

Northern Planning Committee

Agenda

Date: Wednesday, 2nd June, 2021
Time: 10.00 am
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1EA

Please note that members of the public are requested to check the Council's website the week the Northern Planning Committee meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

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

It should be noted that Part 1 items of Cheshire East Council decision meetings are audio recorded and streamed live on the Council's website and therefore members of the public can listen to the meeting live online. The recordings are then uploaded to the Council's website.

PLEASE NOTE-The meeting is open to the public but due to social distancing restrictions public attendance is limited and priority will be given to those people wishing to speak at the meeting with the remaining availability being allocated on a first to arrive basis. Masks will need to be worn by anyone entering or leaving the venue but not whilst seated.

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

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any disclosable pecuniary and non-pecuniary interests and for Members to declare if they have a pre-determination in respect of any item on the agenda.

Please Contact: Sarah Baxter 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk with any apologies or request for further information Speakingatplanning@cheshireeast.gov.uk to arrange to speak at the meeting

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

To approve the minutes of the virtual meeting held on 5 May 2021 as a correct record.

4. **Public Speaking**

A total period of 5 minutes is allocated for each of the planning applications for the following:

- Ward Councillors who are not members of the Planning Committee
- The relevant Town/Parish Council

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

- Members who are not members of the planning committee and are not the Ward Member
- Objectors
- Supporters
- Applicants

5. **20/3627M-Change of use and extensions to vacant mill into 24 self-contained apartments with associated car parking, Alma Mill, Crompton Road, Macclesfield for Mujahid Afzal** (Pages 7 - 24)

To consider the above application.

6. **20/3628M-Change of use and extensions to vacant mill into 24 self-contained apartments with associated car parking, Alma Mill, Crompton Road, Macclesfield for Mujahid Afzal** (Pages 25 - 32)

To consider the above application.

7. **20/3162M-Proposed erection of three dwellings together with associated access and car parking, Car Park to The Crown, Ingersley Vale, Bollington for Gustav Bonnier Holdings Ltd** (Pages 33 - 46)

To consider the above application.

Membership: Councillors L Braithwaite (Vice-Chair), C Browne, T Dean, JP Findlow, A Harewood, S Holland, D Jefferay, J Nicholas (Chair), I Macfarlane, N Mannion, K Parkinson, L Smetham and J Smith

CHESHIRE EAST COUNCIL

Minutes of a virtual meeting of the **Northern Planning Committee**
held on Wednesday, 5th May, 2021

PRESENT

Councillor J Nicholas (Chair)

Councillors L Braithwaite, C Browne (Substitute), T Dean, S Edgar (Substitute), JP Findlow, A Harewood, S Holland, I Macfarlane and N Mannion

OFFICERS IN ATTENDANCE

Mrs S Baxter, (Democratic Services Officer), Mrs N Folan (Planning Solicitor), Mr N Jones (Principal Development Officer) and Mr P Wakefield (Planning Team Leader)

1 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors D Jefferay, K Parkinson, L Smetham and J Smith.

2 DECLARATIONS OF INTEREST/PRE DETERMINATION

In the interest of openness in respect of application 20/1063M, Councillor L Braithwaite declared that she was one of the Ward Councillors, however she had not pre-determined the application.

In the interest of openness in respect of 20/1063M, Councillor N Mannion declared that he had previously been Portfolio Holder for Environment and Regeneration with responsibility for the disposal of Cheshire East Council. As reference was made to the disposal of land by a public speaker he clarified he had not been involved in the disposal of land relating to the application site.

3 MINUTES OF THE PREVIOUS VIRTUAL MEETING

RESOLVED

That the minutes of the virtual meeting held on 7 April 2021 be approved as a correct record and signed by the Chairman.

4 PUBLIC SPEAKING-OPEN SESSION

RESOLVED

That the public speaking procedure be noted.

5 20/1063M-ERECTION OF 3 DWELLINGS WITH OFF-ROAD PARKING (4 SPACES), GARDENS WITH ASSOCIATED LANDSCAPING AND WASTE & RECYCLING STORAGE, CAR PARK, JOHN STREET, MACCLESFIELD FOR TAYLOR ICE COMMS

Consideration was given to the above application.

(Councillor A Farrall, the Ward Councillor and Councillor B Puddicombe, the neighbouring Ward Councillor attended the virtual meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The scheme provides insufficient off-street parking for the level of residential development proposed. Given, the existing identified problems with on-street parking on John Street and in the surrounding area, it is considered that the proposal would not comply with Cheshire East Parking Standards (CELPS Annex C) and CELPS Policy SD1.
2. If approved, the scheme would not preserve or enhance the character or appearance of this part of the High Street Conservation Area due to the overall height, form and bulk of the development. The proposal is therefore contrary to the requirements of the Framework and CELPS Policies SD2, SE1 and SE7.
3. The proposed development will be unduly dominant upon the outlook from the rear elevations of the properties on High St, and their relatively small outdoor amenity spaces, which would be very overbearing. The proposal is therefore contrary to policies DC3 and DC38 of the MBLP and the CEC Design Guide.

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(During consideration of the application, Councillor S Holland joined the virtual meeting, therefore she did not take part in the debate or vote on the application)

6 20/5087M-ERECT SINGLE PAIR OF SEMI-DETACHED DWELLINGS (2 HOUSES IN TOTAL), TOGETHER WITH NEW SITE ACCESS AND PARKING AREAS AND ASSOCIATED EXTERNAL WORKS, 207, COPPICE ROAD, POYNTON FOR P AVERELL, LINEAR CONSTRUCTION LTD

Consideration was given to the above application.

RESOLVED

That for the reasons set out in the report and in the update to the Committee, the application be approved subject to the following conditions:-

1. Three-year time limit
2. In accordance with approved plans
3. Finished levels to be submitted
4. Tree protection to be provided in accordance with submitted scheme
5. Arboricultural Method statement for areas of hard standing to be submitted
6. Drainage strategy and Management plan to be submitted
7. Breeding bird protection to be submitted
8. Wildlife sensitive lighting to be submitted
9. Pre-works walkover survey for badgers to be submitted
10. Ecological enhancements to be implemented
11. Foul Water drainage to be submitted
12. Details of materials to be submitted
13. Landscaping details to be submitted
14. Landscaping implementation
15. Boundary treatments to be submitted
16. Removal of permitted development rights for extensions (class A and AA)
17. Garage to be retained for car parking
18. EV charging points to be provided
19. Imported soil tested for contamination
20. Actions in the event of unidentified contamination
21. Contamination risk assessment to be submitted
22. Verification report to be submitted
23. Parking spaces to be provided and to measure minimum of 4.8m x 2.5m

In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions / informatives / planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Planning has delegated authority to do so in consultation with the Chairman of the Northern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.

(During consideration of the application, the live broadcast lost connection and therefore the virtual meeting was adjourned for a short break).

7 PLANNING APPEALS

Consideration was given to the above report.

RESOLVED

That the report be noted.

The meeting commenced at 10.00 am and concluded at 12.00 pm

Councillor J Nicholas (Chair)

Application No: 20/3627M

Location: ALMA MILL, CROMPTON ROAD, MACCLESFIELD, CHESHIRE

Proposal: Change of use and extensions to vacant mill into 24 self-contained apartments with associated car parking.

Applicant: Mujahid Afzal

Expiry Date: 19-Nov-2020

SUMMARY:

Alma Mill is a Grade II Listed Building which has been vacant for a long period of time and is in a very poor state of repair. It is accepted that, in order to carry out residential conversion, significant works are required, which would be extremely costly.

The principle of the development is accepted and an alternative use other than employment has been justified. Furthermore, it is considered that there is a real public benefit in facilitating the long-term future of Alma Mill. This is given substantial weight in support of the scheme.

However, the harm caused by failing to provide suitable mitigation for affordable housing, education and open space is given substantial weight against the scheme. The lower parking provision and negative impact on neighbouring living conditions are also given significant weight against the scheme.

The harm to the listed building, setting of the adjacent listed building and the character of the area are given significant weight against the scheme also.

It is considered that the substantial benefit of bringing the listed building into use, (after such a considerable amount of time) thereby helping to sustain its future, is outweighed by the negative impacts of the scheme, namely the lack of developer contributions, limited parking provision, impact on neighbouring living conditions and harm to the listed building, setting of the adjacent listed building and character of the area, on this occasion.

Having taken account of all matters raised, the scheme is contrary to the relevant Development Plan Policies for the reasons set out above and it is recommended that this application is refused.

RECOMMENDATION:**REFUSE**

DESCRIPTION OF SITE AND CONTEXT

Alma Mill is located on the corner of Crompton Road and Pownall Square, approximately 0.6 miles to the west of Macclesfield Train Station. The total site area comprises 560sqm.

Originally constructed as a silk mill in the 19th century, the grade II listed building is situated within a predominantly residential area. The front elevation of the building is set back from Crompton Road.

The building has been vacant for some years and is in a very poor state of repair. It has suffered from settlement across the foundations, water ingress and partial collapse of internal floor structures and is therefore not structurally sound. The site lies within a Mixed Use Employment Area as designated in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

Full planning permission is sought to convert the Mill into 24 apartments comprising of 20 one-bedroom apartments and 4 two-bedroom apartments. The scheme also includes a two-storey roof extension and a full height rear extension.

The existing walls and windows will be retained and repaired whenever possible, retaining the original features and form of the mill. The entrance off Crompton Road would be maintained and the original hoist beam and void restored.

The proposal would structurally strengthen the mill building using an internal steel frame and restore the original building materials.

The design would incorporate the provision of four car parking spaces, short term cycle spaces and plant, bin and cycle stores at basement level.

RELEVANT HISTORY

08/0788P - Change of use of existing vacant mill into twelve self-contained apartments and associated garaging
Approved 16 June 2008

06/2775P - Conversion of mill to 12no. self-contained apartments with associated basement level car parking (listed building consent)
Withdrawn 07.12.06

06/2774P - Conversion of mill to 12no. self-contained apartments with associated basement level car parking (full planning)
Withdrawn 07.12.06

06/0370P - Conversion of mill to 12no. self-contained apartments with basement level car parking (full planning)
refused 19.04.06

06/0369P - Conversion of mill to 12 no. self-contained apartments with basement level car parking (listed building consent)
refused 19.04.06

05/1288P - Conversion of mill to 12no. self-contained apartments with basement level car parking (full planning)
Withdrawn 06.07.05

05/1287P - Conversion of mill to 12no. self-contained apartments with basement level car parking (full planning)
Withdrawn 04.07.05

76718P – Change of use of basement to storage area & rehearsal studio,
approved 16.3.94.

69958P – Renovation of top floor to provide artist's studio and classroom area,
approved 18.3.92.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the Development Plan unless material considerations indicate otherwise.

For the purposes of considering the current proposals, the development plan consists of the Cheshire East Local Plan Strategy (CELPS) and saved policies Macclesfield Borough Local Plan (MBLP).

Cheshire East Local Plan Strategy (CELPS)

CELPS was adopted in July 2017 and sets out policies to guide development across the borough over the plan period to 2030. The relevant policies of the CELPS are summarised below:

MP 1	Presumption in favour of sustainable development;
PG 1	Overall Development Strategy;
SD 1	Sustainable Development in Cheshire East;
SD 2	Sustainable Development Principles;
IN 1	Infrastructure;
IN 2	Developer Contributions;
EG 3	Existing and Allocated employment Sites;
SC 5	Affordable Homes;
SE 1	Design;
SE 2	Efficient Use of Land;
SE 6	Green Infrastructure;
SE 7	The Historic Environment;

SE 12	Pollution, Land Contamination and Land Stability;
SE 13	Flood Risk and Water Management;
CO 1	Sustainable Travel and Transport;
CO 4	Travel Plans and Transport Assessments; and
Annex C	Parking Standards.

Macclesfield Borough Local Plan saved policies (MBLP):

Following the adoption of the Cheshire East Local Plan Strategy, a number of policies of the MBLP have been saved. The relevant saved policies are summarised below:

NE 11	Nature Conservation;
BE 15	Repair or enhancement (listed buildings);
BE 17	Demolition of listed buildings;
BE 18	Alteration extensions and partial demolition (listed buildings);
BE 19	Change if use of buildings;
H 9	Occupation of Affordable Housing;
DC 2	Design and Amenity – Extensions and Alterations;
DC 3	Design and Amenity – Amenity;
DC 6	Design and Amenity – Circulation and Access;
DC 8	Design and Amenity – Landscaping;
DC 9	Design and Amenity – Tree Protection; and
DC 14	Design and Amenity – Noise
E11	Mixed Use Areas

Other Material Considerations:

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
The Cheshire East Borough Design Guide (2017)
Cheshire East Parking Standards - Guidance Note

CONSULTATIONS (External to planning)

Environmental Protection Unit (EPU):

The Council's Environmental Health Section has raised no objections to the application subject to the imposition of conditions relating to;

- The provision of electric car charging points, provision of ultra-emission boilers
- The submission of a travel information pack, the submission of a dust management plan and the restrictions on the hours of construction; and
- The submission of a risk assessment and ground investigation survey, remediation report and conditions covering the importation of soil and if any unexpected contamination is found.

CE Strategic Infrastructure (Highways):

No Objections, subject to the implementation of travel plan measures.

United Utilities:

No comments received to date. If comments are received, these will be reported to members of the Northern Planning Committee in the form of written or verbal updates.

CE Strategic Housing:

This is a proposed development of 24 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings.

CE Children's Services (Education):

This proposed development would require a total education contribution of £32,685 to offset the resultant anticipated impact upon local secondary schools.

CE Greenspace:

This proposed development would require a total greenspace contribution of £105,000 to account for the increased demand upon existing infrastructure.

Macclesfield Civic Trust:

"The Civic Society welcomes the conversion of historic buildings to new uses which can secure their future - often this requires a derogation from normal planning requirements such as car parking or space standards - a good example being the fairly recent conversion of Brown Street Mill which has no on-site car parking.

We are concerned in this case that although some relaxation of car parking requirements have to be accepted it does not seem assured that prospective occupiers and their visitors will only use bicycles or public transport or walk. Therefore, we consider the transport assessment a little light on logic. The locality is one where there is extensive on-street parking because of the pattern of built development - the scheme may well increase this.

We note that from the viability assessment the scheme will give a profitable return to the developer but possibly dependent upon the provision of the additional upper floors - and this is the problem.

What is the impact upon the integrity and appearance of the Listed Building and the visual impact on the surrounding townscape?

We are concerned that the additional height and use of metal cladding would not only alter the character of the building but also create a feature of unwelcome prominence in the locality - visible along Crompton road and from nearby residential areas.

In view of this the society cannot support the present scheme but do support the efforts to bring the building back into beneficial use. Perhaps a more modest conversion could still be viable whilst respecting the integrity of the Grade II Listed Building.”

Macclesfield Town Council:

“That the committee does not support this application in its current form and sought the following conditions are made on the application:

- i. Hours of construction are set,*
- ii. Materials used are in keeping with the area with particular reference to the design of the top storey,*
- iii. The apartments are fitted with low emission boilers,*
- iv. Provision is made for all apartments to access waste collection including recycling,*
- v. Sprinklers are included in the design,*
- vi. Electric charging points for vehicles and bicycles are included in the design.”*

OTHER REPRESENTATIONS

Representations from nine properties have been received. A summary of the comments is shown below:

- The building represents a serious health and safety concern
- The development would exacerbate the existing car parking issues in the area
- The additional floors would negatively impact on the adjacent listed Crompton Mill

OFFICER APPRAISAL

Principle of Development:

The planning history shows the surrounding premises have a long-established history of commercial uses operating. The site is identified as being within an established mixed-use employment site as identified in the Local Plan.

Policy EG 3 of the CELPS sets out how existing employment sites should be protected for employment use. However, in certain circumstances, for example where the site is no longer viable for employment use and without

potential for alternative employment use, alternative uses are allowable subject to meeting sustainable development objectives.

There is a lengthy history of applications for the conversion of the mill where insufficient evidence was submitted to demonstrate that residential re-use was the only viable and appropriate means of securing the future of the building. The principle of conversion was accepted in the last approved application following a marketing exercise and the additional deterioration and lack of use since that application strengthens the case for residential being the only viable use of the building.

Given the above, the age and state of the building, it is considered appropriate to accept that Alma Mill is not viable for employment uses and meets the requirements of Policy EG 3 of the CELPS. This assessment is consistent with the previous decision that the Local Planning Authority made on the site in 2008 to approved its conversion to 12 self-contained apartments (planning ref; 08/0788P refers).

The principle of the development to convert the mill to residential use is therefore deemed to be acceptable.

Residential Mix

Policy SC 4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing tenures, types and sizes to help support the creation of mixed, balanced and inclusive communities”*. The mix of one and two bed apartments located within a residential area would contribute to the mix of housing sizes and types and would complement the existing provision within the area.

Designated Heritage Assets

Our historic environment is a finite resource and an integral part of the unique character and distinctiveness of Cheshire East. Key assets include Macclesfield's silk and industrial heritage.

Paragraph 183 of the National Planning Policy Framework (NPPF) states that heritage assets *‘...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations’*.

Consequently, it is important to the long-term well-being of the borough that there is positive stewardship of its built heritage and that its conservation and management are key priorities in the future place-shaping in Cheshire East.

Alma Mill is a Grade II Listed Building. Originally built as a silk weaving mill in 1823, with early c20 additions. Listed Building Consent 20/3628M accompanies this application.

The Mill has previously received permission for residential conversion, albeit a smaller number of units (12) confined to the existing fabric of the building. This application seeks to increase the number of units which is necessary, according to the applicant, to make the scheme viable. This is achieved by adding a two-storey extension on the roof and seven-storey extension to the rear.

The new additions would inevitably cause harm to the character of the listed building due to the prominence and scale. It is claimed that these changes are necessary in order to make the development viable. The Council's Conservation Officer originally confirmed that the harm could be justified by allowing the building to be retained in a form which can still be identified as the original Alma Mill building. However, due to the condition of the mill there would be nothing retained internally, a steel frame would be inserted internally to support the walls and floors, the roof would be removed and substantial rebuilding would take place, resulting in very little of the original building remaining. Following a re-examination of the information provided, the Council's Conservation Officer confirms that the harm 'should be towards significant harm'.

The application site also lies adjacent to a further grade II listed former mill building, Crompton Road Mill, which is a similar scale to the application property at three storeys on the elevation facing Crompton Road.

Paragraph 196 of the NPPF states that *'where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposed building including, where appropriate, securing its optimum viable use.'* The scheme must also pay special regard to the desirability of preserving the listed buildings and their setting including the features of special architectural or historic interest in line with s66 of the Planning and Listed Buildings Act.

The extension on the roof would increase the height above the road from the existing height of approx. 11.5m to a height of 15.8m, a significant increase of 4.3m, which extends to an increased height of 6.3m when viewed from the side. This increase would be visible along Crompton Road when travelling from the north and south dominating the listed Alma Mill and the setting of the adjoining listed 'Crompton Road Mill'.

It is considered that the extensions would be an unacceptable form of development, which does not respect the existing architectural features of the building and is not sympathetic to the character of the locality, the adjacent building and the site itself. Although the proposal would retain the shell of the listed building and hence some of the historical fabric, the extent of the extensions would detract from the historic character of the listed building and would also harm the setting of the adjacent listed building.

It is considered under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 196 of the NPPF that the proposal does not preserve the setting of the listed buildings and has

substantial harm to the setting of the grade II listed Alma Mill, and to the setting of the grade II listed Crompton Road Mill. It is considered that this harm would outweigh any benefits of retaining the shell of the application property.

A viability statement has been submitted assessing the different options for converting the mill and explaining why the proposed option is the only viable route for the retention of the building. This has not been independently verified, however, for the reasons stated above the proposal would have a negative impact on the listed building and surrounding area and therefore any viability case would not appear to be sufficient to outweigh this harm to the designated heritage assets.

The scheme is therefore deemed to be contrary to saved Policies BE15, BE17, BE18 and BE19 of MBLP and SE 7 of the CELPS.

Design

NPPF paragraph 127 notes that planning decisions should ensure that developments are: visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

Local Policy SD 2 notes that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood. Policy SE 1 notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context

The creation of the additional accommodation on the roof of the mill building would be visible, particularly when approaching along Crompton Road from the north. This would be less visible when approaching from the south due to the adjoining Crompton Mill screening most views. However, the height would be significantly greater than the similarly scaled adjacent Crompton Road Mill.

The prominence of the extension and scale would create a dominant form of development out of character with the existing building and surrounding area. Consequently, it would be contrary to CELPS Policies SD 2 and SE 1.

Amenity

Saved Macclesfield Borough Local Plan Policy DC3 seeks to ensure development does not significantly injure the amenities of adjoining or nearby residential properties through a loss of light, overbearing effect or loss of sunlight/daylight with guidance on space distances between buildings contained in saved Policy DC38 of the Macclesfield Borough Local Plan and guidance within the Cheshire East Design Guide.

Privacy, overlooking and loss of light:

New residential developments should generally achieve a distance of between 21m and 25m between principal windows and 13m to 14m between a principal window and a blank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties and these are set out in Policy DC38. The policy includes provisions to increase these distances in circumstances when development exceeds two-stories in height. In the case of three storey properties, this is increased to 28 and 32 metres between principal windows and 16.5 metres between a principal window and a blank / flank elevation and in the case of additional storeys, 2.5 metres is added per storey.

It should also be noted that the Cheshire East Design Guide SPD also includes reference to separation distances and states that separation distances should be seen as a guide rather than a hard and fast rule.

The Design Guide identifies the following separation distances:

- 21 metres for typical rear separation distance
- 18 metres for typical frontage separation distance
- 12 metres for reduced frontage separation distance (minimum)

The building is positioned approx. 10m from the front of number 1 Pownall Square. The main windows facing onto number 1 would serve the living room of each apartment. These would be secondary windows with another window to these rooms facing onto Crompton Road. In order to prevent overlooking of this property, it is considered reasonable to condition the side facing windows of the ground floor, basement, 1st and 2nd floors to contain obscurely glazed windows.

Due to the offset nature of the other side facing windows to number 1 it is not considered necessary to obscurely glaze these windows. However, there would be some loss of light to the first floor bedroom windows from the proposed roof extension which would also have an overbearing impact. This is particularly pronounced considering the orientation of the application building which is to the south of the properties on Pownall Square.

To the front the mill building is approx. 20m from the front elevation of the properties opposite.

With the proposed condition it is not considered that the development, namely the proposed extension, would result in a significant loss of privacy to neighbouring properties, however considering the orientation of the application site, in relation to properties on Pownall Square there would be a loss of light and overbearing impact on these dwellings contrary to policies MBLP DC3, DC38 and CELPS SE 1.

Future Occupants:

The level of amenity enjoyed within the proposed development in terms of the amount of living accommodation within each flat is considered acceptable and would meet the National Technical Housing Standards. It is also considered that the proposed flats would benefit from sufficient natural light.

The site has no formal garden area or communal area, but this is due to existing constraints.

There is sufficient storage for refuse bins and cycle storage.

Noise and Vibration:

Concerns were raised in relation to the location of the building lying within a Mixed-Use Area. MBLP Policy E11 indicates that within such areas a range of uses may be permitted. This includes housing when a satisfactory housing environment can be created. In the case of this site the neighbouring mill building has a number of commercial activities which may cause problems for a nearby residential use. In order to address this relationship, the architect has positioned the corridor access ways on the side of the building which faces away from the adjacent commercial building, which should reduce the impact on residential amenity of the new residents. No objections have been raised from the Environmental Health Officer. On balance it is considered that the architect has overcome this potential unneighbourly relationship with the proposed internal layout.

Contamination:

The application area has a history of mill use and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present or brought onto the site. Therefore, the Council's Environmental Health Officer recommends conditions to ensure ground investigations are undertaken and any remediation is in place prior to occupation.

Highway Access and Parking

The applicant has submitted a Highways Note in response to the points raised in the initial comments made by the Strategic Infrastructure Manager.

There is an amendment to the scale of the development proposed. The number of 2 bed units have been reduced and there are now 20 No. 1 bed

units and 4 No. 2 bed units in the scheme. There are 4 parking spaces on the site, and these will be for the two bed units.

The potential fallback position has been mentioned with the site capable of being used as a number of different uses under 'Use Class E' without the need for planning permission and these uses would generate parking demand. Clearly, there is a potential for a commercial use of the site, but as discussed earlier, it is considered that a residential use is more likely if the building is to be retained.

In lieu of the parking provision on the site the applicant has considered improving the sustainable travel modes to the site for residents. There are 34 cycle spaces provided in the building and 4 cycle spaces in the courtyard. Each of the residents would receive a residential travel pack that would include £500 vouchers for cycle purchase and £620 public transport vouchers to be used on bus or train services.

Alma Mill has been vacant for some time and if it is to be retained then it has to be accepted that there will be parking demand for on-street parking resulting from the development. The number of 1 bed units has now increased on plan, however, the layout still reflects the original layout with a living room replacing the former bedroom on the plans. It is likely these rooms would then be converted back to a bedroom, resulting in over half of the apartments benefitting from two bedrooms.

It is accepted that the site is well located in regard to local facilities and public transport and that some residents may not need the use of a car. However, there is existing on-street parking issues that occurs on Crompton Road on both sides of the road and this proposal has the potential to increase the demand for parking in the same areas on Crompton Road.

Overall, it is considered that the development potentially has a high number of apartments, half of which could be 2 bed units which normally require 2 parking spaces and would in fact generate parking demand for the units. Given that there is already significant on street parking in the vicinity of the site this proposal would likely increase the demand for on-street parking affecting the safe free of traffic and as such warrants an objection. On this basis, the scheme is contrary to Appendix C of the CELPS and Policy SD 1.

Ecology

The application is supported by ecology surveys. No evidence of roosting bats was recorded during the submitted survey and Alma Mill has only low potential to support a roost. The Council's Nature Conservation Officer therefore advises that roosting bats are not reasonable likely to be present or affected by the proposed development. Subject to conditions relating to nesting birds and incorporation of features to enhance the biodiversity value of the proposed development, the proposal is deemed to adhere with Policy SE 3 of the CELPS and saved Policy NE.11 of the MBLP.

Affordable Housing:

Cheshire East's adopted policy on affordable housing is set out in CELPS Policy SC 5 and in the Council's Interim Planning Statement: Affordable Housing (IPS).

The policies state that in Settlements with a population of 3,000 or more that we will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing on all unidentified 'windfall' sites of 15 dwellings or more or larger than 0.4 hectares in size.

The affordable housing requirements for new development which is triggered by the above will be a minimum of 30%, in accordance with the recommendations of the Strategic Housing Market Assessment carried out in 2013.

This percentage relates to the provision of both social rented and/or intermediate housing, as appropriate. Normally the Council would expect a ratio of 65/35 between social rented and intermediate housing.

This is a proposed development of 24 dwellings therefore in order to meet the Council's Policy on Affordable Housing there is a requirement for 7 dwellings to be provided as affordable dwellings. Of the 7 Affordable units, 5 units should be provided as Affordable Rent and 2 units as Intermediate Tenure. No affordable housing is proposed as part of the application proposals.

Point 7 of policy SC 5 states: *"In exceptional circumstances, where scheme viability may be affected, developers will be expected to provide viability assessments to demonstrate alternative affordable housing provision. The developer will be required to submit an open book viability assessment. In such cases, the council will commission an independent review of the viability study, for which the developer will bear the cost."*

Viability Assessments are a process of assessing whether a site is financially viable, by looking at whether the value generated by a development is more than the cost of developing it.

The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case.

The application is supported by a viability appraisal. This concludes that the cost of the works required by the planning application compared to the predicted profits (albeit for an allowable small profit), mean that financially, there is no money left to provide affordable housing or the required financial contributions towards education or open space.

The submitted Viability Assessment has been independently assessed by Savill's (*independent surveyors and property consultants*) and they have reviewed the submitted key viability inputs and their reasonableness. Savill's agree that the application proposals could not sustain development

contributions or on-site affordable housing provision. It needs to realise its full market value in providing 24 flats in order to financially justify the works. Any token financial offer by the applicant would reduce their 15% profit margin (which is reasonable) and make the building works unattractive to the construction market. This has been independently verified and thus the proposal cannot offer the requisite planning obligations.

Education:

Cheshire East's adopted policy on education contributions is set out in CELPS Policy IN 1 and IN 2 and in the Council's Infrastructure Delivery Plan Update.

The development of 24 dwellings, 12 are eligible and is expected to generate:

- 2 primary children (12 x 0.19)
- 2 secondary children (12 x 0.15)
- 0 SEN children (34 x 0.51 x 0.023%)

The Council's Children's Services Department have stated that the development is expected to impact on secondary school places in the immediate locality. Contributions which have been negotiated on other developments are factored into the forecasts both in terms of the increased pupil numbers and the increased capacity at schools in the area as a result of agreed financial contributions. The analysis undertaken has identified that a shortfall of school places still remains, but only at secondary level.

To alleviate forecast pressures upon local secondary schools, an education contribution totalling £32,685 would be required.

No Education contribution is being proposed as part of the application proposals on the basis of viability. This has been independently verified and thus the proposal cannot offer the requisite planning obligations.

Open Space

General

The site is too constricted to allow the provision of on-site open space. In the absence of on-site provision, the development should contribute to off-site provision.

CELPS Policy SE 6 and MBLP Policies RT5 and DC40 set out the Council's adopted standards for open space and play provision. The mechanisms for delivery are expanded upon with the Supplementary Planning Guidance, which expects off-site provision to be funded by means of a planning obligation.

The key issue remains one of necessity to make proposed development acceptable in planning terms. The addition of 24 dwellings would clearly

impose an additional demand for open space and play provision, the relevant amounts being quantified as follows: -

- Public Open Space (POS) play and amenity contributions are required at a rate of £1,500 per bed space. This contribution would amount to £42,000.
- Recreation Open Space (ROS) contributions are required at a rate of £500 per 2+ bed space apartment. This contribution would amount to £2,000.

No financial contribution towards Open Space is proposed by the applicant owing to viability. This has been independently verified and thus the proposal cannot offer the requisite planning obligations.

Other Material Considerations:

Economic Benefits:

The benefits of the scheme also include investment in the local economy and the creation of jobs during the construction phase, increased support for local shops and businesses by the future occupants of the development and the provision of inexpensive market houses in a sustainable location. The scheme would generate Council Tax income, which could provide a source of revenue funding for the local authority in delivering services as well as investing in the locality. However, in this case, it is not considered that the social and environmental harm identified would outweigh this benefit.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Alma Mill is a Grade II Listed Building which has been vacant for a long period of time and is in a very poor state of repair. It is accepted that, in order to carry out residential conversion, significant works are required, which would be extremely costly.

The principle of the development is accepted and an alternative use other than employment has been justified. Furthermore, it is considered that there is a real public benefit in facilitating the long-term future of Alma Mill. This is given substantial weight in support of the scheme.

However, the harm caused by failing to provide suitable mitigation for affordable housing, education and open space is given substantial weight against the scheme. The lower parking provision and negative impact on neighbouring living conditions are also given significant weight against the scheme.

The harm to the listed building, setting of the adjacent listed building and the character of the area are given significant weight against the scheme also.

It is considered that the substantial benefit of bringing the listed building into use, (after such a considerable amount of time) thereby helping to sustain its future, is outweighed by the negative impacts of the scheme, namely the lack of developer contributions, limited parking provision, impact on neighbouring living conditions and harm to the listed building, setting of the adjacent listed building and character of the area, on this occasion.

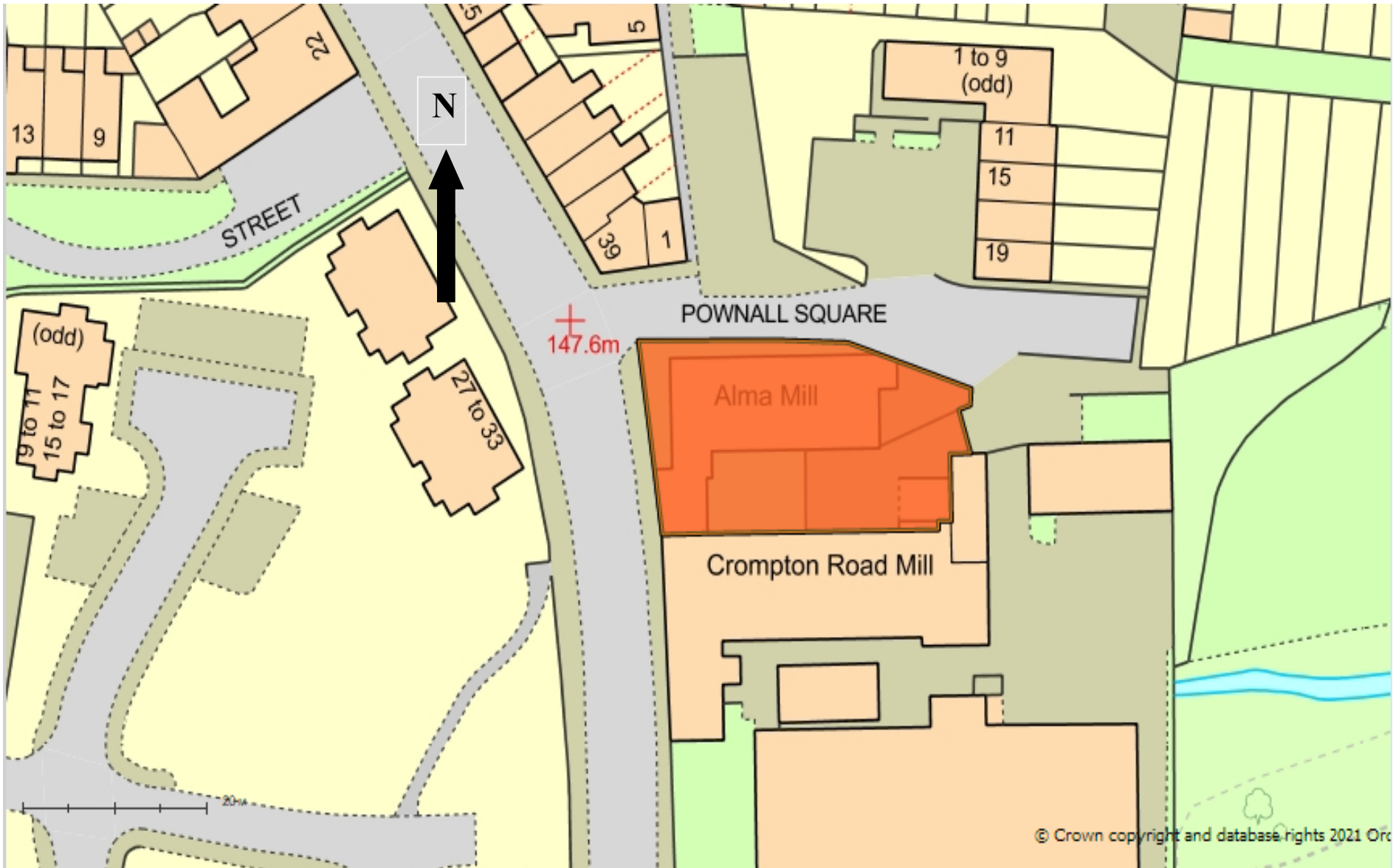
Having taken account of all matters raised, the scheme is contrary to the relevant Development Plan Policies for the reasons set out above and it is recommended that this application is refused.

RECOMMENDATION:

REFUSE for the following reason(s):

1. The proposal is contrary to saved Policies BE15, BE17, BE18 and BE19 in the Macclesfield Borough Local Plan and Policies SD 2, SE 1 SE 7 of the Cheshire East Local Plan Strategy, causing harm to the objectives of those policies due to an adverse impact on the character, appearance and historic interest of the building and setting of the adjacent listed building by reason of its height, scale and form. The proposal is similarly contrary to national planning policy and guidance relating to listed buildings.
2. The proposed extensions would cause loss of light and an overbearing impact to the detriment of the amenities of the occupiers of nearby residential property, particularly numbers 39 Crompton Road and 1 Pownall Square. The approval of the development would therefore be contrary to saved Policies DC3 and DC38 of the Macclesfield Borough Local Plan and Policy SE 1 of the Cheshire East Local Plan Strategy.
3. The development would be detrimental to the interests of highway safety through an increase in parking taking place in unsuitable locations on the highway or within the site, taking account of the nature of the proposed development, the location of the site and the predicted number of parked vehicles arising from the development contrary to saved Policy DC6 of the Macclesfield Borough Local Plan, Appendix C and Policy SD 1 of the Cheshire East Local Plan Strategy.

In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



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Application No: 20/3628M

Location: ALMA MILL, CROMPTON ROAD, MACCLESFIELD, CHESHIRE

Proposal: Change of use and extensions to vacant mill into 24 self-contained apartments with associated car parking.

Applicant: Mujahid Afzal

Expiry Date: 19-Nov-2020

SUMMARY:

Alma Mill is a Grade II Listed Building which has been vacant for a long period of time and is in a very poor state of repair. It is accepted that, in order to carry out the conversion significant works are required, which would be extremely costly.

It is considered that there is a real public benefit of facilitating the long-term future of Alma Mill. This is given substantial weight in support of the scheme.

The harm identified to the listed building, setting of the adjacent listed building and the character of the area are given significant weight against the scheme.

It is considered that the substantial benefit of bringing the listed building into use, (after such a considerable amount of time) thereby helping to sustain its future, is outweighed by the negative impacts of the scheme, namely the harm to the listed building and setting of the adjacent listed building on this occasion.

For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is refused.

RECOMMENDATION:**REFUSE****DESCRIPTION OF SITE AND CONTEXT**

Alma Mill is located on the corner of Crompton Road and Pownall Square, approx. 0.6 miles to the west of Macclesfield Train Station. The total site area comprises 560sqm.

Originally constructed as a silk mill in the 19th century, the grade II listed building is situated within a predominantly residential area. The front elevation of the building is set back from Crompton Road

The building has been vacant for some years and is in a very poor state of repair. It has suffered from settlement across the foundations, water ingress and partial collapse of internal floor structures and is therefore not structurally sound. The site lies within a Mixed Use Employment Area.

DETAILS OF PROPOSAL

Listed Building Consent is sought to convert the Mill into 24 apartments comprising of 20 one-bedroom apartments and 4 two-bedroom apartments. The scheme also includes a two-storey roof extension and a full height rear extension.

The existing walls and windows will be retained and repaired whenever possible, retaining the original features and form of the mill. The entrance off Crompton Road would be maintained and the original hoist beam and void restored.

The proposal would structurally strengthen the mill building using an internal steel frame and restore the original building materials.

The design would incorporate the provision of four car parking spaces, short term cycle spaces and plant, bin and cycle stores at basement level.

RELEVANT HISTORY

08/0788P Change of use of existing vacant mill into twelve self-contained apartments and associated garaging
Approved 16 June 2008

06/2775P - Conversion of mill to 12no. self-contained apartments with associated basement level car parking (listed building consent)
Withdrawn 07.12.06

06/2774P - Conversion of mill to 12no. self-contained apartments with associated basement level car parking (full planning)
Withdrawn 07.12.06

06/0370P - Conversion of mill to 12no. self-contained apartments with basement level car parking (full planning)
refused 19.04.06

06/0369P - Conversion of mill to 12 no. self-contained apartments with basement level car parking (listed building consent)
refused 19.04.06

05/1288P - Conversion of mill to 12no. self-contained apartments with basement level car parking (full planning)
Withdrawn 06.07.05

05/1287P - Conversion of mill to 12no. self-contained apartments with basement level car parking (full planning)
Withdrawn 04.07.05

76718P – Change of use of basement to storage area & rehearsal studio, approved 16.3.94.

69958P – Renovation of top floor to provide artist's studio and classroom area,
approved 18.3.92.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

For the purposes of considering the current proposals, the development plan consists of the Cheshire East Local Plan Strategy (CELPS) and saved policies Macclesfield Borough Local Plan (MBLP).

Cheshire East Local Plan Strategy (CELPS)

CELPS was adopted in July 2017 and sets out policies to guide development across the borough over the plan period to 2030. The relevant policies of the CELPS are summarised below:

SE 7 The Historic Environment;

Macclesfield Borough Local Plan saved policies (MBLP):

Following the adoption of the Cheshire East Local Plan Strategy, a number of policies of the MBLP have been saved. The relevant saved policies are summarised below:

BE 15 Repair or enhancement (listed buildings);
BE 17 Demolition of listed buildings;
BE 18 Alteration extensions and partial demolition (listed buildings);
BE 19 Change of use of buildings;

Other Material Considerations:

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
The Cheshire East Borough Design Guide (2017)

CONSULTATIONS (External to planning)

Macclesfield Civic Trust:

“The Civic Society welcomes the conversion of historic buildings to new uses which can secure their future - often this requires a derogation from normal planning requirements such as car parking or space standards - a good example being the fairly recent conversion of Brown Street Mill which has no on-site car parking.

We are concerned in this case that although some relaxation of car parking requirements have to be accepted it does not seem assured that prospective occupiers and their visitors will only use bicycles or public transport or walk. Therefore, we consider the transport assessment a little light on logic. The locality is one where there is extensive on-street parking because of the pattern of built development - the scheme may well increase this.

We note that from the viability assessment the scheme will give a profitable return to the developer but possibly dependent upon the provision of the additional upper floors - and this is the problem.

What is the impact upon the integrity and appearance of the Listed Building and the visual impact on the surrounding townscape?

We are concerned that the additional height and use of metal cladding would not only alter the character of the building but also create a feature of unwelcome prominence in the locality - visible along Crompton road and from nearby residential areas.

In view of this the society cannot support the present scheme but do support the efforts to bring the building back into beneficial use. Perhaps a more modest conversion could still be viable whilst respecting the integrity of the Grade II Listed Building.”

Macclesfield Town Council:

“That the committee does not support this application in its current form and sought the following conditions are made on the application:

- i. Hours of construction are set,*
- ii. Materials used are in keeping with the area with particular reference to the design of the top storey,*
- iii. The apartments are fitted with low emission boilers,*
- iv. Provision is made for all apartments to access waste collection including recycling,*
- v. Sprinklers are included in the design,*
- vi. Electric charging points for vehicles and bicycles are included in the design.”*

OTHER REPRESENTATIONS

Representations from nine properties have been received. A summary of the comments is shown below:

- The building represents a serious health and safety concern.
- The additional floors would negatively impact on the adjacent listed Crompton Mill.

OFFICER APPRAISAL

Heritage Impacts

Our historic environment is a finite resource and an integral part of the unique character and distinctiveness of Cheshire East. Key assets include Macclesfield's silk and industrial heritage.

Paragraph 183 of the National Planning Policy Framework (NPPF) states that heritage assets '*...are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations*'.

Consequently, it is important to the long-term well-being of the borough that there is positive stewardship of its built heritage and that its conservation and management are key priorities in the future place-shaping in Cheshire East.

Alma Mill is a Grade II Listed Building. Originally built as a silk weaving mill in 1823, with early c20 additions. Listed Building Consent 20/3628M accompanies this application.

The Mill has previously received permission for residential conversion, albeit a smaller number of units (12) confined to the existing fabric of the building. This application seeks to increase the number of units which is necessary, according to the applicant, to make the scheme viable. This is achieved by adding a two-storey extension on the roof and seven-storey extension to the rear.

The new additions would inevitably cause harm to the character of the listed building due to the prominence and scale. It is claimed that these changes are necessary in order to make the development viable. The Council's Conservation Officer originally confirmed that the harm could be justified by allowing the building to be retained in a form which can still be identified as the original Alma Mill building. However, due to the condition of the mill there would be nothing retained internally, a steel frame would be inserted internally to support the walls and floors, the roof would be removed and substantial rebuilding would take place, resulting in very little of the original building remaining. Following a re-examination of the information provided, the Council's Conservation Officer confirms that the harm 'should be towards significant harm'.

The application site also lies adjacent to a further grade II listed former mill building, Crompton Road Mill, which is a similar scale to the application property at three storeys on the elevation facing Crompton Road.

Paragraph 196 of the NPPF states that *‘where the development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposed building including, where appropriate, securing its optimum viable use.’* The scheme must also pay special regard to the desirability of preserving the listed buildings and their setting including the features of special architectural or historic interest in line with s66 of the Planning and Listed Buildings Act.

The extension on the roof would increase the height above the road from the existing height of approx. 11.5m to a height of 15.8m, a significant increase of 4.3m, which extends to an increased height of 6.3m when viewed from the side. This increase would be visible along Crompton Road when travelling from the north and south dominating the listed Alma Mill and the setting of the adjoining listed ‘Crompton Road Mill’.

It is considered that the extensions would be an unacceptable form of development, which does not respect the existing architectural features of the building and is not sympathetic to the character of the locality, the adjacent building and the site itself. Although the proposal would retain the shell of the listed building and hence some of the historical fabric, the extent of the extensions would detract from the historic character of the listed building and would also harm the setting of the adjacent listed building.

It is considered under S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and paragraph 196 of the NPPF that the proposal does not preserve the setting of the listed buildings and has substantial harm to the setting of the grade II listed Alma Mill, and to the setting of the grade II listed Crompton Road Mill. It is considered that this harm would outweigh any benefits of retaining the shell of the application property.

A viability statement has been submitted assessing the different options for converting the mill and explaining why the proposed option is the only viable route for the retention of the building. This has not been independently verified, however, for the reasons stated above the proposal would have a negative impact on the listed building and surrounding area and therefore any viability case would not appear to be sufficient to outweigh this harm to the designated heritage assets.

The scheme is therefore deemed to be contrary to saved Policies BE15, BE17, BE18 and BE19 of MBLP and SE 7 of the CELPS.

CONCLUSIONS AND REASON(S) FOR THE DECISION

Alma Mill is a Grade II Listed Building which has been vacant for a long period of time and is in a very poor state of repair. It is accepted that, in order to carry out the conversion significant works are required, which would be extremely costly.

It is considered that there is a real public benefit of facilitating the long-term future of Alma Mill. This is given substantial weight in support of the scheme.

The harm identified to the listed building, setting of the adjacent listed building and the character of the area are given significant weight against the scheme.

It is considered that the substantial benefit of bringing the listed building into use, (after such a considerable amount of time) thereby helping to sustain its future, is outweighed by the negative impacts of the scheme, namely the harm to the listed building and setting of the adjacent listed building on this occasion.

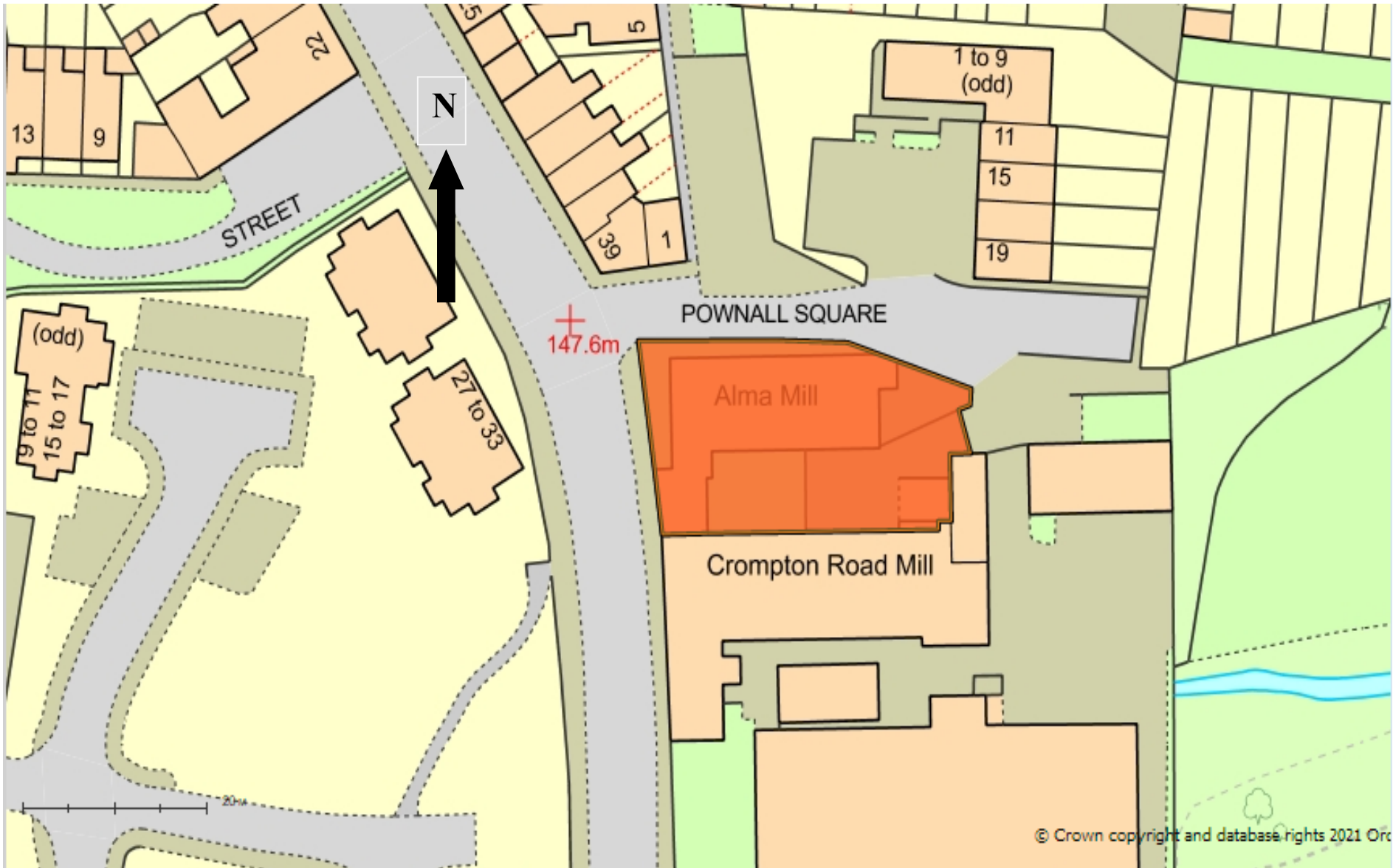
For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is refused.

RECOMMENDATION:

REFUSE for the following reason(s).

- 1. The approval of Listed Building Consent would be contrary to saved Policies BE15, BE17, BE18 and BE19 of the Macclesfield Borough Local Plan and Policy SE7 of the Cheshire East Local Plan Strategy, causing harm to the objectives of those policies due to an adverse impact on the character, appearance and historic interest of the building and setting of the adjacent listed building. The proposal is similarly contrary to national planning policy guidance relating to listed buildings.*

In order to give proper effect to the Northern Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice.



Application No: 20/3162M

Location: Car Park to The Crown, Ingersley Vale, BOLLINGTON

Proposal: Proposed erection of three dwellings together with associated access and car parking.

Applicant: Gustav Bonnier Holdings Ltd

Expiry Date: 16-Sept-2020

SUMMARY

The application site comprises an existing car park to The Crown Public House situated on Church Street in Bollington. It is in a sustainable location with good access to local services and facilities. The proposed development would add to the stock of housing in the local area.

The proposal provides a modern but locally distinctive design which also raises no significant highways safety, ecological or flood risk concerns and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The comments from neighbours and the Parish Council are considered within this report, however the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore given that there are no material considerations to indicate otherwise, in accordance with Policy MP1 of the Cheshire East Local Plan Strategy (CELPS), the application should be approved without delay.

RECOMMENDATION

Approve subject to conditions

REASON FOR REFERRAL

The application is to be presented at Northern Planning Committee as Cllr Stott has requested it be called in to Committee for the following reasons;

- *Under the Employment and Business Policy Regulations for the Regeneration of existing Employment Land in Cheshire East Council's Planning Rules it states that proposals for change of use from C1, B1, B2 and B8 which reduce overall employment will not be supported*

- *It should be demonstrated that no alternative user can be found and that although the Bollington Neighbourhood Plan gives a period of two years there is a minimum term in Cheshire East Council of 6 months*
- *Bollington Neighbourhood Plan states There should be an appropriate and realistic marketing exercise which includes onsite visible signage, online marketing detailing the sale, viewing and negotiating opportunities, records of enquires and outcomes, an asking price in line with similar properties in the region, and consultation with Bollington Town Council at the outset*
- *This public house is not redundant nor is it an unused car park*
- *The site is within 20 metres of a water course*

BACKGROUND

The adjacent Public House known as 'The Crown', was granted full planning permission at the Northern Planning Committee meeting of 4th March earlier this year (planning ref; 20/3175M refers) for the conversion of the building into two dwellings. Detailed information was submitted regarding the loss of the Public House business, which was considered and accepted by Members.

DESCRIPTION OF SITE AND CONTEXT

The site is currently a car park associated with a public house known as 'The Crown' which is located on Church Street in the Bollington and Kerridge Conservation Area. The car park itself is not in the conservation area and is accessed from Ingersley Vale. It is enclosed to the south by a small stone wall and extends northwards towards a cul-de-sac known as 'Nancy View'. It is bordered to the west by residential dwellings which face on to Church Street and to the east by modern existing dwellings facing onto Ingersley Vale. There is a care home located to the north east which sits at a much greater height than the application site.

DETAILS OF PROPOSAL

This application proposes the erection of three dwellings with associated access and car parking. They would comprise a pair of semi-detached dwellings and one detached dwelling with car parking and access to the front. The detached dwelling would be slightly staggered further south from the pair of semi-detached properties. The substation which is currently on site would remain in situ.

The semis would be two storey three bed with a projecting central bay design at first floor They would have one bathroom and one en-suite. They would be accessed from a side door at ground floor level. The detached dwelling would be a similar layout but as a single unit only.

RELEVANT HISTORY

The Crown Public House

20/3175M - Change of use and conversion of former public house and associated residential accommodation into two dwellings. Demolition of outbuilding structure at rear - Approved 4-Mar-2021

54930P - Internal illuminated sign - Refused 13-Oct-1988

44269P - Kitchen extension - Approved 14-Mar-1986

40274P - Extension to form gents' toilets and bedroom - Approved 04-Apr-1985

POLICIES

Cheshire East Local Plan Strategy (CELPS)

MP1 Presumption in Favour of Sustainable Development

PG1 Overall Development Strategy

PG2 Settlement Boundaries

PG7 Spatial distribution of development

SD1 Sustainable development in Cheshire East

SD2 Sustainable development principles

IN1 Infrastructure

IN2 Developer Contributions

SE1 Design

SE2 Efficient Use of Land

SE3 Biodiversity and Geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE7 The Historic Environment

SE8 Renewable and Low Carbon Energy

SE9 Energy Efficient development

SE12 Pollution, Land Contamination and Land Instability

SC4 Residential Mix

SC5 Affordable homes

SE13 - Flood risk and water management

C01- Sustainable travel and transport

Appendix C – Parking Standards

Macclesfield Borough Local Plan (MBLP) – Saved Policies

Policy DC3 - Amenity

Policy DC6 - Circulation and access

Policy DC8- Landscaping

Policy DC9 Tree protection

Policy DC35 Materials and finishes

Policy DC37 Landscaping in housing developments

Policy DC38 - Space, light and privacy
Policy DC41 - Infill housing development or redevelopment
Policy NE11 - Nature conservation
Policy DC41 - Infilling housing or redevelopment

Bollington Neighbourhood Plan (made on 1 June 2018)

HO.P1 New dwellings
HO.P2 Housing location
HO.P3 Type of housing
HO.P4 Design of housing
HO.P5 Parking for new dwellings
BE.P2 Conservation areas

Other Material Considerations

National Planning Policy Framework (NPPF)
National Planning Practice Framework (NPPG)
Cheshire East Design Guide
Cheshire East Parking Standards – Guidance note

CONSULTATIONS (External to Planning)

Coal Authority – Initially raised an objection but following the submission of a Coal Report withdrew the objection and recommended conditions

Manchester Airport – No objection

Environmental Health – No objection subject to appropriate conditions relating to **Error! Reference source not found., Error! Reference source not found.** and contamination

United Utilities – No objection subject to conditions for the provision of a surface water drainage scheme and foul and surface water being on separate systems

Bollington Town Council – Recommend refusal for the following reasons:

- Bollington's neighbourhood Plan, which had been approved by Cheshire East as a planning document to have regard to when determining planning applications, states that employment properties should be marketed for a period of two years before losing their employment status. Clearly this public house, although closed for a few months had not been actively marketed for its existing use or an alternate employment use.

Bollington TC have been asked to bring to members attention the existence of a Covenant on the car park of this development which is alleged to prevent its development for housing.

OTHER REPRESENTATIONS

Representations have been received from 7 properties. 6 object to the proposal and 1 does not object subject to there being no damage to drains /culverts. The following concerns are raised.

- Potential of overlooking
- Previous problems associated with construction of the Bowling green site
- Nowhere to park lorries during construction phase
- Drains run under the car park from the banking side
- Bats and birds nest in the bushes
- No visitor parking which will exacerbate existing problems on Lord Street and Ingersley Vale
- Accessibility to the countryside will be hindered
- This is a confined area where there are many dog walkers, residents accessing local amenities and businesses as well as families and walkers accessing the local countryside
- The number of additional journeys associated with the new housing is underestimated and appears not to account for normal leisure and shopping activities.
- There is already highway congestion, especially with large lorries from Tullis Russell using the very narrow road network
- A physical site visit is necessary in order to assess the true impact.
- The houses in the terrace with The Crown pub are in the conservation area
- The proposed development behind the gardens of these houses would negatively change the character of these properties and the open space outlook which enhances the conservation area would be lost
- The development that has taken place on Lord Street and Ingersley Vale has been linear. The infill development proposed is out of character with the area which is basically terraced housing. The design of the proposed new properties with apex gables facing the road is not cohesive and detracts from the overall character of the area
- When the development next door to the 'The Crown' was approved a number of years ago it resulted in a significant amount of an neighbours boundary hawthorn hedge being unlawfully removed by the developer to enhance the views from the gardens of the new properties
- Loss of outlook from the front of adjacent house from both the ground and first floors
- All three dwellings will overlook existing properties and result in a serious loss of privacy
- There will be an increase of noise and disturbance from the use of these dwellings
- These dwellings will not help preserve the style of Bollington houses in and around the conservation area
- No objection to the Crown pub conversion but do object to additional housing

- How does the proposal fit in with the local plan? Little point in consultation and drawing-up this plan if this sort of development is allowed
- Would result in an increase in noise and increased pollution
- Increased risk of accidents and deteriorating air quality, leading to ill-health
- The space would be better used for parking than housing
- There is a main sewer under the carpark which served The Crown.
- Loss of light

OFFICER APPRAISAL

Principle of Development

The site lies within a Predominantly Residential Area as designated in the adopted Macclesfield Borough.

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined *“in accordance with the plan unless material considerations indicate otherwise”*.

As stated in paragraph 11 of the National Planning Policy Framework (NPPF) and Cheshire East Local Plan Strategy (CELPS) Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (social, economic and environmental) and compliance with the Development Plan in accordance with Sec.38 (6). The ‘presumption in favour of sustainable development’ at paragraph 11 of the NPPF means: “approving development proposals that accord with an up to date development plan without delay”.

The car park is now a redundant piece of land in respect of its use associated with the Public House due to the change of use of the Pub. It can be classed as previously developed land within the village boundary of Bollington where there is a presumption in favour of sustainable development. The loss of the public house / employment considerations are not relevant to this scheme which relates to the car park only. Its development for housing would accord with Policies PG 1, PG 7 of the CELPS and Bollington Neighbourhood Plan Policies HO.P1. and HO.P2. The principle of development is therefore acceptable.

Residential Mix

Policy SC4 of the Cheshire East Local Plan states that *“New residential development should maintain, provide or contribute to a mix of housing*

tenures and types and sizes to help support the creation of mixed, balanced and inclusive communities". The erection of three new three bedroom dwellings in the form of a pair of semi-detached dwelling and one no, detached dwelling within a residential area would contribute to the mix of housing in the area. This is made up of a range of terraced, semi-detached and detached properties of varying sizes. The proposal would complement the existing provision in the area, in accordance with Policy SC 4 of the CELPS and Policy HO.P3 of the Bollington neighbourhood Plan.

Design and Character of the Area

NPPF paragraph 127 notes that planning decisions should ensure that developments are visually attractive as a result of good architecture and layout; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. Paragraph 130 notes that permission should be refused for poor design that fails to take the opportunities for improving the character and quality of an area.

CELPS Policy SD 2 notes that development will be expected to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of height, scale, form and grouping, choice of materials, external design features, massing of development, and relationship to neighbouring properties, street scene and the wider neighbourhood.

CELPS Policy SE 1 notes that development proposals should make a positive contribution to their surroundings by:

- Ensuring design solutions achieve a sense of place by protecting and enhancing the quality, distinctiveness and character of settlements
- Encouraging innovative and creative design solutions that are appropriate to the local context

The proposed development would infill the gap between the rear of the public house, properties on Church Street and properties on Inversely Vale. It would be set back into the site and as mended, would provide a scale of development in keeping with the surrounding built form. The dwellings would be modestly proportioned and constructed from stone. There would be some contemporary hints through the provision of flat roof parapet corners but the dwellings would be traditionally designed to assimilate in with their surroundings.

The scheme is considered to provide a modern but locally distinctive design, which will make a positive contribution to the character of the area and is in accordance with CELPS Policies SE 1 and SD2, the Cheshire East Design Guide, Policy DC41 of MBLP and Policy HO.P4 of the Neighbourhood Plan.

Landscaping

CELPS Policy SE 4 relates to the landscape and requires all development to conserve the landscape character and quality and should where possible, enhance and effectively manage the historic, natural and man-made landscape features that contribute to local distinctiveness of both rural and urban landscapes.

Landscape conditions are suggested so that hard and soft landscaping details for the communal car park area, including boundary treatments, are submitted for approval. Sufficient space is available for appropriate landscaping to be incorporated in the proposed scheme, albeit limited in amount. It is therefore considered that the proposal would comply with policy SE 4.

Residential Amenity

Saved Policy DC38 states that new residential developments should generally achieve a distance of between 21 metres front to front and 25 metres back to back between principal windows and 14 metres between a principal window and a blank / flank elevation for one or two storey properties with a 1 metre separation with the boundary. This is required to maintain an adequate standard of privacy and amenity between residential properties unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

The first-floor flat roofs would not be accessible from within the dwellings and there would be no windows within the side elevations of the projecting bays therefore no direct overlooking of adjacent properties. Side elevation windows would serve non habitable rooms at first floor and all other windows would face north and south.

#Amended plans were submitted during the life of the application as some concern was raised regarding the proximity of the dwellings to the rear of the dwellings on Church Street. As a result, the roof ridges of the proposed dwellings were reduced in height and the design of the first-floor elevations altered to prevent there being any overshadowing or an overbearing impact upon the adjacent dwellings.

It is considered that the proposed dwellings enjoy a similar standard of space light and privacy as the adjacent properties. They would not result in direct overlooking of existing private gardens or lead to excessive overshadowing of existing habitable rooms.

The garden space reflects the typical ratio of garden space of adjacent dwellings and the location size and shape is suitable for the intended purpose. The proposed development is therefore considered to provide a satisfactory level of space light and privacy and does not significantly injure the living conditions of adjoining properties, in accordance with saved policies DC3 and DC38 of the MBLP.

Air quality

Policy SE 12 of the CELPS states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with the NPPF and the Government's Air Quality Strategy.

This proposal is for the residential development of 3 dwellings. Whilst this proposal is small scale, and as such does not require an air quality impact assessment, there is a need to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Conditions relating to travel information packs for residents and electric vehicle charging are therefore recommended to ensure compliance with the air quality objectives of CELPS Policy SE 12.

Contaminated Land

Policy DC63 of the MBLP and Policy SE 12 of the CELPS also seek to ensure that development for new housing development is not located on areas of contaminated land. In this case, the application is for a proposed use that would be particularly vulnerable to the presence of contamination.

The site lies within a Coal Authority Development High Risk Area. No contamination report has been submitted therefore the applicants attention is drawn to the there duty to adhere to the regulations of Part 2A of the Environmental Protection Act 1990, the National Planning Policy Framework 2018 and the current Building Control Regulations with regards to contaminated land via an informative.

A Coal Risk Assessment was submitted and forwarded to the Coal Authority, who have confirmed the details are acceptable. The Coal Authority recommend conditions regarding intrusive works. The proposal complies with saved Policy DC63 of the MBLP and CELPS Policy SE 12.

Flood Risk

The site is located over 30 metres away from the Dyers Pond at Ingersley Vale. Comments have been received regarding the potential for flooding. The site is located within Flood Zone 1 as defined by the Environment Agency indicative flood maps and as a result the chance of flooding from rivers or sea is 0.1% (1 in 1000) or less.

Policy SE 13 of the CELPS states that developments must integrate measures for sustainable water management to reduce flood risk, avoid an adverse impact on water quality and quantity within the borough and provide opportunities to enhance biodiversity, health and recreation.

United Utilities raise no objection to the proposal subject to appropriate conditions regarding the drainage of surface and foul water details being

submitted and agreed. Subject to this condition, the proposal complies with Policy SE13 of the CELPS.

Highways

Bollington is designated as a Local Service Centre where the parking standards at Appendix C of the CELPS advises that a parking provision of 2 spaces per 2/3 bed dwelling is provided. The proposal would provide 2 spaces per dwelling. The proposed vehicular and pedestrian access would be safe with adequate visibility splays onto Ingersley Vale.

The recent permission for the conversion of the public house also used some of the existing car park for 4 parking spaces. However, this proposal will not interfere with this as there is sufficient room to provide all the spaces required.

The proposed dwellings would not result in excessive amounts of new traffic into a quiet area on unsuitable roads nor would vehicle parking spaces lead to annoyance or intrusion to neighbouring properties, particularly as the land had previously been a public house car park.

There are no material highway implications associated with the proposal as the use of the existing access to serve the dwellings is acceptable and the proposed off-street parking provision is in accordance with CEC parking standards and HO.P5 of the Neighbourhood Plan.

It is recommended that the provision of cycle storage is the subject of a condition to encourage alternative transport to the private car. There are no objections to the application raised by the Head of Strategic Infrastructure, and therefore no highway safety issues are raised.

Arboriculture and Forestry

Policy SE 5 of the CELPS outlines that development proposals which will result in the loss of, or threat to, the continued health and life expectancy of trees, hedgerows or woodlands (including veteran trees or ancient semi-natural woodland), that provide a significant contribution to the amenity, biodiversity, landscape character or historic character of the surrounding area, will not normally be permitted, except where there are clear overriding reasons for allowing the development and there are no suitable alternatives.

The application site is located just outside the Bollington Conservation Area and is bordered by vegetation which provides a level of screening between the site and adjacent properties. The application has been supported by an Arboricultural Implications Assessment and Arboricultural Method Statement (AMS).

Two 'C' category groups of closely spaced trees which comprise of a lapsed hedgerow of hawthorn and one conifer hedgerow have been identified to the northern and eastern boundary. The Council's Tree Officer has confirmed that none are considered worthy of formal protection.

The trees are located on top of the sloping bank down to the existing car park area. One mature Ash which hasn't been identified in the survey is located to the east within the garden of a residential property. The crown of the tree extends over the existing grassed area within the site boundary. However, any development is considered to be located outside the root protection area of the tree, and remedial pruning works can be undertaken to improve its relationship with the proposed plots.

All trees on the site are shown to be retained with hedgerow H1 removed to accommodate the development. The AMS has concluded that Tree Protection fencing is not required due to the site topography and its accepted that this will restrict opportunities for storage of materials and compaction ordinarily associated with development. However, the development should be implemented in accordance with the precautionary method of work as detailed in the method statement. Subject to this, the proposal complies with policy SE 5 of the CELPS.

Nature Conservation

Policy SE 3 of the CELPS requires all development to positively contribute to the conservation and enhancement of biodiversity and geodiversity and should not negatively affect these interests.

In addition, Local Plan Policy SE 3(5) requires all developments to aim to positively contribute to the conservation of biodiversity. This application provides an opportunity to incorporate features to increase the biodiversity value of the final development in accordance with this policy.

No significant ecological issues associated with the proposed development are anticipated. Conditions to safeguard nesting birds and ensure the provision of features to enhance the biodiversity value of the completed development are recommended. Subject to these conditions, the proposal complies with Policy SE3 of the CELPS.

Impact on Setting of Adjacent Conservation Area

The proposed properties would fit into the current gap between the public house and the modern town houses along Ingersley Vale. They would be outside but visible from the conservation area. The scale and position of the dwellings i.e. set back within the site is considered acceptable as it would not harm the character and appearance of the Conservation Area. It therefore complies with CELPS Policy SE 7 and Neighbourhood Plan Policy BE. P2.

Other Matters

Bollington Town Council have highlighted the existence of a Covenant on the car park of this development which is alleged to prevent its development for housing. The agent advises no such covenant exists. Nonetheless, covenants are not a material planning consideration.

CONCLUSION

The application site comprises a previously developed site in a sustainable location, with good access to a range of local services and facilities. The proposed development would add to the stock of housing in the local area. The proposal provides a modern, but locally distinctive design, which also raises no significant highway safety, ecological or flood risk concerns, and does not raise any significant concerns in terms of the impact of the development upon the living conditions of neighbours.

The comments from the neighbours and Town Council are acknowledged and have been considered within this report. However, the proposal accords with the policies in the development plan and represents a sustainable form of development. Therefore, given that there are no material considerations to indicate otherwise, in accordance with policy MP1 of the CELPS, the application should be approved without delay.

RECOMMENDATION: Approve subject to the following conditions

1. Commencement of development (3 years)
2. Development in accordance with approved plans
3. Submission of samples of building materials
4. Landscaping - submission of details
5. Landscaping (implementation)
6. Landscaping to include details of boundary treatment
7. Nesting bird survey to be submitted
8. Provision of features to enhance the biodiversity value
9. Hours of operation condition including details of piling works
10. Construction method statement
11. Foul and surface water shall be drained on separate systems.
12. Surface water drainage details to be submitted
13. Travel information pack to be submitted
14. Electric vehicle infrastructure to be provided
15. Steps to be taken in event of unidentified contamination
16. Car parking spaces to be provided and retained at all times thereafter
17. Details of proposed finished floor levels and land levels to be submitted
18. Cycle storage to be provided
19. Coal mining scheme of works/investigations pre-commencement condition
20. Coal mining safety report prior to occupation
21. Accordance with Arboricultural Information

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chairman (or in his absence the Vice Chairman) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

