

Application No: 09/3056M

Location: THE MARY DENDY UNIT, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SY

Proposal: DEMOLITION OF EXISTING BUILDINGS & ERECTION OF 3NO 15 BED LOW SECURE, MENTAL HEALTH UNITS WITH SUPPORT BUILDING & SECURE OUTDOOR SPACE (TO MATCH AN EXISTING NHS INSTITUTIONAL USE). PROPOSED NEW DEVELOPMENTS ARE TO BE SERVED BY NEW INFRASTRUCTURE & PROVIDE PARKING & BIKE STANDS FOR 50 STAFF AS EXISTING.

For MR BRYCE IRONS, CHESHIRE & WIRRAL PARTNERSHIP NHS

Registered 26-Oct-2009

Policy Item Yes

Grid Reference 382225 376702

Date Report Prepared: 07.12.09

SUMMARY RECOMMENDATION: Approve subject to conditions and receipt of any further representations.

MAIN ISSUES

- Impact on the Green Belt
- Impact on the character and appearance of the area;
- Design
- Impact upon highway safety;
- Impact on trees and ecological issues

REASON FOR REPORT

This Major application is before the Northern Planning Committee as the proposed floor area is over 1000m². This application went before Members on 25th November 2009 and Members deferred the application in order to visit the site.

DESCRIPTION OF SITE AND CONTEXT

The site is located on Chelford Road, Nether Alderley, on land opposite Sossmoss Wood. The site has a long history of use as a hospital and most recently as a secure facility since 1985. The general area is made up of fields, wooded areas and sporadic farms and dwellinghouses stretched out as a loose ribbon along Chelford Road.

DETAILS OF PROPOSAL

The application seeks to demolish all the buildings on the site (approximately 12) and replace them with 3 no. single storey units and a two storey administration area. The development would be phased in 4 Phases.

The proposal would accommodate 45 patients, which is an increase from the existing 15.

The first phase (which is aimed for commencement in 2010) would consist of a second 15 bed unit to increase the number of patients to 30, with refurbishment of the existing operational unit. Although this application is for two further units, these would only be built as and when required. The applicant believes that the development would help to enhance the security of the site. The same level of care would be provided to an increased level of patients in modern, purpose built units, which would include up to date security features. This would include an anti climb fence, air locked doors and CCTV.

The development would be broken up into the following phases: -

Phase 1 – Enabling development which would include the demolition of Hanover House, Lancaster House, Windsor House, and Tudor House, the construction of a new road infrastructure around the erection of the first unit. A Bat roost would also be erected.

Phase 2 – Once the bat roost and mitigation has been established, Stuart House would be demolished and the first 15 bed unit would be erected.

Phase 3 – The second of the 15 bed low secure units would be erected.

Phase 4 – The final buildings would be demolished and final 15 bed unit and reception would be constructed.

The application includes a reference to the submission of a separate application (to be submitted in due course) which would be lodged for the temporary accommodation to the Mary Dendy Unit. This building would remain in place until the commencement of phase 4. The temporary accommodation would provide approximately 158m² of accommodation. As this accommodation will be demolished in due course, this will ensure that the existing footprint of development is not exceeded.

RELEVANT HISTORY

09/0200P - Replacement of windows, single storey side and internal courtyard extensions and external alterations at York House - approved with conditions 15.04.09.

06/3005P

Erection of portacabin for offices with covered walkway link
- approved with conditions 25.01.07

00/0289P - Single-storey rear extension to provide additional accommodation to existing unit - approved with conditions 25.20.01.

00/1364P - Agricultural access onto Chelford Road - approved with conditions 23.08.00.

81898P - Single-storey extension to provide 6 bedrooms and ancillary accommodation - approved with conditions 21.12.95

40445P - Additional car parking spaces - approved 09.04.85.

41198P - Proposed development of secure facility - approved 03.07.85.

43646P - Crown Development (Circular 18/84)
Extension and conversion of facilities to form common support service unit and new drainage - approved 16.01.86.

POLICIES

Regional Spatial Strategy

DP1, DP5, DP6, DP7, RDF4

Local Plan Policy

NE11, BE1, GC10, DC1-DC3, DC6, DC8, DC9, DC57.

CONSIDERATIONS (External to Planning)

The Environmental Health Officer raises no objections to this application.

The Community Fire Protection Officer comments that the access and facilities for the Fire Service should be in accordance with Document B of the Building Regulations 2000. Details of the water main installations should be provided in order the fire hydrant requirements can be assessed. The means of escape should also comply with the Building Regulations. The applicant should consider the inclusion of an automatic water suppression system to enhance any proposed design.

Nether Alderley Parish Council has submitted a further more detailed objection letter with regard to the proposal on the following grounds: -

- Lack of public consultation
- The application appears to be for a change of use. The Parish Council understands that the footprint of the existing Victorian wards are non-secure hospital accommodation, whilst the proposal is a change to secure units to house offenders who have committed a crime, been detained for a minimum of 3 years and are classified as likely to commit a further offence.
- The application is within the Green Belt. The Parish Council disputes the claim that this is an exceptional case in providing secure accommodation to serve Merseyside and Cheshire, as the site is not

central for the intended catchment area or easily accessible - public transport to the site is extremely limited.

- Section DC 57 of the Macclesfield Local Plan C2 refers to the fact that Residential Institutions must be close to facilities such as bus routes and shops. This site does not comply with those objectives.
- Pedestrian access to the facility would be inadequate. The proposal would result in a concentration of specialist care facilities and planning policy dictates that this should be avoided. The David Lewis facilities are within very close proximity.
- The proposed development is entirely out of keeping with the rural environment, being constructed of red, blue and buff brick with an angular corrugated roof.
- Planning policy states that development should have no greater impact than an existing development. The visual impact of the proposed buildings contradicts this.
- The proposal will result in a significant increase in highways use as car travel is likely to be the only convenient way to access the site for its 50 employees, visitors and delivery vehicles.
- Local residents are alarmed at the proposed expansion of this secure facility. The Parish Council is extremely concerned about reference, in the application documentation, to inmates escaping in the past and reference to the facilities currently being 'unviable and unsafe'. The Parish Council understands that this accommodation will house individuals who may have carried out very serious crimes, the levels of which do not appear to be detailed in the application. The Parish Council has huge concerns that there are many isolated and potentially vulnerable properties in the area. The increase in size from a 15 to 45-bed facility causes serious concerns for security and safety. The application details that 'vulnerable areas' will be monitored by CCTV – it is a concern that there could be 'vulnerable areas'.

Manchester Airport (Aerodrome Safeguarding) raise no safeguarding objections.

Great Warford Parish Council recommend the application for refusal. The Parish Council seek clarification that the unit is purely for low secure classification of patients both now and in the future. In addition, the Parish Council were disappointed at the level of public consultation, and consider that residents on Warford Crescent should have been made aware of the event. Comments were also made regarding the design of the buildings. It was suggested that a more sympathetic design of building to blend in with the green belt would be more appropriate.

OTHER REPRESENTATIONS

Nether Alderley Rural Protection Association objects to the application on the grounds of: - lack of consultation, discrepancies in the information, the level of security, the application is for a change of use, the impact on the Green Belt, the application does not comply with Local Plan policies: - DC57, DC1 – the site is not easily accessible and is entirely out of keeping, the proposal will

contribute an increase in highways use, the NARPA understands that this accommodation will house individuals who have carried out very serious crimes.

In addition, to the above comments approximately 16 objection letters have been received from local residents on the grounds of: - lack of consultation, the change from a non secure to secure unit, poor public transport access, over concentration of care facilities in the area, an increase in traffic, and a design which is out of keeping with the environment. The letters are in the majority a copy of the same letter, which repeat the same concerns.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement has been submitted to accompany the application which considers issues such as policy context, constraints, the use, public consultation details, access and landscape information. The report is available on the application file

The following documents have also been submitted: - Flood Risk Assessment, Noise Report, Transport Statement, Tree Survey, Ecological Assessment and a Travel Plan have been submitted.

OFFICER APPRAISAL

Principal of Development

The determining issues are whether the replacement 4 buildings would have an adverse impact on the character and appearance of the Green belt, would harm visual amenity and reduce the openness of the Green Belt and whether they would be materially larger than the current buildings on the site; the potential impact on local residents; the impact on trees; and the impact on parking and highway safety.

PUBLIC CONSULTATION

The applicants' agent held a public consultation event in September 2009. 7 neighbours attended this and their comments are included within the Design and Access Statement.

Policy

The Mary Dendy site lies within the Green Belt and operates as a low secure mental health unit. This use falls within Class C2 of the use Classes Order, as a Residential Institution. The proposed development seeks to carry on the NHS institutional use, on a single footprint that would be no larger than the combined total of the proposed independent buildings that are to be demolished.

PPG2 makes it clear that inappropriate development is by definition, harmful to the Green Belt. However, PPG2 Annex C (C14) Redundant Hospitals indicates that if the site is to be redeveloped in line with the criteria set out in Annex C (C14), that it will not be inappropriate development in the Green Belt.

Policy DC57 of the Macclesfield Borough Local Plan relates specifically to C2 Residential Institutions.

In order to be 'appropriate', an application for replacement buildings in this context, the Council must satisfy itself that the proposed development is not materially larger than the current buildings, and that the visual amenity of the Green Belt would not be injured and that there would not be a reduction in openness.

Development Control Policies DC1 and DC3 relate to the standard of design and amenity. Policy DC6 relates to circulation and access. Policy NE11 relates to nature conservation and policies DC8 and DC9 relates to landscape and tree issues.

Highways

The Highways Engineer raises no highway objections to the development. The Highways Engineer comments that the development will benefit from: - a formalised parking layout, improvements to the junction with Chelford Road in terms of visibility and design, an overriding travel plan to promote alternative methods of travel, cycle parking facilities. Conditions should be attached in relation to the access, set back of gates (12 metres) visibility splays, the provision of 73 car parking spaces, to prevent surface water from flowing onto the highway, provision of shower/changing facilities, to protect the highway from mud and debris, and the submission of a construction method statement.

Design

The design of the proposed development seeks to incorporate buildings in a circular fashion, with the aim of providing a circular road around the site and an internal courtyard area in the centre. The design follows an approach to a secure mental health facility at Rose Mount on Chester Road, Macclesfield. The retention of trees and proposed planting is considered to be an essential attribute in making this scheme a success. The design is contemporary and incorporates mono pitched roofs and a green roof system to the reception building. The current buildings are not too visible from the road, and with a successful landscape scheme and the relatively low heights of the buildings proposed, it is considered that the impact from the road will be acceptable.

Each of the three buildings would be constructed from the same materials. This would consist of a grey coloured aluminium roof, which would include photo voltaic cells. The outer curved areas would be constructed from a buff brick and a blue brick is proposed for the two storey element and one single storey part. A red brick is proposed for the inner courtyard façade.

Amenity

Although there are several dwellings to the north on Chelford Road and Stelfox Hall Farm to the south, it is considered that these are sufficient distance away from the application site, so as not to be affected by the proposed development.

Ecology and trees

The Ecological Report requires a bat roost to be erected. This is proposed during Phase 1 of the development. Once the bats have migrated to the alternative roost the other buildings will be allowed to be demolished. Comments are expected from the Nature Conservation Officer in relation to this, and the impact of the development on the number of ponds sited within close proximity of the site.

The Councils Arboricultural Officer will comment on the relationship of the development on the trees around and within the site, including a number of trees which are protected by TPO's.

The Landscape Officer raises no objections to the application. The circular layout is interesting and there is potential to enhance the entire site to create an attractive landscape setting which would be beneficial for the patients, staff and visitors. The boundary treatments are important. Security fencing should be as inconspicuous as possible. Perimeter screen planting should be implemented early on in the development. There is scope to plant additional woodland in the area between the site and Jennings farm. There is also scope to enhance the Chelford Road frontage car park and car park areas by replacing security fencing and planting additional trees, shrubs and hedges. Improvements to this should be included within Phase One of the development. The landscape scheme should include: - A landscape masterplan, a phasing plan, detailed designs and full hard and soft details, boundary treatments and a landscape management plan.

Trees

The Arboricultural Officer raises no objections to the proposal. The proposed re-development can be implemented without impacting on the protected trees located throughout the site, and provides an opportunity for a significant landscape scheme to be implemented.

The existing access and road network within the site is to be replaced by a primary circular service road from which the new buildings are served. Standing on the southern boundary of the site in a linear group is a number of large mature Oaks identified with the group as G1 and G2. At present the northern rooting zones of some of these trees are covered with tarmac in relation to an external exercise area. There will obviously be a net gain for the trees when this impermeable surface is removed, but a method statement will be required in order to ensure the removal of both the hard-standing and adjacent buildings does not compromise the trees.

Located within the centre of the site identified within the Tree Preservation Order as G3 stands a group of six Birch. The development proposals identify the trees for retention within the re-development with adequate space, and a reasonable social proximity to the new buildings. Three of the six trees are poor specimens, of poor structural integrity and low vigor. These trees could be removed and replaced as part of a landscape scheme, which would be viewed as a net gain.

The proposals offer a significant opportunity to implement a specimen landscape scheme to augment the retained mature trees. This would enable not only the road frontage to be reinforced but specimen planting throughout the site.

No arboricultural objections are raised subject to conditions, which would relate to tree protection, the submission of a construction specification/method statement and a tree pruning/felling specification.

Ecological issues

The Nature Conservation Officer has received a revised ecological assessment. The Mary Dendy Unit itself is not considered to offer significant potential for roosting bats and so a further survey is not required prior to determination of the application. The presence of a number of minor bat roosts has been recorded within the buildings on site. The roosts are of two relatively common species and appear to be used by low numbers of bats as non-breeding summer roosts. The loss of these roosts is unlikely to have a severe adverse impact upon the species concerned, however in the absence of mitigation it could result in an adverse impact upon bats at the local level and the proposed demolition of the buildings would pose a significant risk of killing or injuring any bats present. Details of a proposed replacement bat barn have been provided. This is located in a suitable part of the site and is of a suitable size to ensure it stands a reasonable chance of being utilised by the bats displaced by the loss of the existing roosts. The replacement bat barn is acceptable and outline mitigation proposals including the timing and supervision of the demolition have been provided. If the proposed mitigation is implemented in full the residual impacts of the proposed developments on bats is likely to be minor.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, if there is

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection

- a licensing system administered by Natural England which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect .. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In PPS9 (2005) the Government explains that LPAs “should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused.”

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, “[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm.”

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

Local Plan Policy NE11 seeks to conserve, enhance and interpret nature conservation interests. In this case bats are clearly evident on the site and the applicants are committed to providing a new bat roost as part of the mitigation, which the Councils Nature Conservation Officer considers to be acceptable.

Alternatives

The applicants’ various statements submitted to accompany this application provide a clear case for the requirements for developing the site. The benefits of the scheme are well documented in terms of the provision of enhanced accommodation for low secure patients in a modern, purpose built facility. Given the poor state of the existing buildings, it would appear that there is no alternative way of establishing a re-use of the existing facility 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 a low secure mental health centre with support facilities for patients with mental health illnesses 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. Willingness to provide a comprehensive mitigation scheme has been provided within the applicant’s ecological survey, which essentially would incorporate a replacement roost within the application site to improve the bat habitat in this area. The Council’s

Nature Conservation Officer is satisfied that this mitigation is acceptable on site.

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.

Great Crested Newts

Unfortunately a full great crested newt survey has not been undertaken at the appropriate time of the year. An amphibian larvae survey and habitat suitability assessment has however been undertaken. Whilst the submitted survey can not be relied upon to totally discount the presence of Great Crested Newts no evidence of this species was recorded and the ponds do not appear to be particularly suitable for breeding. More importantly the proposed development will not result in the permanent loss of significant GCN habitat and the adverse impacts of the proposed development are likely to be only the temporary disturbance of sub-optimal intermediate terrestrial habitat. In this instance considering that as it does not appear that GCN are reasonably likely to be present on the proposed development site and that the adverse impacts of the proposed development are likely to be temporary and of relatively low level, it is not considered that a further GCN survey is required prior to the determination of the application.

As trees will be removed from the site in order to facilitate the proposed development a breeding birds condition is required.

The council would usually expect that development of this scale would deliver some enhancement for biodiversity, unfortunately due to the lateness of the involvement of the Council's Nature Conservation Officer in this application; he has had little input into the formation of the scheme. The submitted ecological assessment does however identify some practical low cost opportunities for the ecological value of the site to be enhanced. It is therefore recommended that a condition is attached which requires the applicant to submit a scheme of measures to enhance the biodiversity value of the site prior to development commencing.

OTHER MATERIAL CONSIDERATIONS

The proposed development has been designed in relation to its end user, the impact on the Green Belt, topography, tree cover, distance from other development and accessibility. In addition, it is considered that the site would serve East Cheshire's requirements for Low Secure Mental Health Accommodation.

The comments made by the Parish Councils and neighbours are noted. It is considered that the consultation event held could possibly have gone further to include more residents, however, public consultation is not mandatory and therefore, the scheme can not be refused on this basis. Similarly, the Parish Council requests confirmation that the facility would remain within the low secure classification. The way that the site is managed however, does not fall

for consideration within the planning process and therefore, this also would not constitute a reason for refusal. It should be noted however, that the application form does confirm that the development is for low secure, mental health units. The proposal does not constitute a change of use and is for the replacement of existing buildings only. It has been demonstrated that the floor area is less than the existing and the impact on the Green belt in terms of mass and bulk is considered to be less than the existing buildings. The design of the building has been considered above, and although contemporary, it is considered that the scheme would not appear incongruous in its surroundings. Members should bear in-mind the advice of PPS1 that the planning system should not stifle good, albeit, innovative design. This is a good example of such a design. The proposed landscaping will help to soften the buildings when viewed from outside the site.

CONCLUSIONS AND REASON(S) FOR THE DECISION

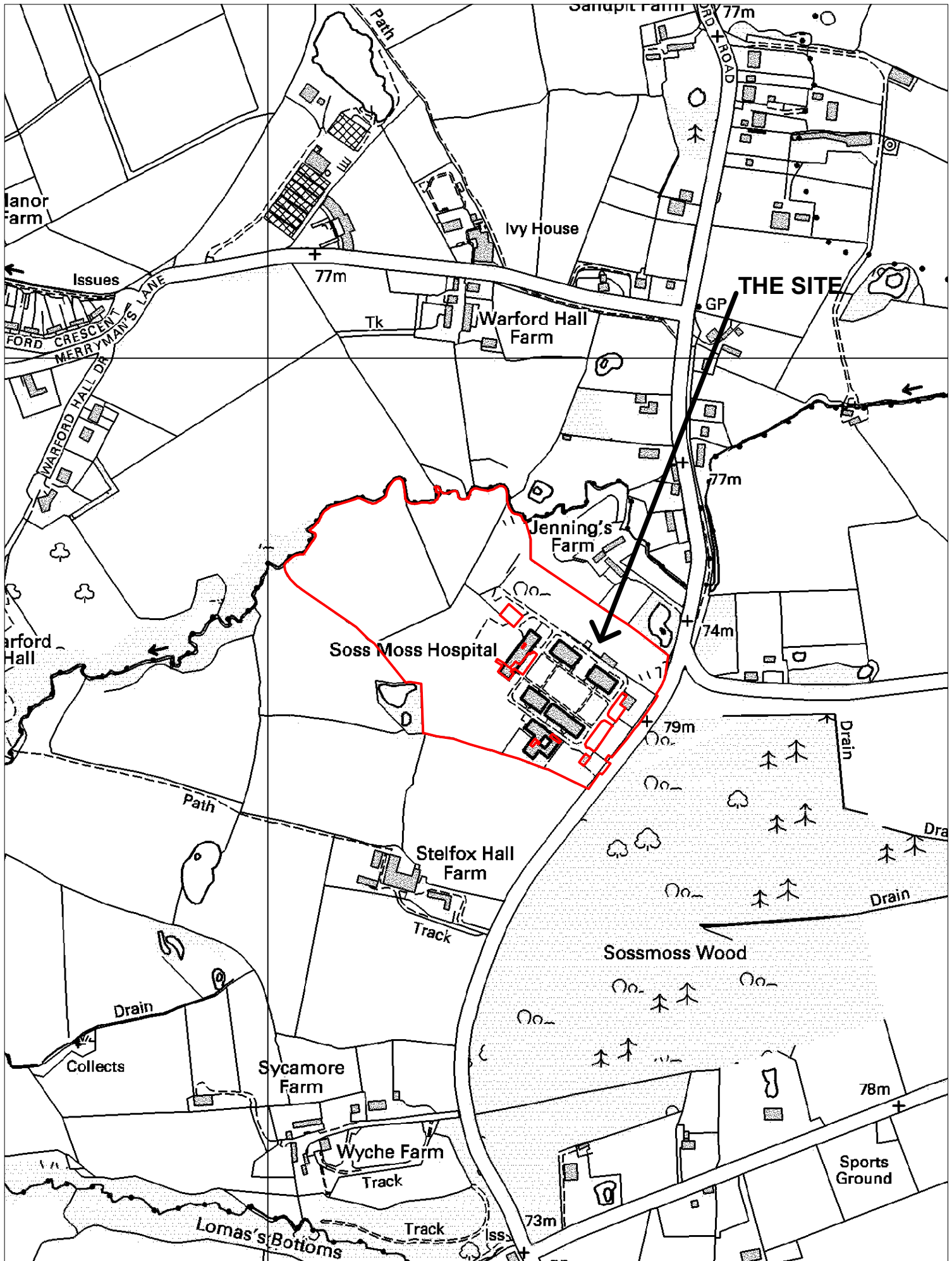
There is an existing institutional function and operation on the site. The current existing accommodation is unsuitable for the NHS needs and does not comply with the National minimum standards and guidance for such accommodation. It is noted that the existing Mary Dendy Unit will remain in operation until the 4th phase commences.

The low secure units would provide support accommodation which would consist of leisure rooms, patient examination rooms – all of which would be low security. The outdoor space would be sufficient to prevent interaction and prevent escape to the outside. This will be provided through planting, wire fencing, foliage and the form of the building.

Overall, the scale of development would be no greater than the existing buildings and as a result it is not considered that there would be a significant impact on the Green Belt. The design is considered to be acceptable. The benefits of the proposed development are considered to outweigh any negative aspects and a recommendation of approval is offered.

HEADS OF TERMS

A Section 106 Agreement would be required which requires the applicant to produce and operate a travel plan for the development. It shall have regard to the nature of the development, the accessibility of the site and local transport provision. The agreement shall include procedures for monitoring, review remedial action and shall be operated at all times while the development is occupied.



THE MARY DENDY UNIT, CHELFORD ROAD, NETHER ALDERLEY, MACCLESFIELD, CHESHIRE, SK10 4SY

NGR 382,249 : 376,659

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A05EX - Details of materials to be submitted
3. A01LS - Landscaping - submission of details
4. A04LS - Landscaping (implementation)
5. A02LS - Submission of landscaping scheme
6. A06NC - Protection for breeding birds
7. A08MC - Lighting details to be approved
8. A24HA - Provision / retention of service facility
9. A01HP - Provision of car parking
10. A04HP - Provision of cycle parking
11. A05HP - Provision of shower, changing, locker and drying facilities
12. A02TR - Tree protection
13. A04TR - Tree pruning / felling specification
14. A06TR - Levels survey
15. A02HA - Construction of access
16. A08HA - Gates set back from footway/carriageway
17. A01HP_1 - Provision of car parking
18. A26HA - Prevention of surface water flowing onto highways
19. A07HP - Drainage and surfacing of hardstanding areas
20. A30HA - Protection of highway from mud and debris
21. A32HA - Submission of construction method statement
22. Ground levels
23. Visibility splays
24. Short/long stay cycle parking
25. Breeding birds
26. Incorporation of measures to enhance the biodiversity value of the site.
27. Landscape masterplan
28. Phasing plan required for landscape
29. Detailed designs for hard and soft landscape
30. Boundary treatment
31. Landscape management plan

32. Tree protection

33. Construction specification/method statement

34. Tree pruning/felling specification