
- 12. Construction of access**
- 13. Provision of parking**
- 14. Provision of cycle parking**
- 15. Pedestrian Crossing Improvements**
- 16. Incorporation of sustainable features**
- 17. CCTV and speed humps to car park**
- 18. All potential roosting sites identified to be stripped carefully by hand under supervision by a licensed bat worker during demolition.**
- 19. Scheme for making good side elevation of 27 High Street following demolition of the Music Club**



09/1442N - DEVELOPMENT SITE, VERNON WAY, CREWE, CHESHIRE
N.G.R. - 370,670 - 355,490

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CHESHIRE EAST COUNCIL

STRATEGIC PLANNING BOARD

Date of meeting: 29 July 2009
Report of: John Knight, Head of Planning and Policy
Title: Village Design Statements for Audlem and Bunbury

1.0 Purpose of Report

- 1.1 To consider the adoption of two “non statutory” Village Design Statements originally adopted by Crewe and Nantwich Borough Council in March 2009.

2.0 Decision Required

- 2.1 To agree to adopt the documents as “material considerations” in the determination of planning applications within the parishes concerned. .

3.0 Background And Legislative Framework

- 3.1 The Cheshire East Local Development Scheme, which was approved in February 2009, identifies those Supplementary Planning Documents and Guidance notes which were to be inherited by the new Council as material considerations in planning decisions within the former local authority areas.
- 3.2 In March 2009, Crewe and Nantwich Borough Council’ Development Control Committee adopted two separate Village Design Statements (VDS’s) for Audlem and for Bunbury as “*a material consideration in relation to planning applications affecting the parish.*” It was not possible to deal with them as statutory Supplementary Planning Documents because they were not listed in the Borough Council’s Local Development Scheme.
- 3.3 Both documents had been subject to extensive public consultation within the respective parishes. As a result it would be expected that they would be given due weight by any Planning Inspector if they were referred to in any appeal.
- 3.4 Today’s report has been generated by an enquiry from the authors of the Bunbury document which relates to its status under Cheshire East Council.

4.0 Proposals and Recommendations

- 4.1 It is recommended that the Council formally embraces the policy of the former Crewe and Nantwich Borough Council; and resolves:

That the contents of the two documents be endorsed; and be given due weight as a material consideration when planning applications in the parishes of Audlem and Bunbury are considered.

5.0 Financial Implications

5.1 None

6.0 Legal Implications

6.1 The clarification of the status of these documents will provide a fair and transparent decision-making process in accordance with the Constitution and best practice. It will reduce the risk of appeals, costs applications and legal challenges.

6.2 In its review of the 2004 Planning and Compulsory Purchase Act, the government recognised that its original approach to Local Development Schemes was unduly restrictive. Consequently from 6 April 2009, the legislation was amended to remove the necessity of identifying SPDs in the Local Development Scheme. They can now be produced when ever the need arises. In addition it will normally no longer be a requirement to produce an accompanying sustainability appraisal. Future Village design statements can therefore be dealt with in this streamlined manner.

7.0 Risk Assessment

7.1 To mitigate against the potential for appeals, costs and legal challenges.

8.0 Reasons for Recommendation

8.1 To clarify the position regarding the status of the two Village Design Statements.

For further information:

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Background Documents:

*Cheshire East Local Development Scheme
Minutes of Crewe and Nantwich Borough Council's development Control Committees,
5th and 26th March 2009
Audlem Village Design Statement
Bunbury Village Design statement*

Documents are available for inspection at:

- *Town Hall, Macclesfield*
- *Municipal Buildings, Crewe*
- *Westfields, Sandbach*

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STRATEGIC PLANNING BOARD

APPEALS

Application No: 08/2298P

Appellant: Dr Christopher Grattan

Site Address: Oaklands Cottage, 83 Dean Row Road, Wilmslow

Proposals: Two-storey front & side extension, and new roof over existing cottage and rear extension

Level of decision: Committee

Recommendation: Approval

Decision: Refused 07.01.2008

Appeal Decision: Allowed 09.07.2009

MAIN ISSUES:

The application site comprises a cottage that is sited to the north of Dean Row Road and is surrounded by two-storey dwellings of modern construction. This is the third planning application for extensions to the property following the first application that was refused and subsequently dismissed on appeal and the second application that was refused. The main issues in this appeal are the effect of the proposed alterations and extensions on the street scene and the existing cottage, and on the living conditions of adjoining neighbours having regard to their outlook, privacy and daylight.

INSPECTOR'S REASONS:

Whilst the proposed front elevation would represent a departure from the more simple appearance of the existing front elevation, the Inspector considered that its design would not be detrimental to the appearance of the existing dwellinghouse. The existing side/rear elevations exhibit a variety of roof pitches/eaves heights and whilst the proposed development would add to the variety, the Inspector considered that they were acceptable in design terms. She considered that the new dwelling would fit in well with the dwellings on either side and within the wider local environment.

The two-storey side extension would be located between 1.7m and 3m from the boundary with No. 85 Dean Row Road. The Inspector considered that the existing hedge largely obscures views of the appeal site and the degree of separation between the side extension and the side windows of No. 85 means that the extension would not materially harm the outlook from these windows or reduce light. The spacing between the appeal site and No. 81 Dean Row Road would be reduced by the proposed extensions, but the Inspector considered that the orientation of the two dwellings combined with the difference in land levels and the boundary treatment would mean that they would not be overbearing. The high level secondary window in bedroom 1 adequately addresses any privacy/overlooking issues. The Inspector did not

consider it necessary to impose a condition that the front bedroom window be obscure glazed as the view would be oblique. The Inspector noted that the proposed obscure glazing together with the mature tree screening to the boundaries of the site would maintain privacy levels between the extensions and the properties on Tudor Way.

IMPLICATIONS FOR THE COUNCIL:

The application was refused against Macclesfield Borough Local Plan policies BE1, DC1, DC2 and DC3 relating to design and impact on neighbouring amenity. These policies are subjective and therefore can be interpreted in different ways.

Application Number: P08/1093

Appellant: United Co-op Pharmacy

Site Address: 57 Beam Street, Nantwich, Cheshire, CW5 5NF

Proposal: One fascia sign and one projection sign.

Level of Decision: Delegated

Recommendation: Refuse

Decision: Refused 18/11/2008

Appeal Decision: Dismissed 29/06/2009

MAIN ISSUES:

The main issue of the appeal is the effect of the proposed signs on the character and appearance of the Nantwich Conservation Area.

INSPECTOR'S REASONS:

The site is situated in Nantwich Conservation Area on Beam Street, and the application is retrospective. The Inspector states that Local Plan Policies BE.8 and BE.19 of the Borough of Crewe and Nantwich Replacement Local Plan are relevant. However, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decision should only be made in the interest of amenity and public safety. The Inspector notes that the Local Plan policies alone can not be decisive but has taken them into account as material considerations.

The Inspector states that the conservation area is extensive and includes many commercial and retail premises in addition to the appeal site. He also notes that many shop signs, including other premises controlled by the appellant, are painted on wood in traditional fashion, with illumination where it exists, being external to the sign. He notes that although this is not universal throughout the conservation area, the approach does in his estimation contribute significantly to the preservation of both its character and appearance, avoiding as it does the dominant and relatively intrusive effect of modern materials and internal illumination, and when seen in the context of traditional buildings, many of which have acquired a patina of age which subtly assimilates them with neighbouring buildings and the conservation area as a whole.

The Inspector notes that the property stands a little apart from the main concentration of retail premises in Nantwich; however the appeal site is a traditional building of some merit that is prominent within the street scene and susceptible to harm by the addition of incongruously modern and prominent

signage, internally illuminated in the case of the projection sign. The Inspector considers that the proposed signage in this instance fails to recognise the characteristic of the building and is insensitive to the wider character and appearance of the conservation area and would fail to preserve or enhance either, thereby harming amenity.

The Inspector notes that the previous signage on the Pharmacy was constructed in modern materials, but it appears to have been unauthorised. The Inspector also notes the exigencies associated with the roll-out of new signage following corporate acquisition; however did not think this outweighed the special attention required to preserve or enhance the character or appearance of the conservation area and the harm identified. The appeal was therefore dismissed.

IMPLICATIONS FOR THE COUNCIL:

This is an excellent decision for the Council as the Inspector reinforces the use of traditional materials and techniques for advertisements within Conservation Areas and the contribution these approaches have on preserving their character and appearance. This is particularly impressive given the detached nature of the site from the concentration of shops in the heart of the Conservation Area. The Inspector considered Crewe and Nantwich Replacement Local Plan policies BE.8 (Advertisements in Conservation Areas) and BE.18 (Shop fronts and Advertisements) as material considerations and making the decision in the interests of amenity. This decision will allow the Council to strongly resist other similar advertisement proposals using non traditional materials and techniques in all conservation areas.

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