

Appendix One

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

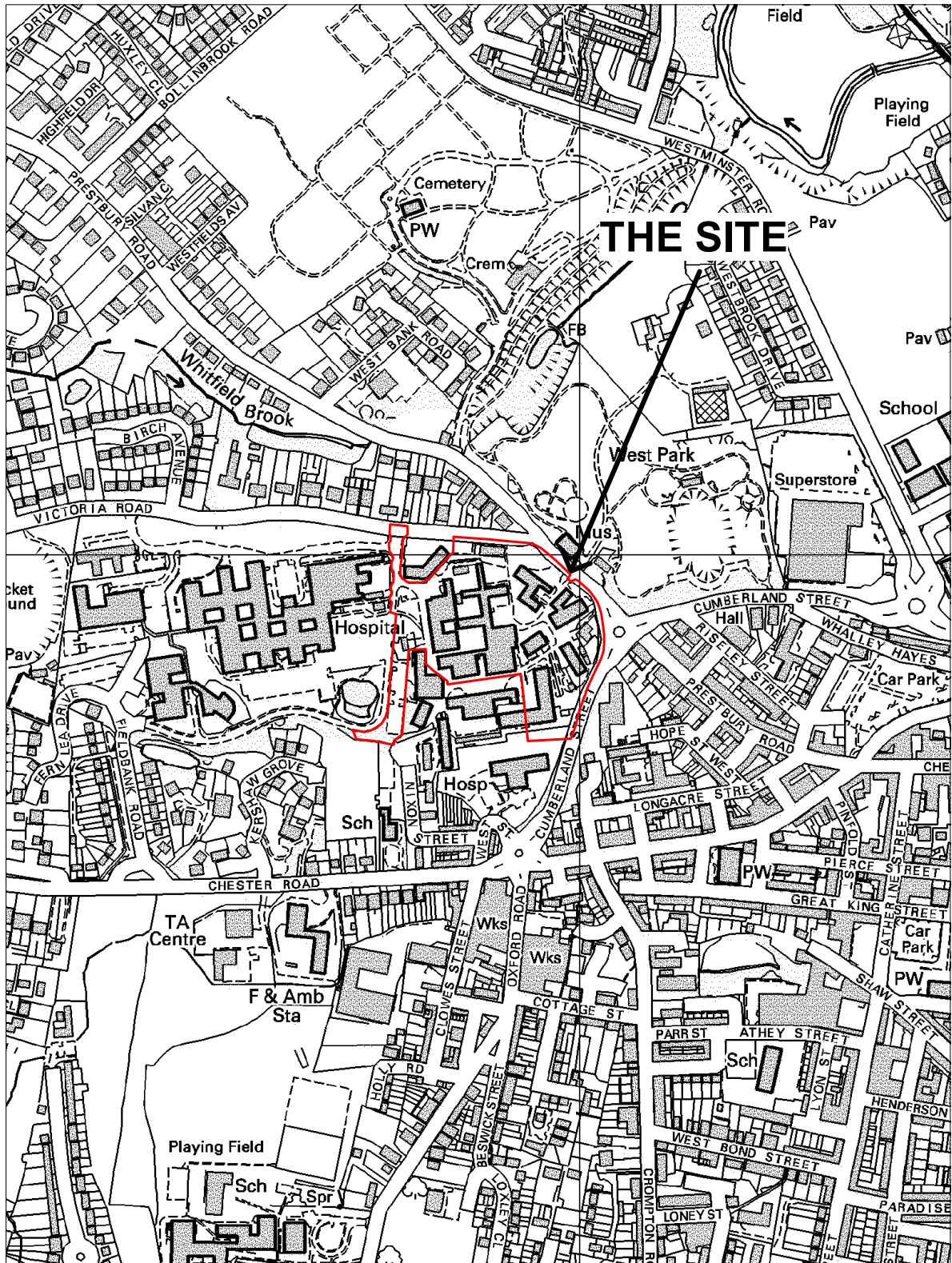
- Commuted sum payments in respect of amenity and playspace
- Provision of a Travel Plan and associated monitoring charges
- Highways matters including travel plan modifications/monitoring
- Monitoring costs

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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