

6 June 2022

Dear Sir/Madam,

NHS Property Services (NHSPS) - Hearing Statement

Bath and North East Somerset Council: Local Plan Partial Update - Independent Examination

Introduction

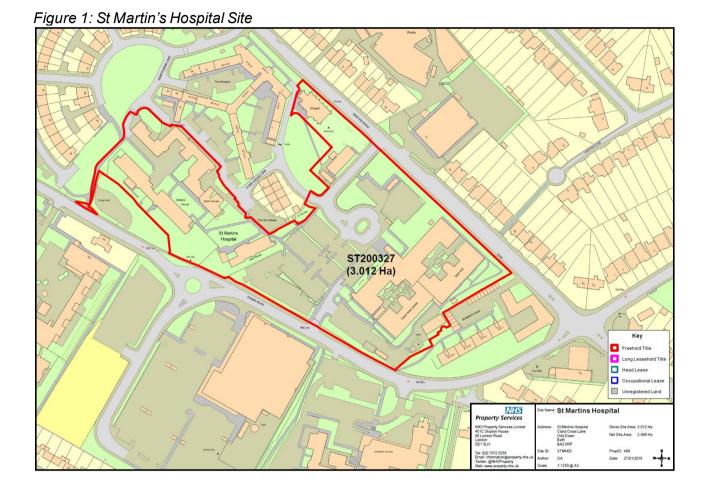
NHSPS own the freehold of the St Martins Hospital site as identified in Figure 1 below, outlined in red (hereafter the "site"). NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable, modern healthcare and working environments. NHSPS has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.

We (NHSPS) write in relation to St Martin's Hospital, which is currently subject to a site allocation (Site Allocation SB25) within the proposed Local Plan Partial Update. This Hearing Statement has been prepared and is submitted to you in advance of the Hearing sessions, due to take place in June/July 2022.

This Statement follows duly made representations at the Regulation 18 and Regulation 19 stage of the Bath and North East Somerset (B&NES) Local Plan Partial Update, and should be read in conjunction with our previous representations.

Outstanding Matters

This statement should be read in conjunction with our previous representation, and seeks to answer the relevant parts of Matter 4 in relation to Site Allocation SB25 St Martins Hospital.



Matter 4: Area Policies and Allocations

SB25: St Martin's Hospital

Site Context

The St Martins Hospital site is a previously developed brownfield site situated close to the southern edge of Bath and extends to 3.012 hectares. The site sites wholly within the Bath World Heritage Site designation.

Two existing vehicular access points are provided from Frome Road (to south) and Midford Road (to north) leading to a central parking area.

The existing buildings to the east of the site comprise modern single storey health accommodation. This part of the site is to be retained for continued clinical use.

To south west of the site are the following three buildings:

- Ash House
- Midford House
- Kempthorne House

Ash House and Midford House are now vacant and are considered surplus to the operational healthcare requirements of the NHS. Kempthorne House is currently partially occupied (principally

office accommodation) but is expected to be fully vacated by mid 2023 as part of planned relocations to more modern and fit for purpose accommodation.

To the north of Midford House, Ash House and Kempthorne House sits the former Grade II listed Chapel and grounds, and Frome House - a single storey brick built building with a flat roof, last in use as office accommodation. All buildings on this part of the site are currently vacant and have been declared as surplus to the operational healthcare requirements of the NHS by health commissioners.

The site has good connectivity, with a number of bus stops servicing the site along both Frome Road and Midford Road and providing services to Bath University, Claverton Down, Frome and Bath City Centre.

Adjacent to the west of the site is the former Grade II Listed workhouse building (formerly in NHS ownership) that was converted under application reference 02/00537/FUL to 28 residential units. Beyond the former workhouse to the west are a range of new build residential accommodation built under application 04/03597/FUL for the erection of 58 dwellings on the former cricket pitch site (also formerly in NHS ownership).

The wider area is a mixture of residential and commercial properties. A large Sainsbury's retail store sits to the south of the site, with St Martins Garden Primary School sitting to the south west. Residential properties sit to the north, beyond Midford Road.

Inspector Questions

The Inspector has raised the following questions in relation to the proposed site allocation SB25 (St Martins Hospital):

- Q.35 What is the evidence that the proposed allocation would be deliverable or developable in terms of the NPPF within the plan period?
- Q.36 Which designated and non-designated heritage assets may be affected by the proposed allocation, what is the significance of such heritage assets and how may their significance be affected by the proposed allocation? How would the proposed allocation affect the Paupers Burial Ground and how may that affect the deliverability of the allocation? Would the Policy be effective in conserving the significance of any affected heritage assets?
- Q.37 What is the specific justification for the transportation requirements set out in criterion 11 and would they be effective? Should criterion 11b be corrected to refer to St Martin's Garden Primary School?
- Q.38 What are the parking standards referred to in criterion 12 and would the Policy be effective in this regard?

Each of these matters is considered separately below.

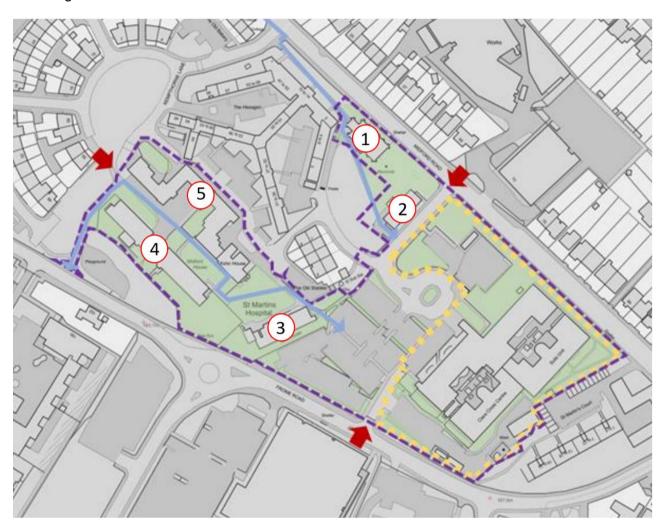
Q35: What is the evidence that the proposed allocation would be deliverable or developable in terms of the NPPF within the plan period?

NHSPS are the freehold owners of this site, and have engaged extensively with the local planning authority to promote this site and secure a positive site allocation.

Parts of the site including Kempthorne House and Midford House were previously permitted for residential conversion and redevelopment under application ref. 04/03597/FUL, alongside the former workhouse to the north, and new build residential dwellings to the west (now built out).

As confirmed above, whilst the modern clinical buildings to the east of the site are to be retained for continued health uses, the majority of the wider site to the west is already vacant and has been declared as surplus to the operational healthcare requirements of the NHS. The only exception to this is Kempthorne House which remains partially occupied (principally in office use) but is expected to be fully vacated by mid-2023 as part of a planned relocation to more modern fit for purpose accommodation.

Included below is Diagram 27 of the Schedule of Changes to the Local Plan (CD-SD001), which highlights the area to be retained for continued clinical use (yellow hatch line). Overlaid on this we have included a reference number for each building, and summarised its current position in the following schedule:



Map Building	Building Name	Status
Ref.		
1	Chapel and Grounds	Fully vacant and declared as surplus to the operational healthcare requirements of the NHS
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2	Frome House	Fully vacant and declared as surplus to the operational healthcare requirements of the NHS
3	Ash House	Fully vacant and declared as surplus to the operational healthcare requirements of the NHS
4	Midford House	Fully vacant and declared as surplus to the operational healthcare requirements of the NHS
5	Kempthorne House	Partially occupied (predominantly office accommodation) – expected to be fully vacated by Mid-2023.

In advance of the Examination in public hearing, we thought it would be helpful to place on record once again the intention for the site, and to confirm the sites availability and deliverability in accordance with the NPPF (2021) as below:

"To be considered deliverable, sites for housing should be available now, offer a suitable location for development now, and be achievable with a realistic prospect that housing will be delivered on the site within five years."

As set out above, the majority of the buildings on site are currently vacant. The only exception to this is Kempthorne House, which is to be vacated mid 2023. A scheme is being worked up for submission to planning, with the goal that approval will coincide with the vacation of Kempthorne House. The site is therefore considered deliverable and available now, in accordance with the NPPF definition.

In relation to the site offering a suitable location, the site is a previously developed brownfield site, within the adopted and draft Housing Development Boundary, and is in a sustainable location with a range of bus services providing transport to Bath City Centre. It is a residential location, and is therefore entirely suitable for housing delivery. Again, this is in accordance with the NPPF definition of deliverable.

Part of the site (including Kempthorne and Midford House) were previously granted permission for residential conversion and redevelopment under application 02/00537/FUL and sit adjacent to the former Workhouse (now converted) and new-build residential properties to the west.

The Inspector should note that the site is therefore immediately available and suitable for development now.

In relation to its deliverability, NHSPS has procured a full professional and technical team to progress a planning application for the sites redevelopment, and this work is all underway. Pre-application engagement with Bath and North East Somerset Council is expected in Autumn 2022, with an application submission expected early 2023. Subject to permission being granted, NHSPS would look to dispose of the site (with the benefit of full planning permission) to a developer to deliver the permitted scheme, with commencement from early 2024.

The site therefore meets the definition of deliverable as set out in the NPPF 2021 in all regards.

Q.36 Which designated and non-designated heritage assets may be affected by the proposed allocation, what is the significance of such heritage assets and how may their significance be affected by the proposed allocation? How would the proposed allocation affect the Paupers Burial Ground and how may that affect the deliverability of the allocation? Would the Policy be effective in conserving the significance of any affected heritage assets?

The whole site falls within the City of Bath World Heritage Site designation (1000103).

Within NHSPS's retained ownership, the Chapel of St Martin (formally known as the Church of the Holy Trinity) is Grade II listed. The site is located within the Odd Down Character Area (Area 20) in the Bath City Wide Character Appraisal.

Immediately adjacent to the west (outside of NHSPS's freehold ownership) is the former Bath Union Workhouse and St Martins Hospital (Grade II Listed), which was converted to residential use (REF: 04/03578/FUL) as part of a broader redevelopment of the hospital site fronting Midford Road. It is acknowledged that Kempthorne House, Midford House and Ash House form part of the group of later 19th century buildings directly associated with the former workhouse and hospital.

The wording of draft policy SB25 - Paragraphs 2, 3 & 4 – states:

Achieve the delivery of residential dwellings through the conversion of Kempthorne House, Midford House and Ash House, and the redevelopment of Frome House. Any scheme should be informed by a detailed, site-wide heritage assessment, which considers each of the individual buildings within the site, their context and relationship to each other, as well as other heritage assets, including the World Heritage Site, adjacent listed buildings, and undesignated heritage assets. The proposed subdivision and alteration of the buildings, and the design and layout of external areas shall be informed by this heritage assessment.

Deliver high quality architectural design in relation to both conversion and redevelopment, informed by the site's sensitive historic surroundings.

Retain and convert Kempthorne House, Midford House and Ash House, unless an objective and comprehensive heritage assessment is provided to justify demolition, with a clear evidence base to demonstrate that conversion is not feasible and / or viable.

NHSPS support the policy wording as above, and have not sought any amendments to these paragraphs.

Significant weight should be given to the potential benefits of this allocation, including ensuring the long term maintenance and sustainability of the buildings on site, aligning uses with the adjoining former workhouse building - converted to residential use under 04/03578/FUL.

In relation to the reference to the Paupers Burial Ground, we have instructed RSK ADAS Group to undertake a detailed Heritage and Archaeological assessment to review this. Full details would be provided as part of any future planning application.

Early advice suggests that the extent of any Paupers Burial Ground is limited to the small area of landscaped grounds directly to the south of the chapel (north of Frome House). No additional built development is proposed in this area in any case, noting the heritage significance of the Grade II listed chapel. Any confirmed presence of a Paupers Burial Ground in this location will therefore have no impact on the wider deliverability of the site allocation, although it will be subject to detailed assessment as part of any application and will include any mitigation works as required.

It is important to note that the chapel has been in use for an extended period as ancillary storage for the wider hospital use, with no public access. We are keen to work with the Council to identify an appropriate alternative use for this building, noting the above.

In summary, the forthcoming proposals for the site would be beneficial in ensuring the long term maintenance and sustainability of the properties on the site.

We consider the above wording provides appropriate and effective protection for conserving the significance of heritage assets, and we accept the requirement for NHSPS to provide additional detailed heritage and archaeological assessment work (in accordance with above) as part of any future planning application.

Q.37 What is the specific justification for the transportation requirements set out in criterion 11 and would they be effective? Should criterion 11b be corrected to refer to St Martin's Garden Primary School?

In relation to Question 37, we direct your attention to our representations submitted as part of the Regulation 19 consultation, and attached at **Appendix A.**

As set out in these representations, the specific requirements outlined in paragraph 11 are considered overly onerous and premature at this stage in the absence of more detailed design and assessment work. Paragraph 10 commits NHSPS to undertaking a full Transport Assessment which will include identifying a scope of mitigation. Potential mitigation measures can all be examined as part of a future planning application once more detail is available.

Our suggested alterations to Draft Policy SB25 Paragraph 11 are repeated below for ease of reference:

Examine the pedestrian and cycle routes between the site and key local facilities and make appropriate enhancements to ensure that the walking and cycling are the natural choice for local trips. This should include, but not be limited to:

- a. Improve access to Odd Down Sports Ground for pedestrians and cyclists through off-site contributions towards crossing improvements across Wellsway, and a new access to the Sports Ground;
- b. Upgrade to crossing over Frome Road at the entrance to Fosseway Infant and Primary School to include widening to accommodate shared pedestrian/cycle use:
- c. Midford Road cycle improvements between, and including, Clara Cross Lane and Path to Hansford Close; and
- d. Enhancements to Midford Road/A367 junction to improve road safety and sustainable accessibility.

Q.38 What are the parking standards referred to in criterion 12 and would the Policy be effective in this regard?

NHS PS are happy to defer to Bath and North East Somerset Council in relation to Question 38. We will be providing a full transport assessment as part of any proposals to ensure that overall access and parking will not be detrimentally affected.

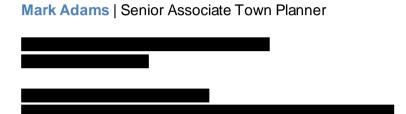
Summary

NHS PS are supportive of the allocation of St Martins Hospital within the Partial Update to the Local Plan, and believe the site makes a valuable contribution to the housing land supply in Bath and North

East Somerset District Council. The site is brownfield land, located in a sustainable location, and any future development would bring the currently vacant site back into active use which would be of benefit to the local area and help to maintain and enhance the special heritage importance of the site.

NHSPS look forward to receiving confirmation that these representations have been received. Should you have any queries or require any further information on the enclosed, please don't hesitate to contact me using the information below.

Yours sincerely,



APPENDIX A – NHS PS REPRESENTATIONS TO REGULATION 19



99 Gresham Street London EC2V 7NG Tel: 07880781262

Email: mark.adams @property.nhs.uk

Twitter: @NHSProperty www.property.nhs.uk

8 October 2021

Dear Sir/Madam,

Bath and North East Somerset Council: Local Plan Partial Update Publication (Regulation 19)

Thank you for the opportunity to comment on the above document. The following comments are submitted by NHS Property Services (NHSPS).

Foreword

NHSPS manages, maintains and improves NHS properties and facilities, working in partnership with NHS organisations to create safe, efficient, sustainable, modern healthcare and working environments. NHSPS has a clear mandate to provide a quality service to its tenants and minimise the cost of the NHS estate to those organisations using it. Any savings made are passed back to the NHS.

Overview

In April 2013, the Primary Care Trust and Strategic Health Authority estate transferred to NHSPS, Community Health Partnerships and NHS community health and hospital trusts. All organisations are looking to make more effective use of the health estate and support strategies to reconfigure healthcare services, improve the quality of care and ensure that the estate is managed sustainably and effectively.

NHSPS support NHS commissioners to deliver a local health and public estate that can be put to better use. This includes identifying opportunities to reconfigure the estate to meet commissioning needs, as well as opportunities for delivering new homes (and other appropriate land uses) on surplus sites.

The ability to continually review the healthcare estate, optimise land use, and deliver health services from modern facilities is crucial. The health estate must be allowed to develop and modernise in line with health commissioning strategies. Planning policies should support this and be prepared in consultation with the NHS to ensure they help deliver estate transformation.

Our comments on the draft Local Plan Partial Update are in relation to St Martins Hospital, and Draft Policy SB25. Our comments in relation to this site are as follows.



Our Representations

Policy SB25 St Martins Hospital

Site allocation SB25 relates to St Martins Hospital. NHSPS own the freehold of the St Martins Hospital site as identified in Figure 1 below, outlined in red (hereafter the "Site").



Figure 1: NHSPS Ownership Plan

Draft Policy SB25 set out the Council's vision for the future redevelopment of the Site. Although we support the in-principle allocation of the Site, we request some amendments to the wording and policy requirements to ensure the site can be brought forward in an timely manner.

These proposed amendments, along with our narrative for requesting these changes, are set out in Table 1 below. New text is shown in red, with deleted text shown in strikethrough.



Table 1: Policy SB25 Proposed Amendments

Policy Paragraph	Current wording	Proposed wording	NHSPS Narrative
SB25 Policy Wording Paragraph 1 (Page 157)	Development proposals will: Ensure a comprehensive mix of uses across the site, comprising the delivery of around 50 residential dwellings, and the continued use of the south eastern section of the site for clinical health services. Any application for the conversion or redevelopment of buildings within the site to non-clinical uses shall be supported by evidence to show that they have been formally declared as surplus to the operational healthcare requirements of the NHS by local health commissioners.	Development proposals will: Ensure a comprehensive mix of uses across the site, comprising the delivery of around-50 60 residential dwellings, and the continued use of the south eastern section of the site for clinical health services (subject to health commissioning requirements). Any application for the conversion or redevelopment of buildings within the site to non-clinical uses shall be supported by evidence to show that they have been formally declared as surplus to the operational healthcare requirements of the NHS by local health commissioners.	NHSPS respectfully requests an amendment to the proposed policy wording to ensure an appropriate development capacity is achievable and ensure that we are able to make the optimum use of the brownfield site and bring forward a viable scheme. This amended unit capacity will be supported by additional design and capacity information and justification before the next consultation phase Additional text is proposed to provide appropriate flexibility, where health service requirements must be guided by local healthcare commissioners. Any loss of health provision at the Site will be subject to the requirements set out in paragraph 1, which ensures that a loss of healthcare provision is supported by appropriate evidence.
Supporting Text Paragraph 220q (Page 157)	The site will deliver around 50 new dwellings, whilst continuing to provide important clinical health care provision within parts of the site.	The site will deliver around 5060 new dwellings, whilst continuing to provide important clinical health care provision within parts of the site (subject to health commissioning requirements).	In conformity with the above suggested changes (policy wording paragraph 1)
SB25 Policy Wording Paragraph 2 (Page 158)	Achieve the delivery of residential dwellings through the conversion of Kempthorne House, Midford House and Ash House, and the redevelopment of Frome House. Any scheme should be informed by a detailed, site-wide heritage assessment, which considers each of the individual buildings within the site, their context and relationship to each other, as well as other heritage assets, including the World Heritage Site, adjacent listed buildings, and undesignated heritage assets. The proposed subdivision and alteration of the buildings, and the design and layout of external areas shall be informed by this heritage assessment.	No changes proposed	No changes proposed
SB25 Policy Wording Paragraph 3 (Page 158)	Deliver high quality architectural design in relation to both conversion and redevelopment, informed by the site's sensitive historic surroundings.	No changes proposed	No changes proposed
SB25 Policy Wording Paragraph 4	Retain and convert Kempthorne House, Midford House and Ash House, unless an objective and comprehensive heritage assessment is provided to justify demolition, with a clear evidence base to demonstrate that conversion is not feasible and / or viable.	No changes proposed	No changes proposed
(Page 158) SB25 Policy Wording Paragraph 5 (Page 158)	Ensure that any residential use is developed using a comprehensive, site wide approach, ensuring the existing and future clinical operations within the site continue to function effectively, particularly in relation to access and car parking arrangements.	Ensure that any residential use is developed using a comprehensive, site wide approach, ensuring the existing and future clinical operations (subject to health commissioning requirements) within the site continue to function effectively, particularly in relation to access and car parking arrangements.	As set out above, it is essential that NHS assets are appropriately managed in accordance with NHS commissioning requirements. Therefore additional wording has been added to ensure appropriate flexibility.



SB25 Policy Wording Paragraph 6 (Page 158)	Protect and enhance existing landscape infrastructure and habitats within the site, including trees, hedgerows, planting, and landscaped areas. Protect all retained connecting habitats from increased light spill. Any extension or redevelopment of existing buildings will be designed to ensure minimal to no encroachment into landscaped areas.	Protect and enhance existing landscape infrastructure and habitats within the site, including trees, hedgerows, planting, and landscaped areas as appropriate. Any loss of existing landscape infrastructure and habitats will be appropriately justified via a comprehensive Ecological Assessment including identification of any suitable mitigation measures. Protect all retained connecting habitats from increased light spill, and identify any appropriate mitigation options. Any extension or redevelopment of existing buildings will be designed to ensure minimal to no encroachment into landscaped areas.	NHSPS will in principle seek to retain existing landscape infrastructure and habitats on the Site and avoid any impact where possible. However it should be accepted that in order to bring forward development at the Site, some changes to the existing landscaping may be required. These potential changes will remain unknown until a later stage in the design development of the Site. As a result appropriate flexibility is requested in order to allow for amendments to the existing landscaping and habitats as required. It is accepted that any changes should be accompanied by relevant survey information and appropriate justification and mitigation as required. In relation to light spill, the above sentiments are reflected in that any change to the existing uses on site may have an impact on existing light spill levels. Whether or not this is the case cannot be determined until a later date in the design stage, but the wording of Policy SB25 should provide appropriate flexibility in order to allow for any negative impacts to be appropriately mitigated, and to ensure redevelopment of the Site is not subject to unduly restrictive policy which could prevent the Site being brought forward in a timely manner. The final sentence in this section is not necessary, where it duplicates the first part of this paragraph. These matters will all be appropriately assessed as part of the any future planning application, once detailed design proposals have been developed including necessary supporting information and justification.
SB25 Policy Wording Paragraph 7	Deliver biodiversity net gain of at least 10% in accordance with Policy NE3a. Opportunities to deliver 10% biodiversity net gain within the site curtilage should be fully explored and tested before any off-site measures are proposed.	No changes proposed	No changes proposed
(Page 158)			
SB25 Policy	Provide a minimum of one nest or roost site per residential unit, in the form of	Provide a minimum of one nest or roost site per residential	This requirement is considered premature and overly onerous at this stage, in the
Wording	integrated bird and bat boxes within new buildings, and/or as standalone features within the public realm, such as bat walls and swift towers.	unit, in the form of integrated bird and bat boxes within new buildings, and/or as standalone features within the public	absence of a detailed assessment of existing Ecological features, and without any details on the final design and form of the residential units on site. This also
Paragraph 8	Additional features such as log piles, insect hotels, bee bricks, hedgehog connectivity measures and green and brown roofs / walls are also required.	realm, such as bat walls and swift towers. Additional features such as log piles, insect hotels, bee bricks, hedgehog	duplicates paragraph 6 above (with amendments). It is considered that the commitment to undertake a suitable ecological assessment, and to use this as the
(Page 158)	All new garden boundaries should be permeable for hedgehogs.	connectivity measures and green and brown roofs / walls are also required. All new garden boundaries should be permeable for hedgehogs.	basis for identifying appropriate mitigation is sufficient at this stage.
SB25 Policy	Retain and enhance the existing network of pedestrian footways throughout the site and deliver measures to improve permeability and legibility for	No changes proposed	No changes proposed
Wording Paragraph 9	pedestrians and cyclists, including publicly accessible routes joining Midford Road and Frome Road. Ensure that such improvements are designed to		
	respect the landscape and habitat infrastructure or heritage of the site.		
(Page 159) SB25 Policy	Undertake Transport Assessment for the development proposals to	No changes proposed	No changes proposed
Wording	understand potential traffic impacts on the existing network, and scope of mitigation. This must focus on the delivery of sustainable transport measures	The shanged proposed	The shanges proposed
Paragraph 10	to provide opportunities for mode shift.		
(Page 159)			
SB25 Policy Wording	Examine the pedestrian and cycle routes between the site and key local facilities and make appropriate enhancements to ensure that the walking and	Examine the pedestrian and cycle routes between the site and key local facilities and make appropriate enhancements to	The specific requirements outlined in this paragraph are considered overly onerous and premature at this stage in the absence of more detailed design and assessment
Paragraph	cycling are the natural choice for local trips. This should include, but not be limited to:	ensure that the walking and cycling are the natural choice for local trips. This should include, but not be limited to:	work. Paragraph 10 (above) commits NHSPS to undertaking a full Transport Assessment which will include identifying a scope of mitigation. Potential mitigation
11	a. Improve access to Odd Down Sports Ground for pedestrians and cyclists through off-site contributions towards crossing improvements	a. Improve access to Odd Down Sports Ground for pedestrians and cyclists through off-site contributions	measures can all be examined as part of a future planning application once more detail is available.
(Page 159)	across Wellsway, and a new access to the Sports Ground;	p = = = = = = = = = = = = = = = = = = =	



	 b. Upgrade to crossing over Frome Road at the entrance to Fosseway Infant and Primary School to include widening to accommodate shared pedestrian/cycle use; c. Midford Road cycle improvements between, and including, Clara Cross Lane and Path to Hansford Close; and d. Enhancements to Midford Road/A367 junction to improve road safety and sustainable accessibility. 	towards crossing improvements across Wellsway, and a new access to the Sports Ground; b. Upgrade to crossing over Frome Road at the entrance to Fosseway Infant and Primary School to include widening to accommodate shared pedestrian/cycle use; c. Midford Road cycle improvements between, and including, Clara Cross Lane and Path to Hansford Close; and d. Enhancements to Midford Road/A367 junction to improve road safety and sustainable accessibility.	
SB25 Policy Wording Paragraph 12 (Page 159)	Parking for bicycles and cars will need to be provided in line with current parking standards, for both residential and clinical uses. Improved integrated parking solutions and car park management across the site should be investigated to maximise efficient use of land.	No changes proposed	No changes proposed
SB25 Policy Wording Paragraph 13 (Page 160)	Evaluate the potential for archaeological remains across the development site and ensure appropriate mitigation where required.	No changes proposed	No changes proposed



Summary

NHSPS thank B&NES Council for the opportunity to comment on this Regulation 19 consultation document, and hopes the proposed amendments are considered constructive and helpful.

NHSPS look forward to receiving confirmation that these representations have been received. Should you have any queries or require any further information on the enclosed, please don't hesitate to contact me using the information below.

Yours sincerely,

Mark Adams | Senior Associate Town Planner

Email: Mark.adams@property.nhs.uk

Tel: 07880 781262

NHS Property Services Ltd Regent House, Heaton Lane, Stockport, Cheshire SK4 1BS