

# Northern Planning Committee

## Agenda

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<b>Date:</b>	<b>Wednesday, 18th January, 2023</b>
<b>Time:</b>	<b>10.00 am</b>
<b>Venue:</b>	<b>The Capesthorne Room - Town Hall, Macclesfield SK10 1EA</b>

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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.

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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-making meetings are audio recorded and the recordings are uploaded to the Council's website.

### **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.

3. **Minutes of the Previous Meeting** (Pages 3 - 8)

To approve the Minutes of the meeting held on 7<sup>th</sup> December 2022 as a correct record.

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**Please Contact:** Gaynor Hawthornthwaite  
**E-Mail:** [gaynor.hawthornthwaite@cheshireeast.gov.uk](mailto:gaynor.hawthornthwaite@cheshireeast.gov.uk) with any apologies or request for further information  
[Speakingatplanning@cheshireeast.gov.uk](mailto:Speakingatplanning@cheshireeast.gov.uk) to arrange to speak at the meeting

#### 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. **21/2866M - HIGHER KINDERFIELDS FARM, HOLLIN LANE, SUTTON, SK11 0NN: Change of use of a garage/workshop into 5 accessible tourist units for Mr Mike Eardly (Pages 9 - 24)**

To consider the above planning application.

#### 6. **17/0499M - ALBION MILL, LONDON ROAD, MACCLESFIELD, CHESHIRE: Conversion of former mill to provide 30 residential flats, including rear external staircase, lift and walkways with associated infrastructure for Mr Z Rafiq (Pages 25 - 46)**

To consider the above planning application.

#### 7. **17/1431M - ALBION MILL, LONDON ROAD, MACCLESFIELD, CHESHIRE: Listed Building Consent for the conversion of former mill to provide 30 residential flats, including rear external staircase, lift and walkways with associated infrastructure for Mr Rafiq (Pages 47 - 54)**

To consider the above planning application.

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

**CHESHIRE EAST COUNCIL**

Minutes of a meeting of the **Northern Planning Committee**  
held on Wednesday, 7th December, 2022 in the The Capesthorne Room -  
Town Hall, Macclesfield SK10 1EA

**PRESENT**

Councillor J Nicholas (Chair)  
Councillor L Braithwaite (Vice-Chair)

Councillors T Dean, JP Findlow, A Harewood, S Holland, D Jefferay,  
I Macfarlane, N Mannion, L Smetham and M Benson

**OFFICERS IN ATTENDANCE**

Nicky Folan – Planning Solicitor  
Paul Wakefield – Planning Team Leader  
Gaynor Hawthornthwaite – Democratic Services Officer

**38 APOLOGIES FOR ABSENCE**

Apologies were received from Councillor J Smith and Councillor M  
Beanland.

Councillor M Benson attended as a substitute for Councillor M Beanland.

**39 DECLARATIONS OF INTEREST/PRE DETERMINATION**

In the interests of openness, the following declarations were made:

Councillor N Mannion in relation to application 21/2866M, declared that he  
knew Mr J Mattin the agent for the applicant, speaking on the application,  
in relation to their shared interests in Macclesfield Town Football Club, but  
had not discussed the application with him.

Councillor J Nicholas in relation to application 21/2866M declared that he  
knew Mr J Mattin, the agent for the applicant, speaking on the application.

Councillor P Findlow in relation to application 21/2866M declared that he  
knew Mr J Mattin, the agent for the applicant, speaking on the application.

**40 MINUTES OF THE PREVIOUS MEETING**

That the minutes of the previous meeting held on 16<sup>th</sup> November 2022 be  
approved as a correct record and signed by the Chair.

**41 PUBLIC SPEAKING**

That the public speaking procedure be noted.

**42 20/4065M - LAND AT MOSS LANE, MACCLESFIELD: ERECTION OF 18NO.100% AFFORDABLE APARTMENTS WITHIN 2NO. BLOCKS WITH ASSOCIATED ACCESS, PARKING, LANDSCAPING AND OTHER WORKS FOR COPPERLEAF /JIGSAW HOMES**

Consideration was given to the above application.

(Councillor Brian Puddicombe, (Ward Councillor) and Councillor F Wilson (Macclesfield Town Council), attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be REFUSED for the following reasons:

1. The principle of the development is not accepted as it would completely preclude the ability to provide protected open space as part of emerging SADPD policies and provide a greenway with ecological network benefits relating to the overarching, longstanding SMDA LPS 13 allocation, where the provision of affordable housing beyond policy requirements argument presented is not considered to provide material circumstances which outweigh the issue with the principle of the development. It is therefore considered that the principle of the development is contrary to policies MP1, SD1, SD2, SC1, SC3, SE1, SE6 and allocation LPS 13 of the CELPS, NE18, RT2, RT5, RT7 and RT8 of the MBLP, INF1 and REC1 of the emerging SADPD, the SMDA 1998 and paragraph 99 of the NPPF.
2. The proposed development represents the overdevelopment of a confined and irregular shaped site which does not present a high-quality residential scheme that responds to local characteristics. The development is therefore considered to be contrary to policies and guidance SD1, SD2 and SE1 of the CELPS, DC35, DC36 and DC41 of the MBLP, GEN1 of the emerging SADPD and the CEDG.
3. There is insufficient information to demonstrate that the layout, specifically regarding the rear block of apartments presents a sustainable relationship with a protected and high amenity tree, T6 Sycamore, a major landscape tree. It is considered that there are no clear overriding reasons for allowing the development noting

issues with the principle of the development and there are suitable alternatives to the development with regards to the impact of the development on this protected tree. Due to the open and inclining nature (north east to south west) it is considered that appropriate landscaping could not be achieved in combination with the proposals to mitigate the harm caused by them on the landscape of the site and the major landscape tree. Taking into account these points it is considered the development is contrary to policies and guidance SD1, SD2, SE1, SE4 and SE5 of the CELPS, DC8, DC9, DC37 and DC41 of the MBLP, ENV5 and ENV6 of the emerging SADPD and the Trees and Development SPD.

4. There is insufficient information presented within the application with regards to the consideration of flood risk and water management for the site and impacts on the immediate surrounding area and watercourses as a result of the development, in an area with existing drainage, flooding and water management problems and to this regard at present the development would be contrary to policies SD1, SD2, SE1, LPS13 and SE13 of the CELPS, DC15, DC16 and DC17 of the MBLP and ENV7, ENV16, ENV17 and INF9 of the SADPD.

*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.*

*(Prior to consideration of the following item, the meeting adjourned for a short break)*

**43 21/2866M - HIGHER KINDERFIELDS FARM, HOLLIN LANE, SUTTON, SK11 0NN: CHANGE OF USE OF A GARAGE/WORKSHOP INTO 5 ACCESSIBLE TOURIST UNITS FOR MR MIKE EARDLY**

Consideration was given to the above application.

(Councillor A Gregory, (Ward Councillor), and Joe Mattin (Agent) attended the meeting and spoke in respect of the application).

**RESOLVED**

That the application be REFUSED for the following reasons:

1. The building currently constructed on site does not conform with the 2017 Planning Permission for a replacement garage and store. An identified need for the accommodation has not been demonstrated. The application, therefore, does not benefit from the exception criteria listed within Cheshire East Local Plan Strategy PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings, and policy RUR 8 of the emerging Site Allocations and Development Policies Document.
2. The proposed development will have an adverse impact upon the residential amenity of Kindersfield Edge and of Higher Kinderfields Farmhouse in relation to any noise and disturbance cause by the use and the access arrangements. The approval of the development would therefore be contrary to Cheshire East Local Plan Strategy Policy SE12, Saved Macclesfield Borough Local Plan Policy DC3, emerging Site Allocations and Development Policies Document Policies HOU10 and RUR8, and Paragraph 187 of the NPPF.

*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.*

**44 21/6196M - HAWKSHEAD QUARRY, LEEK OLD ROAD, SUTTON, CHESHIRE, SK11 0JB: PROPOSED ADDITIONAL INDUSTRIAL UNITS FOR SMALL SCALE BUSINESSES WITHIN HAWKSHEAD HEAVY INDUSTRIAL & HAULAGE PARK FOR MR STEVE BELL, AM BELL (PROPERTIES) LTD**

Consideration was given to the above application.

(Councillor A Gregory, (Ward Councillor) and Mr S Bell (Applicant) attended the meeting and spoke in respect of the application).

**RESOLVED**

That subject to the following conditions:

1. Staff Travel Plan and onsite parking
2. Contaminated land
3. The occupation of Hawkshead House to remain associated with the operation of Hawkshead Quarry
4. Submission of an ecological mitigation statement in order to minimise the impact on the wildlife
5. Landscaping
6. Nature conservation

7. Forestry
8. Drainage

The Committee was minded to approve the application because of:-

1. Rural Job Creation;
2. The impact on the local economy;
3. The nature and forestry conservation improvements as a result of this application
4. This being a long standing industrial site
5. The site being able to be accessed by a bus route, pedestrian route and cycleway

However, in the opinion of the Head of Planning (Regulation), approval would result in a significant departure from policy, specifically policies PG6, EG2, SD1 and SD2 which protects open countryside.

Therefore, in accordance with its Terms of Reference, the Committee resolved to refer the application to the Strategic Planning Board for determination.

*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.*

*(This decision was contrary to the officer's recommendation of refusal).*

The meeting commenced at 10.00 am and concluded at 12.50 pm

Councillor J Nicholas (Chair)

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Application No: 21/2866M

Location: HIGHER KINDERFIELDS FARM, HOLLIN LANE, SUTTON, SK11 0NN

Proposal: Change of use of a garage/workshop into 5 accessible tourist units.

Applicant: Mr Mike Eardly

Expiry Date: 10-Jun-2022

### **REASON FOR REFERRAL**

Following the resolution to refuse the application at the Northern Planning Committee on 7 December 2022, further clarification on the discrepancies between the measurements made by officers and the applicant is now available. The application is being brought back to the Committee to ensure that Members are fully aware of all the facts prior to the decision being issued. The contents of the report remain unchanged, with the exception of removing reference to the Macclesfield Borough Local Plan, following the adoption of the Site Allocations Development Policies Document on 14 December 2022. The applicant's late confirmation that they are no longer selling the adjacent farmhouse (reported verbally at the last meeting) is also now included in the "*Living Conditions*" section of the report. The recommendation of refusal also remains unchanged.

The required clarification is regarding comments that were made verbally by officers during the meeting relating to the difference between the dimensions of the approved building and the dimensions of the existing building. The dimensions of the approved building are much closer to those of the existing building than was suggested by the presenting officer at the meeting on 7 December 2022, due to a scaling issue with the plans. However, it remains the view of officers that the existing building on site is not the same building granted planning permission in 2017, and both reasons for refusal remain applicable.

### **ORIGINAL REPORT – NORTHERN PLANNING COMMITTEE 7<sup>TH</sup> DECEMBER 2022** **(amended as outlined above)**

#### **SUMMARY:**

The application seeks Planning Permission for the conversion of an existing garage and workshop into tourist accommodation.

It is considered that the building currently constructed on site does not conform with the 2017 Planning Permission for a garage and store.

The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

As currently submitted, the proposals are not considered to provide the required level of detail to fully evaluate the amenity implications to the nearest residential properties.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal.

**SUMMARY RECOMMENDATION:**

Refuse Planning Permission

**REASON FOR REPORT:**

Application 21/2866M was referred to the Northern Planning Committee at the request of Cllr Andrew Gregory (*Sutton Ward*) for the following reasons: -

1. *“The development is in an area of Open Countryside within the Peak Park Fringe and is considered to be an unwelcome development in what is an area of outstanding natural beauty;*
2. *There are concerns as to the increase in traffic along a stretch of Hollin Lane which is already busy with visitors to the nearby public house, the Ryles Arms;*
3. *Hollin Lane has long stretches of road without any pavement and a walk from the site to Sutton village will involve long walks along an unlit road;*
4. *The design of the buildings, with the use of metal cladding is not in keeping with the locality and represents a reduction in the amenity in the local area. The remaining buildings are constructed of stone;*
5. *The development is unneighbourly due to its close proximity to the building next to it and represents an over intensification of the site, being a traditional farm;*
6. *The present drive entrance is narrow and the entrance and exit of some 9 vehicles (there are 9 parking spaces) represents a further danger to all road users; and*
7. *There is no evidence that there is a need for additional tourism in the area. The camping site has a restricted permission for a limited number of weeks each year and therefore the link between the need for the units and the camping use is not sustainable.”*

**PROPOSAL:**

The application seeks Planning Permission for the conversion of an existing garage and workshop into five units of tourist accommodation.

Three units are located on the lower ground floor, with two above. The two above units have interconnecting doors so that they can be let flexibly to a family group or individuals.

#### **DESCRIPTION OF SITE AND CONTEXT:**

The application site is known as 'Higher Kinderfields Farm', in Sutton. The application site comprises a dwelling and outbuilding accessed from Hollin Lane. The house is a three-bedroomed detached two-storey stone-built farmhouse. The site has a gated drive with parking to the front and hardstanding to the rear of the main property. There is a large lawned garden to the front and south of the house, with a paddock beyond.

Since submission, the dwelling and domestic garden known as 'Higher Kinderfields Farm' has been sold by the applicant and is now a separate planning unit albeit sharing access arrangements with this proposal.

The application relates to a site that sits to the west (rear) of the main farmhouse.

There, the land noticeably falls from Hollin Lane through the site, and then quite steeply beyond the site boundary down towards a small brook to the west.

The site is located within Countryside Beyond the Green Belt and is also within and an Area of Special County Value (Local Landscape Designation).

#### **RELEVANT HISTORY/BACKGROUND:**

Planning permission was granted for the demolition of an existing garage and its 'replacement with a garage' in a similar location on 6 October 2017, under reference 17/4021M.

The garage was granted on the basis that it would be used for some domestic storage, but also for the stationing of an agricultural engineering vehicle associated with the applicant's agricultural business.

It is noted that during the determination of that approval, revised plans were secured to amend the location of the entrance facing onto the hardstanding (as per the original garage) as opposed to the open countryside beyond the built-up area of the site.

That 'replacement building' was to be relocated further back from the hardstanding area and the main farmhouse to allow a more convenient access for a vehicle. The new access to that building would have been in the form of a ramp down to a new lower floor level, as an increased volume was needed to store larger vehicles.

The building was to be constructed of black metal corrugated sheeting, with a metal roller door and no windows.

#### **POLICIES:**

##### **Cheshire East Local Plan Strategy (CELPS):**

- MP1 Presumption in favour of sustainable development
- PG1 Overall Development Strategy
- PG2 Settlement hierarchy

PG3 Green Belt  
PG6 Open Countryside  
EG2 Rural Economy  
EG4 Tourism  
SC3 Health and Wellbeing  
SD1 Sustainable development in Cheshire East  
SD2 Sustainable development principles  
SE1 Design  
SE3 Biodiversity and geodiversity  
SE4 The Landscape  
SE5 Trees, Hedgerows and Woodland  
SE15 Peak District National Fringe  
CO1 Sustainable travel and transport  
CO3 Digital connections  
CO4 Travel plans and transport assessments  
Appendix C – Parking Standards

**Site Allocations and Development Policies Document (SADPD)**

ENV2 Ecological implementation  
ENV3 Landscape character  
ENV4 River corridors  
ENV5 Landscaping  
ENV15 New development and existing uses  
RUR2 Farm diversification  
RUR6 Outdoor sport, leisure and recreation outside of settlement boundaries  
RUR8 Visitor accommodation outside of settlement boundaries  
RUR11 Extensions and alterations to buildings outside of settlement boundaries  
RUR12 Residential curtilages outside of settlement boundaries  
RUR13 Replacement buildings outside of settlement boundaries  
RUR14 Re-use of rural buildings for residential use  
HOU10 Amenity  
HOU11 Residential standards

**Other Material Considerations:**

National Planning Policy Framework (The Framework)  
National Planning Practice Guidance  
Cheshire East Design Guide

**CONSULTATIONS (External to Planning):**

Sutton Parish Council:

Sutton Parish Council object to this application for the following reasons: -

1. The proposal is for a significant change to the current use of the building, which only four years ago was granted planning permission to be a workshop/garage, which would support the development of an agricultural related business;
2. The current application is a proposal to support the development of a tourist business. There are many aspects of planning regulations with regard to design, appearance and materials,

visual amenity, traffic generation etc that need to be considered for this proposed development in an Area of Special County Value;

3. The application is an over intensification of the site with nine more parking spaces;
4. Due to its close proximity to nearby property the Council feels it would be unneighbourly;
5. With more traffic using the driveway on to the lane, this creates more traffic emerging onto a country lane along with traffic entering and exiting the camp site which is only 100yds along the roadway;
6. The barn, which is going to be converted, had permission in 2017 and with that in mind it should not then be converted for residential;
7. The materials to be used in the conversion are cladding and metal windows. Although the present barn is metal cladding it is not in common with the surrounding buildings which are stone. Therefore, making a more residential building rather than an agricultural workshop, the materials used should be more in line with a property of this sort;
8. The extra sewage would have to be adequately dealt with as the property is on a septic tank;
9. The Parish Council is concerned that the plot is already partly converted;
10. We are concerned that the extra hardstanding for parking etc may result in increased run off of water into the watercourse, in storm conditions, and therefore have an adverse impact on properties downstream; and
11. This should not be considered as a Class Q application, (conversion of former agricultural buildings) as it has not been used as such nor has it been in use prior to 2013 (as far as the Parish Council are aware).

Environmental Health:

No objections, subject to Conditions.

Highways:

No objections.

Lead Local Flood Authority (LLFA):

No objections, subject to Informatives.

**REPRESENTATIONS:**

The application has been duly advertised by means of direct neighbour notification letters and site notice.

Five letters of representation have been received and their comments can be summarised as follows: -

- Adverse implications to future agricultural opportunities;
- Adverse implications to existing residential amenity;
- Visual appearance of the land;
- Conflicts with highway safety;
- Does not conform with development control policy;
- The building does not conform with current planning approval;
- Abuse of the planning system;
- Does not add anything to the economy of the area;
- The ecology of the area;
- A tiny area of countryside making it urban; and

- Site notice was located too far from the application site.

A letter of objection has also been received from Andrew Ellis Planning Consultants Ltd, on behalf of four local residents and their comments can be summarised as follows: -

- CELP Policy PG6 states that Within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted. The proposal does not satisfy any of these requirements and cannot be regarded as an exception under Part 3 of the Policy;
- The construction of new build holiday accommodation is a flagrant and deliberate breach of planning control;
- The expansion of the existing tourist facility would lead to an intensification in the use of the site causing further noise and disturbance for neighbouring residents;
- The existing access is unsuitable to cater for the additional traffic that would be created by the holiday lets and this would be detrimental to the interests of highway safety; and
- The proposal fails to satisfy the requirements set out in Policies RUR8 and RUR13 of the Draft Site Allocations and Development Plan Document which is now at Main Modifications Stage.

#### **Additional Information:**

The applicant has also recently submitted the following points that they wish Members to be aware of in relation to the previous draft July Committee Report, these being: -

- There is considerable confusion in the report as to what has been approved (2017) and what has been built. This is not surprising given the poor quality of the drawings which accompanied the 2017 submission. Our subsequent site checks and overlay of historic drawings demonstrates that any suggestion that the partially constructed building does not conform with the 2017 approval would be open to criticism. The report has a number of apparently contradictory statements.
- The 2017 building has been constructed to the approved dimensions and on the correct alignment. The 2017 approved drawings provide limited detail on setting out. They referenced a fence boundary which no longer exists. There were no site co-ordinates for setting out. We have checked the setting out and overlaid the OS plan and Land Registry drawings to verify that within normal building tolerances it is impossible to confirm that the building has not been set out in accordance with the 2017 approval. The dimensions are exactly as approved.
- The building does conform to the size and location of the 2017 approval.
- The current building is not a change of the 2017 approval. At no time did the 2017 approval be partly constructed and then subsequently replaced.
- There appears to be considerable confusion as to the veracity of the statements in the report. By any industry standards of setting out, size, volume, and location the existing building is the partly constructed 2017 approved scheme. The difficulties we all have is the inadequate quality of detail in the 2017 submission, but *“on balance it is the same building.”*
- The previous report implies that prominence and introduction of tourism harms the character of the site and proposed suburban landscaping.
- We have since updated the landscape proposals to be consistent within the farmyard setting and the area of land allocated to the development is exactly as the 2017 approval.

- The idea that substituting the “lighter” use of tourism in lieu of “heavy, noisy” agricultural use has a harmful impact on character is very questionable as evidenced later in the report (tourism) when it is stated that the inclusion of tourism “ is given moderate weight in favour of the scheme “.
- One of the main thrusts of government and CEC policy is to promote rural tourism, encourage rural diversification and deliver a robust rural economy.

## **OFFICER APPRAISAL:**

### **The Principle of Development:**

CELPS Policy PG6 (Open Countryside) states that *“within the Open Countryside only development that is essential for the purposes of agriculture, forestry, outdoor recreation, public infrastructure, essential works undertaken by public service authorities or statutory undertakers, or for other uses appropriate to a rural area will be permitted.”*

However, CELPS Policy PG6(3) provides six exceptions, two of which are as follows:

- PG6(3)(ii) for the re-use of existing rural buildings where the building is permanent, substantial and would not require extensive alteration, rebuilding or extension; and
- PG6(3)(iii) for the replacement of existing buildings by new buildings not materially larger than the buildings they replace.

The current application was submitted as a change of use of the existing garage building.

SADPD Policy RUR2 states that *“proposals for the diversification of agricultural businesses in the open countryside will be supported where they accord with other policies in the development plan.”*

SADPD Policy RUR8 states that *“Certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location and setting and where there is an identified need for the accommodation, which cannot be met in nearby settlements because the type of accommodation proposed is intrinsically linked with the countryside.”*

SADPD Policy RUR11 states that *“extensions and alterations to existing buildings in the open countryside will only be permitted where the proposed development would; not result in disproportionate additions over and above the size of the original building, respect the character of the existing building, particularly where it is of traditional construction or appearance, and not unduly harm the rural character of the area.”*

SADPD Policy RUR14 states that *“the residential re-use of existing rural buildings will be permitted where the building is: of permanent and substantial construction so as not to require extensive alteration or rebuilding; and of a size that is able to accommodate a satisfactory living environment in the new dwelling and would not require extending any extension required must be in accordance with the requirements of Policy RUR 11.”*

The existing building on site is that which was constructed following the 2017 approval. However, it is not the same as the building that was shown on the approved plans. It is noted that the applicants have tried to investigate the precision of the setting out. It is also agreed that some elements of the approval are unspecific as the approved drawings were of a poor standard.

Some discussions were undertaken to ascertain if a different application description could be utilised to explain the situation, however this would be an essentially different application and would not confirm with the applicant's stated position and evidence. The application therefore has to be considered as a change of use.

It is accepted that the building is in the approximate position of the 2017 Consent.

However, its size (two useable floors), its roof design, fenestration and construction differ considerably to the approved plans.

It is therefore considered that the building that has been constructed on site is materially different to the 2017 Planning Permission for a 'replacement garage and store'.

The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings, as no existing building exists that can actually take advantage of this exception. Permission is required for the building that has been constructed, and a new application would be needed for this.

The applicant therefore needs to secure planning permission for the structure and hardstanding areas as built before any change of use can be considered. Alternatively, a new application for purpose-built holiday accommodation and associated areas of hardstanding would be required. This is not what is sought within the current application. The change of use that is the subject of this application is therefore contrary to CELPS Policy PG6.

It is acknowledged that the site is within walking/cycling of the village settlements of Sutton and Langley where there are a range of local pubs, community facilities and local shop. It is also noted that the site is within a 5-minute walk of the Ryles Arms and a short drive to other nearby pubs. There are also numerous public/designated footpaths running close to the site giving access to open countryside and the Peak Park fringes.

However, this is no different from large parts of the countryside and limited information has been submitted identifying any need for the accommodation. No justification on why it cannot be met in nearby settlements has been put forward, either on the grounds of the type of accommodation proposed or why it is intrinsically linked with the countryside. The scheme would therefore fail to pass the requirements of SADPD Policy RUR8.

### **Impact on the Rural Character of the Countryside:**

CELPS Policy SE1 (Design) States That *"development proposals should make a positive contribution to their surroundings."*

CELPS Policy SE4 states that *"the high quality of the built and natural environment is recognised as a significant characteristic of the Borough. All development should 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.”*

SADPD Policy RUR8 does also state that certain types of visitor accommodation may be appropriate to a rural area where their scale is appropriate to the location. This is on the stipulation that the proposals make the best use of existing infrastructure such as existing buildings, utilities, parking, vehicular access, and they do not unacceptably affect the character of the surrounding area or landscape and appropriate landscaping and screening is provided.

The previous building, whilst in poor condition, was essentially rural in nature and quite unobtrusive in the landscape, due to its simple design, external materials, and low eaves. In contrast, the proposed building would, by virtue of the insertion of large amount of glazing within the building, result in it being more prominent.

That being said, the building is located at the rear of the site and in a position where previous structures were located.

It is considered that any harmful effect caused by a larger site used in connection with the building (proposed access and parking areas, and other outdoor areas) could be reduced by the imposition of suitably worded Condition(s) to secure appropriate landscaping and screening, in line with SADPD Policy RUR8(2)(v).

On balance, it is considered that the design of the proposed buildings would not breach CELPS Policies SE1 and SE4, and emerging SADPD Policy RUR8, in so far as they relate to design and the effect on the character of an area.

### **Living Conditions:**

Policy SE12 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, surface water and groundwater, noise, smell, dust, vibration, soil contamination, light pollution or any other pollution which would unacceptably affect the natural and built environment, or detrimentally affect amenity or cause harm.

Developers will be expected to minimise and mitigate the effects of possible pollution arising from the development itself, or as a result of the development (*including additional traffic*) during both the construction and the life of the development. Where adequate mitigation cannot be provided, development will not normally be permitted.

SADPD Policy HOU10 states that proposals must not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of those properties due to (amongst other issues), either environmental disturbance or traffic generation, access, and parking. Policy HOU11 sets out guidelines of space between buildings.

Paragraph 185 of the Framework establishes in summary that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a

result of new development and identify and protect areas of tranquility which have remained relatively undisturbed from noise.

Noise and Disturbance:

The Planning Practice Guidance, in line with the explanatory note of the Noise Policy Statement for England, identifies factors which influence whether noise could be a concern such as the source and absolute level of the noise together with the time of day it occurs, and for non-continuous sources of noise, the number of noise events and the frequency and pattern of occurrence of the noise.

As stated above, the five units are located just over 11m from the main farmhouse, known as 'Higher Kinderfields Farmhouse'. It is also located approximately 21m from the neighbouring property known as 'Kindersfield Edge'. The application seeks to use the existing farm access to serve the proposal.

The applicant has submitted the following framework Management Plan for the five holiday lets:

- UK Management Companies (Sykes Cottages / Cottages.com etc.) Fully managed around the clock support.
- Key Safe with instructions.
- Local employed cleaner, room hand over, maintenance and emergency contact Anthea Rymer (28 years trusted associate) (*Same management plan as the Ryles Arms Pub & Accommodations*).
- Mark Bullock property services North Rode - runs existing holiday lets in the local area (30 years trusted associate).
- Dedicated check in and out times to minimise distribution.
- Restricted access, no groups such as stag / hen groups and no more than 2 units let to the same people upon booking.
- We will have online customer owner presence with all bookings including vetting.
- We have 6 years' experience within this field.

The five new holiday lets would have sufficient sleeping accommodation for up to 10 persons, with the upper floor being able to expand to one larger suite. It is considered that this type of holiday accommodation is materially different from, say a small holiday cottage let. This is because the proposals could result in five different parties or groups using the site, with all having different activities/plans, with different noise impacts and at different times and frequencies of the day. It could also be used for one large, interconnected group, on a site close to other properties.

Whilst the Management Plan does address issue of large parties or groups using the site, the main issue for the Local Planning Authority is that there would be no on-site presence. Additionally, no details of local management presence to establish procedures for complaints and/or delays in any management action when neighbours are already disturbed.

Although the applicants have submitted evidence from the new owners of Higher Kinderfields Farmhouse, that they have no objections to the location and use of the proposals, this remains a separate planning unit, no longer an ancillary use and this separation distance and boundary connection could lead to unneighbourly relations in the future.

The applicant has subsequently confirmed that they intend to remain in the farmhouse, which will ease any management concerns. Whilst this change is acknowledged, given the separation distance, boundary connection and nature of the accommodation, the adverse effect on the living conditions of neighbours is still of a concern.

Although historically, the site access would have been used as a working farm, this use has now ended and a tourism use on the site would involve a different nature and type of access, in terms of both instances, regularity and times of day.

It is considered that this would cause a loss of amenity to Kindersfield Edge by way of noise and disturbance through increased comings and goings to the proposed tourist units.

The approval of the development would therefore be contrary to CELPS Policy SE12, SADPD Policies HOU10 and Policy RUR8 (insofar as it relates to amenity) and Paragraph 187 of the NPPF.

#### Lighting:

CELPS Policy ENV14 (Light pollution) states that *“Lighting schemes will be permitted provided that ... the amount of lighting is the minimum required for security, safety and/or operational purposes.”*

Prior to its installation, the details of the location, height, design, and luminance of any external lighting could be controlled by Condition. This Condition could ensure that the lighting is designed to minimise the potential loss of amenity caused by light spillage onto adjoining properties.

#### Contamination:

CELPS Policy SE12 (Pollution, Land Contamination and Land Instability) states that *“Development for new housing or other environmentally sensitive development will not normally be permitted where existing air pollution, soil contamination, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.”*

The application is for a proposed use that would be particularly vulnerable to the presence of contamination. The application area has a history of workshop use and therefore the land may be contaminated. No information relating to land contamination has been submitted in support of the planning application. Therefore, if Members were minded to support the application, Conditions would be required to secure a Risk Assessment, Remediation Strategy and to deal with any unforeseen contamination if discovered.

#### Air Quality:

CELPS Policy SE12 also advises on issues on Air Quality. This scheme itself is of a small scale, and as such would not require an Air Quality Impact Assessment, but there is a need for the Local Planning Authority 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.

The cumulative impact of developments is likely to make the situation worse, unless managed. Local Planning Authorities are now directed not to impose Conditions to secure Electrical Vehicle Infrastructure, as they are now covered by 'Part S' of the Building Regulations. However as this is a retrospective application and as Officers are unsure of what works have already been approved or assess under Building Control, a Condition to secure Electrical Vehicle Infrastructure would be warranted.

### **Highway Safety, Access and Parking:**

CELPS Policy CO1 deals with Sustainable Travel and Transport. It seeks to encourage a shift away from car travel to public transport, cycling and walking.

The commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

The proposal for use of the existing farm access to serve the proposal is acceptable in highway safety terms. It is noted that lateral visibility associated with the existing site access, along Hollin Lane, does not appear to conform to current design guidance; however, this is a modest proposal and its daily traffic generating potential will likely be seasonal and limited. It is also noted that there have been no reported Personal Injury Accidents in this location during the last four-year period of data availability (2017 to 2020). This is not considered to be a sustainable reason for refusal.

There is sufficient space set aside within the site to accommodate car parking demand expected to be associated with the proposal. Whilst it is accepted most of the visitors being accommodated on the site would rely on private cars, if Members were minded to approve the application a Condition could be imposed to secure the requisite secure cycle parking requirements.

The Head of Strategic Transport has raised no objection to the planning application on highway safety grounds and as such it accords with CELPS Policy CO1.

### **Tourism:**

Farming appears to have ceased on the site. The applicant has stated that the main income from dairy farm engineering has disappeared following the closure of most dairy herds in the area over the past 10 years.

CELPS Policy EG2 supports developments that create or extend rural based tourist attractions, visitor facilities and recreational uses. CELPS Policy EG4 seeks to *"protect and enhance the unique features of Cheshire East that attract visitors to the area"*.

National Planning Policy Framework and CEC Policy supports diversification to deliver a robust rural economy. Reuse of buildings for tourism is encouraged and CEC is seeking to expand its tourist economy.

It is accepted that the scheme would potentially boost Tourism and the Rural Economy (although as noted above specific evidence of need has not been submitted), benefits which

are given due weight. It is evident that if there is an identified need the locality would be suitable for a tourism use and the proposal would enable access to the countryside for the purposes of recreation. This is also reflected in the Framework which states that Local Planning Authorities should plan positively to enhance the beneficial use of the countryside such as looking for opportunities to provide access and recreation.

**Other Material Considerations:**

There are no ecological or arboriculture issues in relation to this planning application.

Flood Risk and Drainage:

If Members were minded to approve the application, then an Informative is recommended from the LLFA, reminding the applicant that if any alterations to ordinary watercourses are proposed, the developer will be required to obtain formal consent under the Land Drainage Act 1991 from Cheshire East Council as Lead Local Flood Authority. An additional Informative could also be suggested as that an appropriate drainage strategy that follows the hierarchy of drainage is set out in Part H of the Building Regulations.

**BALANCE OF ISSUES AND CONCLUSION:**

The application seeks Planning Permission for the conversion of an existing garage and workshop into tourist accommodation.

The building currently constructed on site does not conform with the 2017 Planning Permission for a 'replacement garage and store'. The application, therefore, does not benefit from the exception criteria listed within CELPS PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings.

Based on the information provided there will be an adverse impact on the living conditions of Kindersfield Edge and Higher Kinderfields Farmhouse. The application therefore fails to comply with CELPS Policy SE12 and Paragraph 187 of the NPPF, in that it fails to effectively integrate with and adversely affects the amenities of adjoining and nearby residential property, through noise and disturbance.

Any economic and tourism benefits are of limited to moderate weight in favour of the proposal. As such, the harm to amenity is not clearly outweighed by the other considerations identified and as such the proposal fails to adhere to the Local and National policies outlined above.

**RECOMMENDATION:**

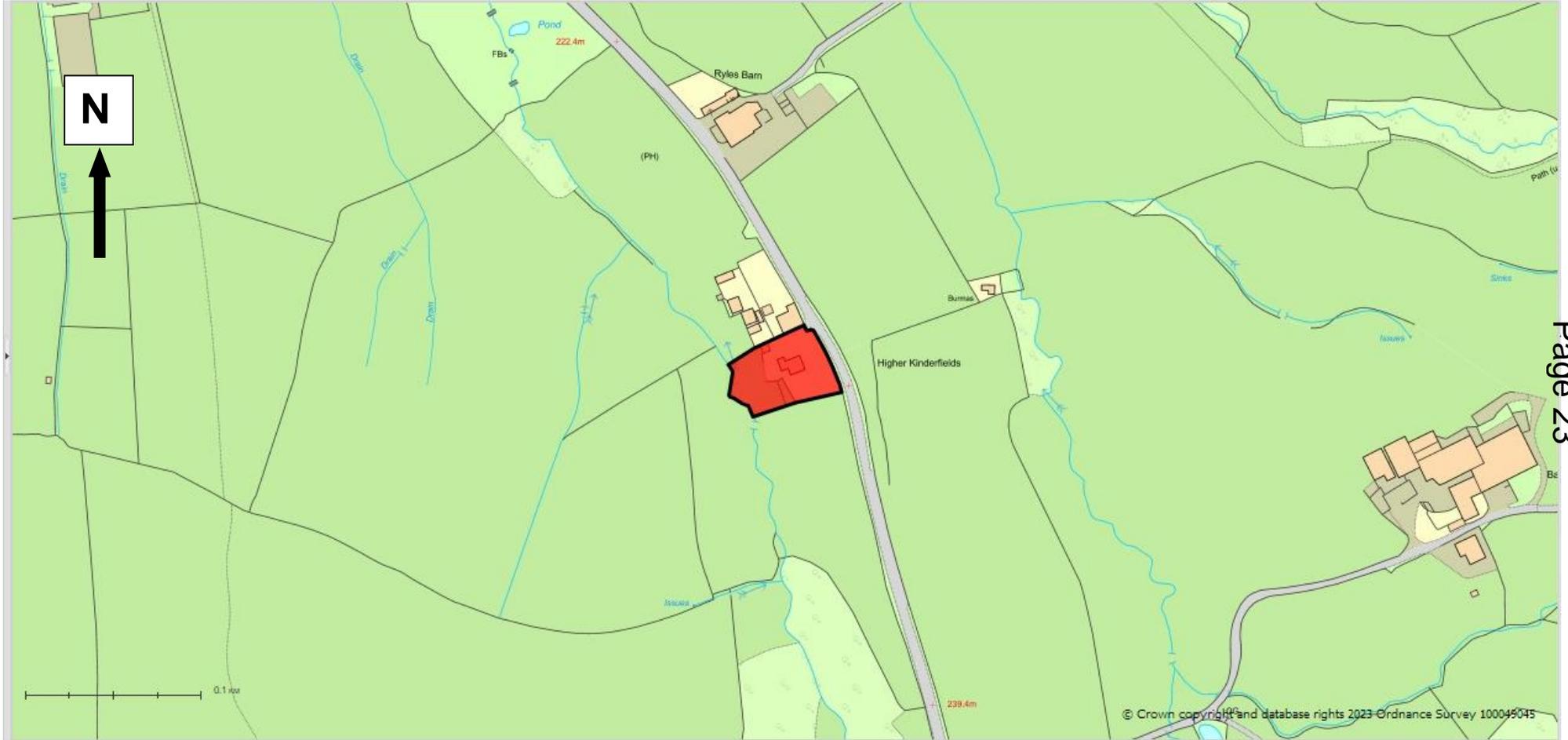
**It is recommended that the application for planning permission be refused for the following reasons: -**

- 1. The building currently constructed on site does not conform with the 2017 Planning Permission for a replacement garage and store. An identified need for the accommodation has not been demonstrated. The application, therefore, does not benefit from the exception criteria listed within Cheshire East Local Plan Strategy**

**PG6(3)(ii), insofar as it relates to the re-use of existing rural buildings, and policy RUR 8 of the emerging Site Allocations and Development Policies Document.**

- 2. The proposed development will have an adverse impact upon the residential amenity of Kindersfield Edge and of Higher Kinderfields Farmhouse in relation to any noise and disturbance cause by the use and the access arrangements. The approval of the development would therefore be contrary to Cheshire East Local Plan Strategy Policy SE12, and Site Allocations and Development Policies Document Policies HOU10 and RUR8, and Paragraph 187 of the NPPF.**

*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.*



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Application No: 17/0499M

Location: ALBION MILL, LONDON ROAD, MACCLESFIELD, CHESHIRE

Proposal: Conversion of former mill to provide 30 residential flats, including rear external staircase, lift and walkways with associated infrastructure.

Applicant: Mr Z Rafiq

Expiry Date: 20-Jan-2023

**SUMMARY:**

- The application proposes the change of use of Albion Mill into 30 (two-bedroomed) flats.
- Albion Mill is a well-known and prominent building, originally built as a Silk Mill in 1843 and is Grade II Listed.
- The application site is classed as part of an existing employment area, is within the flood plain, and backs onto the River Bollin corridor.
- Albion Mill has been vacant for some 18 years or more and is in a poor state of repair.
- Previous 2004 Planning Permission for 16 (large three-bedroomed) flats and ground floor office was unviable and work stopped in 2009.
- The principle of the development is accepted, and it is considered that there is a real public benefit in facilitating the long-term future of this well-known Mill building on a prime gateway into Macclesfield.
- The scheme would attract an Education Contribution of £81,713 and a Greenspace Contribution of £105,000. Ten of the units would also need to be affordable, however this would be reduced to one unit when Vacant Building Credit is considered.
- Due to the Vacant Building Credit, the amount of affordable housing requirement for this site is one unit. However, no affordable units or Greenspace Commuted sums are being provided due to viability issues associated with the development. The submitted viability report has been independently assessed on behalf of the Council.
- An Education Contribution of £81,713 is provided.
- Air quality issues and any adverse residential amenity concerns can be mitigated to an acceptable level.

- It is considered that on this occasion, the substantial benefit of bringing the listed 'landmark' building into use, (after such considerable amount of time) thereby helping to sustain its future, outweighs, on balance, any harm that would be caused by the lack of developer contribution and limited parking provision.

**SUMMARY RECOMMENDATION:**

APPROVE subject to conditions and a S106 agreement.

**REASON FOR REFERRAL:**

The application relates to a '*residential developments of 20-199 dwellings*' and under the terms of the Constitution it is therefore required to be determined by the Northern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT:**

Albion Mill is located 0.6 miles away from the town centre of Macclesfield on and adjacent to the A523 (London Road), within a defined existing employment area. The building is Grade II Listed and was originally built as a Silk Mill in 1843. The building itself amounts to a total of 2,600 square metres of floor space over 5 floors.

The building has been vacant for some 18 years or more and is in a very poor state of repair.

The rear portion of the site (excluding the mill) falls within a Flood Zone 2 and Flood Zone 3 and immediately forward of the principal elevation is an Air Quality Management Area that extends the full width of the A523 (London Road).

**DETAILS OF PROPOSAL:**

Full planning permission is sought to convert the Mill into 30 2-bed residential flats, including rear external staircase, lift and walkways with associated infrastructure.

In order to maximise the number of flats, pedestrian access to each unit will be provided externally through the addition of external staircases and walkways provided at each level, but all to the rear of the building.

Few external alterations to the front and sides of the Mill are proposed, with all of the existing window and door openings remaining. Replacement aluminium window frames and doors are proposed. The scheme will result in the opening up of some of the rear windows to form doors and additionally, there are a number of new windows to be inserted at the rear of the mill.

Parking will be contained within the site, within the rear enclosure and within the basement area. A bin store and cycle storage area are proposed, located at the front access area. A total of 33 parking spaces are proposed.

**RELEVANT HISTORY:**

Albion Mill was originally built as a Silk Mill in 1843. Whilst that use is clearly historic, the mill has housed a variety of commercial enterprises, leasing floors or parts of the building in the more recent history. That being said, the building has been vacant for some 18 years or more.

Planning Permission was granted on the site in September 2004 for the change of use of the mill to form 16 large three-bedroomed flats with the ground floor retained as B1 office accommodation, and with 20 car parking spaces, under reference 03/3001P.

This application (*and accompanying Listed Building Consent 03/3002P*) included the demolition of rear outbuildings, side/rear outriggers and rear stair tower.

Following discharging of the relevant Conditions, in 2008 work began on the mill to undertake demolition to the rear building and the outriggers and some work to the roof.

The work was halted in 2009 as that scheme was said to be no longer viable.

## **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 The Site Allocations and Development Policies Document (SADPD).

## **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.

**Site Allocations and Development Policies Document (SADPD):**

The Site Allocations and Development Policies Document (SADPD) is the second part of the Cheshire East Local Plan and provides detailed planning policies and land allocations in line with the overall approach set out in the Local Plan Strategy. The SADPD was adopted as part of the development plan at the Full Council meeting on 14 December 2022. The relevant policies of the SADPD are summarised below: -

GEN 1 Design principles;  
ENV 4 River corridors;  
ENV 12 Air quality;  
HER 1 Heritage assets;  
HER 2 Heritage at risk;  
HER 4 Listed buildings;  
HOU 1 Housing mix;  
HOU 2 Specialist housing provision;  
HOU 10 Amenity;  
HOU 11 Residential standards; and  
REC 3 Open space implementation.

**Other Material Considerations:**

National Planning Policy Framework (NPPF)  
National Planning Practice Framework (NPPG)

**CONSULTATIONS (External to planning):**

Environmental Health:

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-low emission boilers and a scheme for mechanical ventilation;
- The submission of a Noise Impact Study, 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.

Lead Local Flood Authority:

The Lead Local Flood Authority raised objections to the scheme in 2020 based on the original Flood Risk Assessment as they supported the concerns raised by the Environment Agency. Since the submission of the revised Flood Risk Assessment, the Environment Agency have

withdrawn their concerns but no further comments from the Lead Local Flood Authority have been received.

United Utilities:

No objections, subject to Conditions ensuring that the foul and surface water are drained on separate systems and the submission of a surface water drainage scheme.

Environment Agency:

No objections, subject to Condition to ensure the scheme is completed in accordance with the updated Flood Risk Assessment.

CE Strategic Housing:

No objections, subject to the provision of ten Affordable Housing units within the scheme.

CE Children's Services (Education):

No objections, subject to a financial contribution towards local Education provision

CE Greenspace:

No objections, subject to a financial contribution towards local open space facilities

Archaeology Planning Advisory Service:

No objections, subject to Condition relating to the implementation of a programme of archaeological work.

Macclesfield Town Council:

No comments received at time of report preparation

Joint Cheshire Emergency Planning Team:

No objections, subject to Condition securing the implementation of the Emergency Flood Risk Plan.

Cllr. Laura Jeuda (Macclesfield South Ward):

Objects to the proposed development on the grounds of the followings:

- The lack of Affordable Housing, the development should provide ten units and appears not to provide any;
- It would seem that the developer does not wish to contribute to the Education provision which a development of this size is substantial, £83,000 and is badly needed for our schools; and
- I do have further objections which I will bring to the relevant Planning Committee.

**OTHER REPRESENTATIONS:**

The application has been duly advertised on three *occasions (in 2017, in 2020 and most recently in December 2022)* all by means of direct neighbour notification letters, site notice and in the local newspaper (Macclesfield Express).

One letter of support from the Macclesfield Civic Society has been received and their comments can be summarised as follows: -

Support the application. Macclesfield Civic Society has confirmed they welcome this proposal to find a viable and sustainable use for this prominent (*indeed landmark*) building on the main approach to the town along the A523.

The Civic Society states that there has been a commitment to a residential use for the site and the issue remains one of detailed design, heritage impact and traffic considerations.

In terms of design, The Civic Society believe that the details will require careful assessment in view of the Grade II listing and no doubt the Conservation Officer will assess the impact of new and renovation works on the character and architectural integrity of the building and its setting. It is noted that matching brickwork and slate are to be used and the details of replacement windows are to be agreed.

In terms of traffic impact, The Civic Society believes that parking spaces are to be provided on a one-to-one basis. The Civic Society would recommend that any issue of shortfall in relation to parking standards be weighed against the importance of securing a viable use for this important building.

The Civic Society also ascertain that the type of accommodation proposed would be a useful addition to smaller dwelling types in the town, something that accords with the objectives of the Local Plan.

#### **OFFICER APPRAISAL:**

#### **The Principle of the Development:**

##### Policy Allocation:

The application site is classed as part of an existing employment area. Albion Mill is a Grade II Listed building and is within the flood plain. The site also backs onto the River Bollin corridor.

The site is outside the strategic area defined as Central Macclesfield (CELPS Policy LPS12) and is not within the South Macclesfield Development Area (CELPS Policy LPS19).

##### Employment Use:

Regarding it being an existing employment site, Policy EG3 of the CELPS sets out how normally existing employment sites should be protected for employment use but that 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.

According to the Cheshire East Employment Land Review, Albion Mill is included in the site referenced '*ES-MA04 'Gunco Lane Area' which has been assessed in the land review as 'an outmoded site, with low values and lack of demand and not a good location for employment.'*

Given the above, the age and state of the building, it is considered appropriate to accept that Albion Mill is not viable for employment and meets the requirements of Policy EG3 of the CELPS. This assessment is consistent with the previous decision(s) the Local Planning

Authority has made on the site in 2004 and more recently on the adjacent site in 2017, also called Albion Mill.

**Heritage Asset:**

Policy SE7 of the CELPS refers to the Historic Environment. The objective of Policy SE7 is to ensure all new development avoids harm to heritage assets and makes a positive contribution to the character of Cheshire East's historic and built environment, including the setting of the assets and where appropriate, the wider historic environment. SADPD policies HER1 (Heritage assets) and HER2 (Heritage at risk) are also a material consideration. These policies set out what documentation applications that impact heritage assets should be accompanied by and relate to the re-use of heritage assets. As this application predates these policies, a Heritage Impact Assessment has not been submitted.

The National Planning Policy Framework states that *"Local Planning Authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment, including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance"*.

Once damaged or removed, the heritage assets are irreplaceable, to the detriment of both current and future generations. Consequently, it is important to the long-term wellbeing 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.

Significance of the Heritage Asset:

Albion Mill is a Grade II Listed Building. Originally built as a Silk Mill for *Thomas Heapy*, it dates back from 1843, with later alterations. Listed Building Consent 17/1431M accompanies this application.

The contributing elements to significance of the heritage asset are its history as a Silk Mill and its front facade onto London Road.

Impact of Proposals on Heritage Asset:

The Mill has previously received permission for residential conversion, albeit a smaller number of units. This application seeks to increase the number of units to make the scheme viable. This is achieved by adding an extension and having pedestrian access to each flat located on the outside of the building. This is not ideal and is not a design solution that would normally be encouraged, however the applicant states this is only solution which will allow the additional apartments to be created within the building. This design solution would involve, some of the rear windows being opened up to form doors, additionally there are a number of new windows to be inserted at the rear of the property. In addition, a rear extension is proposed to provide a further four units and new lift. This new build element is in close proximity to the adjacent smaller Albion Mill.

Whilst the new pedestrian access arrangements and insertions are not ideal, these necessary changes are contained to the rear of the Mill. The Council's Conservation Officer has confirmed these represent less than substantial harm.

There would be limited changes in the character of the building in the context of the front elevations and main facade of the Mill. The roof would be replaced with tiles to match, along with the drainpipes and windows. All subject to detailed Conditions. A Condition is also suggested to ensure that any vents required for the mechanical ventilation are suitable and as discreet as possible.

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.'*

#### Archaeology:

For the previous application(s) a Condition was imposed requiring a full photographic record of Albion Mill and its outbuildings shall be undertaken, submitted to, and approved in writing by the Local Planning Authority, prior to the commencement of development.

Given the deteriorating state of the building, the Archaeology Planning Advisory Service would recommend that the above condition is amended to require the archaeological mitigation now be undertaken by a suitably qualified building archaeologist with knowledge of industrial archaeology. This work should be completed to a Level II standard as defined in English Heritage's Understanding historic buildings: a guide to good practice (2006). A report will be required, and the proposed mitigation can be secured by Condition.

#### **Design:**

Policy SE1 of the CELPS advises that the proposal should achieve a high standard of design and wherever possible, enhance the built environment. It should also respect the pattern, character and form of the surroundings. Policy SD2 of the CELPS states that development should 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, green infrastructure, and relationship to neighbouring properties and streetscene. These policies are supported by the Cheshire East Design Guide SPD. SADPD Policies GEN1 (Design principles), HOU1 (Housing mix) and HOU6 (Accessibility and wheelchair housing standards) are also a material consideration.

The design philosophy has been to minimise the impact of the change of use on the building and to strive to maintain the essential character of the mill. The design minimises the number of new openings and minimise the alteration of the existing openings. Insert new window openings of a design and pattern to match the existing fenestration. Re-roof using natural slate to match existing. Insert roof lights on the roadside elevations (west and south) to correlate with the existing roof lights and to be of the "conservation type", although they are not visible from ground level.

A potential drawback of the scheme is that external access is proposed for the apartments. An external access solution is required to allow as many apartments to be created within the building as possible and this saves space from any internal circulation. The access arrangement will form metal external stairwells and landings. This element therefore does create some conflict with CELPS Policy SE1 as it does not make a positive contribution to the building or the surroundings and with CELPS Policy SD2, insofar as it seeks to discourage crime and anti-social behaviour. That being said, this structure is within the rear courtyard, the least visible part of the site and does remove the need to introduce more harmful internal alterations.

**Affordable Housing:**

Cheshire East's adopted Policy on affordable housing is set out in CELPS Policy SC5, also SADPD Policy HOU2 (Specialist housing provision), and in the Council's recently adopted Housing SPD.

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 desired target percentage for affordable housing for all allocated sites 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.

*Vacant Building Credit:*

To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, the NPPF (paragraph 64) notes that the affordable housing contribution due should be reduced by a proportionate amount equivalent to the existing gross floorspace of the relevant vacant buildings. Affordable housing contributions may still be required for any increase in floorspace.

The Vacant Building Credit does not apply to buildings which have been abandoned. As set out in National Planning Guidance, in deciding whether the use has been abandoned, account should be taken of all relevant circumstances, such as the condition of the property, the period of non-use, whether there is an intervening use, and any other relevant evidence regarding the owner's intention for the site.

*Assessment:*

Each case is a matter for the Council to judge. In considering how the Vacant Building Credit should apply to a particular development, the Council will have regard to the intention of National Policy.

In doing so, it is appropriate to consider the following: -

Criteria	Assessment
Is the site brownfield?	<b>Complies. ✓</b> It is considered that the application site complies with the definition of Previously Developed Land contained within the NPPF.
That the building has not been abandoned?	<b>Complies. ✓</b> Although the site is vacant it has not been abandoned as the application has been trying to secure redevelopment of the site for a number of years.
That the building has not been made vacant for the sole purpose of redevelopment?	<b>Complies. ✓</b> Albion Mill has not been made vacant for the sole purpose of redevelopment.
That the building is not covered by an extant or recently expired planning permission for the same or substantially the same Development.	<b>Complies. ✓</b> Although Planning Permission was granted on the site in September 2004, this was for a significantly different scheme and (as stated above) work was halted in 2009 as that scheme was said to be no longer viable.

Bearing the above in mind, it is considered that Vacant Building Credit would apply for this application site.

*Calculation:*

A way of calculating Vacant Building Credit or (Revised Affordable Housing Contribution), is to use the following formula, being: -

Net Change in Floorspace
÷
Proposed Floorspace
x
Affordable Housing Policy Requirement
=
Vacant Building Credit or Revised Affordable Housing Contribution.

An assessment of the various elements are as follows:

Element	Total
Affordable Housing Contribution (Policy SC5)	10 units

Proposed Floorspace <sup>1</sup>	2810m <sup>2</sup>
Existing Vacant Floorspace	2600m <sup>2</sup>
Net Change in Floorspace	210m <sup>2</sup>

$$\underline{210 / 2844 \times 10 = 0.7 \text{ units}}$$

Round this up to **one** affordable unit to be delivered on site.

This is a proposed development of 30 dwellings therefore in order to meet the Council's Policy on Affordable Housing and taking into account the relevant Vacant Building Credit there is a requirement for one dwelling to be provided as affordable.

No affordable dwellings are proposed as part of the application due to the viability situation associated with this development.

### Education:

Cheshire East's adopted policy on education contributions is set out in CELPS Policy IN1 and IN2 and in the Council's Infrastructure Delivery Plan Update.

The development of 30 dwellings is expected to generate:

Stage	Calculation	Number of Children
Primary	(30 x 0.19)	Six
Secondary	(30 x 0.15)	Five
Special Educational Need	(30 x 0.51 x 0.023%)	Zero

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 Secondary school places still remains.

To alleviate forecast pressures, an Education Contribution totalling **£81,713.45** would be required (*The formula for this calculation is Five x £17,959 x 0.91*) in order for it to comply with Policy IN2 of CELPS.

### Public Open Space:

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

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<sup>1</sup> This includes the rear external staircase, lift and walkways with associated infrastructure

CELPS Policy SE6 and SADPD Policy REC3 set out the Council's adopted standards for open space and play provision. The mechanisms for delivery are expanded upon with a Planning Obligations SPG document, which expects off-site provision to be funded by means of a planning obligation.

The key issue remains one of necessity to make the proposed development acceptable in planning terms. The addition of 30 dwellings would clearly impose an additional demand for open space and play provision, the relevant amounts being quantified as follows: -

1. Public Open Space (POS) play, and amenity contributions are required at a rate of £1,500 per bed space. This contribution would amount to £90,000. This contribution would be used for enhancements and improvements to the play and amenity facilities at Windmill Street open space.
2. Recreation and Outdoor Sport (ROS) contributions are required at a rate of £500 per 2-bed (or larger) space apartment. This contribution would amount to £15,000. This contribution would be used for enhancements and improvements in line with the Playing Pitch Strategy at Windmill Street football pitch and /or Congleton Road Playing Fields.

As noted above, no open space contributions are being secured due to the viability issues associated with the development. Therefore, there is some conflict with CELPS Policy SE6 of the CELPS.

#### Greenspace (River Bollin Corridor):

Although it has been shown that the development cannot support a Greenspace Contribution, there is an opportunity to look at amenity improvements to the River Bollin corridor along its route directly adjacent to the site.

There are numerous policies (CECLPS Policy SE6 and CELPS Policies ENV1 and ENV4) which seek to protect and enhance the River Bollin through Macclesfield Town.

A boundary treatment Condition is suggested to provide detailed plans showing the interface with the river. This could show how future residents and visitors to the site will interact with the river as there will be views from the car park and any opportunities to incorporate viewing points. This could allow the edge of development to contribute to the enhancement of the river corridor.

#### **Living Conditions:**

The location of Albion Mill is in close proximity to the A523 London Road which is a busy main road. At the rear of the Mill is a main railway line. The Mill is also adjacent to the London Road Air Quality Management Area (AQMA).

#### Air Quality:

Policy SE12 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. In accordance with NPPF and the Government's Air Quality Strategy, the application proposals need assessing twofold against the following: -

1. The impact of a development on Local Air Quality; and
2. To ensure that future residents are not exposed to levels of air pollution which would have a detrimental impact on health, quality of life and amenity.

In relation to impact of a development on Local Air Quality, whilst this scheme itself is of a small scale, and as such would not require an Air Quality Impact Assessment, there is a need for the Local Planning Authority 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.

In order to minimise the proposed development's impact on the surrounding air quality, Conditions are suggested by the Council's Environmental Health Officer, requiring the use of ultra-low emission boilers within the development. Such a Condition is not considered to be necessary and reasonable. Conditions were recommended to ensure the creation of infrastructure to allow home charging of electric vehicles within the basement car parking area, however this is now covered by Part S to the Building Regulations.

As stated above, this proposed development is adjacent to the London Road AQMA where monitoring undertaken by the Council indicated that levels (although dropping) of air pollution are still above the National Health Based Limit Values for Nitrogen Dioxide.

To ensure that the potential to expose future residents to detrimental levels of air pollution is minimised, the Council's Environmental Health Officer had recommended that a scheme of mechanical ventilation to the properties closest to London Road in the event of approval. The mechanical ventilation would have been designed to draw clean air from the rear of the building into those properties facing London Road so exposure to the pollution is limited. This will be secured via a suitably worded Condition.

#### Noise and Vibration:

Given the location of the Mill and in order to ensure that future occupants of the proposed flats do not suffer a substantial loss of amenity through noise and vibration, a Condition is suggested requiring the submission of a Noise Impact Assessment (NIA). This will assess the impact of the noise and vibration from the nearby transportation sources on the proposed development and detail any mitigation required to reduce any impacts to an acceptable level.

#### Privacy, overlooking and loss of light:

SADPD Policy HOU10 (Amenity) states that development proposals should not significantly injure the amenities of adjoining or nearby residential properties through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation. SADPD Policy HOU11 sets out guidelines of space between buildings.

Since the original application on the site and this subsequent revised scheme, the adjacent Mill has now been converted to residential apartments (2015 smaller Albion Mill approval). This Mill conversion has now been completed and is occupied.

Whilst this conversion will have no material impact on that adjacent mill, it was considered that the new build element previously proposed, (four-storey side extension at the rear to house four

new apartments) would have had a negative impact due to its close proximity to the adjacent residential building. If that new build element were to remain, this structure would have caused significant loss of light and outlook to those residents in that mill.

Whilst the preservation of the listed building is paramount, Officers were rightly concerned that this new relationship would cause real amenity harm, that arguably would not be significantly and demonstrably outweighed by the benefits of the proposal.

However, Officers are pleased to report that following further discussions with the applicant, that new build element has been removed, and this has led to the scheme being reduced from 34 to 30 units. In addition, the lift shaft and associated infrastructure have now been moved to the other side at the rear of the building.

Following this revision, the new neighbours of the adjacent mill conversion were notified of the revised scheme in writing and allowed a further three weeks to provide any representations they wished. No letters of representation from the residents of that adjacent mill conversion.

It is now considered that this reduced scheme fully complies with SADPD Policy HOU10 in that it now does not cause any unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development.

#### 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. In addition, Windmill Park is only 0.3 miles (8 minutes' walk) away and South Park is just 0.6 miles (12 minutes' walk) away from the development. 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 cycles.

#### Contamination:

CELPs Policy SE12 states that "The Local Plan plays a key role in determining the location of development that may give rise to pollution, either directly or indirectly, and in ensuring that other uses and development are not, as far as possible, affected by major existing or potential sources of pollution."

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 site is in a sustainable location, being in close proximity to Macclesfield Town centre and the shopping, commercial and employment opportunities located there. In addition, the application site is in walking distance of Macclesfield mainline train and bus station. London

Road is a main bus route with regular services into the town centre, with the nearest bus stops being immediately adjacent to the site.

Vehicles will access the site via the existing entrance off London Road. The access is shared by two commercial units which have their own dedicated parking area to the south boundary. The access is 5 metres wide and sufficient to cater for two-way movements. Pedestrian access from London Road will be via the main site access and new pedestrian gates toward the northern end of the site. Cycles would also use the main site entrance and have access to a large secure store proposed beneath the building. Turning areas and space for vehicles to turn within the site is provided to ensure that vehicles can enter and leave the site in a forward gear.

The Council's Strategic Infrastructure Manager has no objection to the access arrangements and there are no traffic impact concerns regarding the proposed use of the site. Refuse collection arrangements are also satisfactory.

There are 30 flats proposed and these are two-bedroom units, the number of car parking spaces proposed is 33. The adopted parking standards as shown in Annex C of CELPS, requires 200% parking for two-bedroom apartments (60 spaces).

Further to the previous comments the applicants have submitted a technical note on the car ownership and the parking demand that can be expected from a development of this nature and a town centre location. It is indicated that the level of parking demand for this development would actually be slightly lower than the 33 proposed.

It is recognised that this site is in a sustainable location and that there are a number of bus services that run along the A523 that connects the site with the town centre. Whilst it is the case that the level of parking is below CEC Standards, the number of spaces proposed to serve the flats is now considered to be acceptable given the information submitted on car ownership levels. In addition, there are restrictions on parking fronting the building on the A523.

The applicant has indicated that all new occupiers will be offered a bus travel pass for six months on occupation of the units. In addition to this, all occupiers would be provided with a voucher to contribute to the purchase of a cycle. A Travel Plan is proposed to be secured by Condition to facilitate the implementation of these measures.

Bearing all the above in mind, the Council's Strategic Infrastructure Manager has stated that as it is important that as many trips as possible are able to be made to the site by sustainable modes, and subject to the measures indicated above there are no objections to application proposals and its proposed parking provision.

### **Flood Risk:**

SADPD Policies ENV16 (surface water management and flood risk) and ENV17 (protecting water resources) seek to ensure development is not proposed in areas that flood, ensure groundwater resources are not damaged and protect the water quality of watercourses.

An updated Flood Risk Assessment was submitted to address the original concerns raised by the Environment Agency. The updated Flood Risk Assessment states that: -

- The Mill Building and most of the Site is located within Flood Zone 1. A strip of the Site, adjacent to the River Bollin falls within Flood Zones 2 and 3 and is expected to flood in the 1 in 100 annual flood event and greater.
- It is considered that there is no risk to the proposed residential flats of flooding due to their elevation.
- It is possible that in extreme storm events that the basement carpark could be flooded by a shallow level of water.
- The southern entrance to the mill building is within Flood Zone 1 and it is expected that a dry access route would always be available.
- The proposed development will result in no net loss of floodplain storage and will not increase the flood risk elsewhere.
- The surface water drainage at the proposed development will be as similar as possible to the present situation and presents no fundamental change to the current site drainage.

The Environment Agency has now withdrawn its objection to the scheme. This is subject to the development being carried out in accordance with the approved Flood Risk Assessment.

Due to part of the site being in Flood Zone 3, and following advice from the Environment Agency, the applicant has been working with the Joint Cheshire Emergency Planning Team to produce a Flood Risk Exit Plan for the proposed development.

The southern entrance to the Mill Building is within Flood Zone 1 and it is expected that a dry access route would always be available. Safe havens have been identified in the adjoining car park area and Sutton Close nearby. Both are above the flood risk area. The plan will be kept in the entrance lobby and each of the flats in the development. The exit route is level with London Road and should be suitable for disabled occupiers. A Flood Risk Alarm System will be installed as part of the refurbishment work.

The Joint Cheshire Emergency Planning Team has now withdrawn its objection to the scheme. This is subject to the development being carried out in accordance with the approved Flood Risk Emergency Plan.

The proposal is therefore considered to comply with the above flood risk policies.

### **Ecology:**

Policy SE3 of the CELPS refers to Biodiversity and Geodiversity. The crux of the policy is to protect and enhance these considerations. SADPD Policy ENV1 of the SADPD relates to ecological networks and Policy ENV2 relates to ecological mitigation.

The application has been supported by Ecology Surveys.

Evidence of bat activity in the form of a minor roost of a relatively common bat species has been recorded within the former mill building in the past. However, no evidence of roosting bats was recorded during the latest survey, so on balance it can be concluded that roosting bats are not reasonably likely to be present or affected by the proposals.

The Council's Nature Conservation Officer has raised no objections to the scheme but has requested a Bat Friendly Lighting Scheme is Conditioned on approval. In addition, Conditions

are proposed to protect nesting birds and for the submission/approval of an Ecological Improvement Plan.

Subject to these Conditions, the proposal is deemed to adhere with Policy SE3 of the CELPS and Policies ENV1 and ENV2 of the SADPD.

**Other Material Considerations:**

Developer Contributions:

In accordance with Policy IN2 of CELPS, developer contributions will be sought to make sure that the necessary physical, social, public realm, economic and green infrastructure is in place to deliver development. Contributions will be used to mitigate the adverse impacts of development (including any cumulative impact). Such contributions will help facilitate the infrastructure needed to support sustainable development.

The site (and scheme) is outside of the Council Adopted CIL Charging Schedule.

As stated above, in order to meet the Council's Policy on Affordable Housing and considering the relevant Vacant Building Credit there is a requirement for one dwelling to be provided as affordable.

As also stated above, there is a required £90,000 Public Open Space contribution, which would be used for enhancements and improvements to the play and amenity facilities at Windmill Street open space. A Recreation and Outdoor Sport contribution is also required amounting to £15,000 which would be used for enhancements and improvements in line with the Playing Pitch Strategy at Windmill Street football pitch and /or Congleton Road Playing Fields.

A policy compliant Education Contribution is offered, however no Affordable Housing nor Greenspace Contributions are proposed by the applicant for viability reasons.

Viability Assessment:

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. Ideally, this should be done at the 'plan making' stage, not at the 'decision making' stage.

It is up to the applicant to demonstrate whether particular circumstances justify the need for a Viability Assessment at the 'decision making' stage (paragraph: 007 of the PPG).

It is acknowledged that the application proposals fall into the list of circumstances where a Viability Assessment could be justified at 'application stage', namely the development proposed (*a conversion of a former mill*) significantly varies from standard models of development for sale that were tested in the Draft Core Strategy and CIL Viability Assessment.

Therefore, it is considered that an assessment of viability at application stage is justified in the present circumstances. 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 submitted Viability Assessment has been independently assessed by Keppie Massie (*independent surveyors and property consultants*) and they have reviewed the submitted key viability inputs and their reasonableness: -

- GDV of Market Housing;
- GDV of Affordable Housing;
- Construction Cost (including 7.5% Contingency);
- Professional Fees (7%);
- Legal Fees;
- Sale Agent Fees (1% GDV);
- Marketing;
- Interest (7%);
- Arrangement Fee (2%);
- Land Acquisition Costs;
- Benchmark Profit 20% of GDV; and
- Benchmark Land Value (BLV).

*GDV = Gross Development Value.*

*BLV = Benchmark Land Value.*

*RSL = Residual Land Value*

The methodology in the appraisal is to deduct the costs (*including a developer profit*) from the Gross Development Value to leave a Residual Land Value. This Residual Land Value is then compared with the Benchmark Land Value to determine whether the application proposals are viable.

The independent assessment states that the resulting Residual Land Value is less than the Benchmark Land Value and hence the development is not viable on this basis. This was assuming a 30% on-site affordable housing provision and a Greenspace Contribution of £105,000.

Whilst this was accepted at the time, it must be acknowledged some time has passed since the original 2017 Viability Assessment was submitted. However, even given the increase value of the residential market, this is negated by the considerable rise in the cost of materials and the even more deteriorating state of the building.

Therefore, it remains the view of Officers that the application proposal could not sustain any further development contributions.

In accordance with the Royal Institution of Chartered Surveyors (RICS) requirements, the independent assessment includes sensitivity analysis to model the impact of increases in selling prices over the development period. They have also confirmed that it is unlikely that there would be sufficient growth in prices to cover the development period to achieve a policy compliant scheme. Therefore, a re-appraisal mechanism is not considered a reasonable use of resources.

## **HEADS OF TERMS:**

If the application is approved a Section 106 Agreement will be required to secure the following:

- £81,713.45 towards Education.

### CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The development would result in increased demand for secondary school places within the catchment area which currently have a shortfall of school places. In order to increase the capacity of the schools which would support the proposed development, a contribution towards secondary school education is required based upon the number of units applied for. This is considered to be necessary and fair and reasonable in relation to the development.

### **PLANNING BALANCE:**

Albion Mill is a well-known 'landmark' Listed Building on a gateway route (the A523 London Road) into Macclesfield. Albion Mill has been vacant for a long period of time and is in a very poor state of repair.

The principle of the development is accepted, and it is considered that there is a real public benefit of facilitating the long-term future of Albion Mill, these include: -

- Securing the retention and long-term viability of the heritage asset for its optimum viable use;
- Providing for greater public appreciation of the restored building through the opening up of the rear courtyard;
- Providing public access to the River Bolin within a new landscape setting;
- The provision of low-cost market housing in sustainable location; and
- Delivery of significant economic and employment benefits in both the construction and operational phases of the proposed development.

These are given very substantial weight in support of the scheme.

Overall, it is considered that this scheme can be viewed in a positive light, as it repairs and enhances a building of architectural and historic importance. Furthermore, and more importantly it is accepted that the proposed change of use would preserve Albion Mill, its character, and would not detract from the setting of the Mill.

Subject to Conditions to ensure the details of the roof lights, new windows and doors, rainwater goods, brickwork and any external vents would further preserve the character of the building, it is deemed that this less than substantial harm is outweighed by the public benefits.

The scheme is therefore deemed to comply with CELPS Policy SE7, and SADPD Policies HER1, HER2 and HER4.

The process of 'weighing up' the relevant factors is often described as the 'planning balance'.

A Planning Authority must exercise its judgement and consider many (sometimes) conflicting issues to decide whether planning permission should be granted. This will mean examining the Development Plan and taking material considerations which apply to the proposal into account. These things must be properly considered otherwise the decision of whether or not to grant permission may be unlawful.

Failing to provide affordable housing is given significant weight. Although, this harm is reduced given that the application is entitled to Vacant Building Credit, thereby reducing the affordable housing requirement significantly, and given that the flats will all be relatively inexpensive.

As the proposal would not make adequate provision for open space through suitable mitigation for lack of on-site provision (Greenspace Contribution), this is given significant weight. This harm can be reduced slightly as there is an opportunity to look at amenity improvements to the River Bollin corridor along its route directly adjacent to the site.

The lower parking provision is given some limited weight against the scheme. However, the site is well served by public transport and additional mitigation is proposed.

It is considered that the very substantial benefit of bringing the 'landmark' Listed Building into use, (after such considerable amount of time) thereby helping to sustain its future, outweighs, on balance, any harm that would be caused by the lack of developer contribution(s), some regretful design elements, lack of on-site open space and limited parking provision on this occasion.

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.

## **CONCLUSIONS**

For the reasons set out above, and having taken account of all matters raised, it is recommended that this application is approved, subject to Conditions and a S106 contribution to secure a financial contribution towards local Education facilities.

## **RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions:**

1. Commencement of development (3 years);
2. Development in accord with approved plans;
3. Provision of 33 Car Parking Spaces (pre-occupation);
4. Provision of Bin and Bicycle Storage details (pre-commencement);
5. Submission of a Resident's Travel Information Pack (pre-occupation);
6. Submission of Boundary Treatment and Landscaping Scheme (pre-occupation);
7. Landscaping (implementation and protection);
8. Details of new materials (extension) to be submitted;
9. Materials to match existing (Mill conversion);
10. Rainwater goods (cast iron);

11. Specification of window and door design / style (@1:20);
12. Roof lights set flush;
13. Submission of the details (@1:20) of the external access arrangements (staircase and walkways);
14. Protection of features (no new vents in external faces);
15. Submission of a scheme of Mechanical Ventilation (pre-commencement);
16. Submission of a noise impact assessment (pre-commencement);
17. Submission of a Dust Management plan (pre-commencement);
18. Decontamination of Land (pre-commencement);
19. Imported Soil;
20. Unexpected Contamination (if found);
21. Proceed in Accordance with Flood Risk Assessment;
22. Proceed in Accordance with Ecology Survey;
23. External Lighting Scheme (pre-commencement);
24. Bird Nesting Season;
25. Breeding Birds (improvement measures); and
26. Implementation of a Programme of Archaeological Work.

*In order to give proper effect to the 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: 17/1431M

Location: ALBION MILL, LONDON ROAD, MACCLESFIELD, CHESHIRE

Proposal: Listed Building Consent for the conversion of former mill to provide 30 residential flats, including rear external staircase, lift and walkways with associated infrastructure.

Applicant: Mr Rafiq

Expiry Date: 20-Jan-2023

**SUMMARY:**

This Listed Building Consent seeks approval to convert and extend Albion Mill, a 5-storey, Grade II Listed former Mill building, to form 30 residential flats.

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.

To aid viability of the scheme, this application includes an extension and pedestrian access to each flat located on the outside to the rear of the building. Some of the rear windows will be opened up to form doors, additionally there are a number of new windows to be inserted at the rear of the property

Whilst the new pedestrian access arrangements and insertions are not ideal, these necessary changes are contained to the rear of the Mill and are not extensive. The Council's Conservation Officer has confirmed these represent less than substantial harm. There would be limited changes in the character of the building in the context of the front elevations and main facade of the Mill.

Overall, it is considered that this scheme is viewed in a very positive light as the proposal will secure the future of the building. The proposal includes repairs and enhances a building of architectural and historic importance. Furthermore, it is accepted that the proposed change of use would preserve Albion Mill and its character, and would not detract from the setting of the Mill.

**RECOMMENDATION:**

APPROVE subject to Conditions.

**REASON FOR REPORT:**

The application relates to a *'residential developments of 20-199 dwellings'* and under the Council's *'Terms and References and Delegation of Function'* it is therefore required to be determined by the Northern Planning Committee.

**DESCRIPTION OF SITE AND CONTEXT:**

The building is Grade II Listed and was originally built as a Silk Mill in 1843.

Albion Mill is constructed with red brick on rubble stone basement with sandstone dressings and slate roof. The Mill is four storeys on a basement.

The Mill has 15 bays, the central 5 bays slightly advanced, with giant pilasters marking the angles. The basement has fifteen C20 windows in original openings with timber lintels. Above, each floor has 15 four-pane metal windows in original openings with stone sills and lintels. The Mill has timber eaves brackets, with a hipped roof. The stone parapet to central bays with raised pointed panel inscribed 'Albion Mill 1843'.

The rear elevation had projecting stair towers at each end, and central projecting privy tower, with three similar bays to south elevation, with a 6-storey, 4-bay wing to east. This wing has similar, slightly smaller windows to each floor and segmental voussoir archway through the building to lower right. Stair towers form the end of small cross wing beyond, with stone architrave to entrance at base of stairs. The internal structure has cast-iron columns carrying timber beams, with timber roof.

The building has been vacant for some 18 years or more and is in a very poor state of repair.

**DETAILS OF PROPOSAL:**

Listed Building Consent (LBC) is sought to convert the Mill into 30 2-bedroom flats.

In order to maximise the number of flats, pedestrian access to each unit will be provided externally through the addition of external staircases and walkways provided at each level, but all to the rear of the building.

Few external alterations to the front and sides of the Mill are proposed, with all of the existing window and door openings remaining. Replacement aluminium window frames and doors are proposed. The scheme will result in the opening up of some of the rear windows to form doors and additionally, there are a number of new windows to be inserted at the rear of the Mill.

Parking will be contained within the site, within the rear enclosure and within the basement area. A bin store and cycle storage area is proposed, located at the front access area. A total of 33 parking spaces are proposed.

**RELEVANT HISTORY:**

Listed Building Consent was granted on the site in September 2004 for the change of use of the Mill to form 16 large three-bedroomed flats with the ground floor retained as B1 office accommodation, and with 20 car parking spaces, under reference 03/3002P.

Following discharging of the relevant Conditions, in 2008 work began on the Mill to undertake demolition to the rear building and the outriggers and some work to the roof.

The work was halted in 2009 as that scheme was proven to be no longer viable.

**POLICIES:**

**Cheshire East Local Plan Strategy (CELPS)**

SE7 The Historic Environment.

**Site Allocations and Development Policies Document (SADPD):**

HER1 Heritage assets

HER2 Heritage at risk

HER4 Listed buildings

**Other Material Considerations:**

National Planning Policy Framework (NPPF)

National Planning Practice Framework (NPPG)

**CONSULTATIONS:**

Macclesfield Civic Society:

Support the application. Macclesfield Civic Society has confirmed they welcome this proposal to find a viable and sustainable use for this prominent (*indeed landmark*) building on the main approach to the town along the A523.

Macclesfield Town Council:

No comments received at time of report preparation.

**OFFICER APPRAISAL:**

This application seeks determination of whether works to a Listed Building would be acceptable. The principle of the proposed development is considered under the corresponding full planning application.

The property is Grade II List, and as such in considering whether to grant Listed Building Consent for any works, the Council must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses as per the Planning (Listed Buildings and Conservation Areas) Act 1990.

Policy SE7 of the CELPS states that, the Council will support development proposals that do not cause harm to, or which better reveal the significance of heritage assets and will seek to avoid or minimise conflict between the conservation of a heritage asset and any aspect of a

development proposal. A vital part of this assessment is considering the level of harm in relation to the public benefits that may be gained by the proposal.

SADPD Policy HER2 relates to heritage at risk and states that:

*“New development should identify specific opportunities where heritage assets have been identified as being at risk and make provision to secure their future through repair and/or re-use.”*

It continues to state that: -

*“Applications for the positive reuse of heritage assets will be supported.”*

SADPD Policy HER4 deals with listed buildings and states that:

*“When considering development proposals or works affecting a listed building, including alterations, extensions and changes of use, in line with its statutory duty, the council will have special regard to the desirability of preserving the building, its setting and any features of special architectural or historic interest that it possesses.”*

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 189 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 wellbeing 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.

#### Significance:

Albion Mill is a Grade II Listed Building. Originally built as a Silk Mill for *Thomas Heapy*, it dates back to 1843, with later alterations. Planning Application 17/0499M accompanies this consent.

The contributing elements to significance of the heritage asset are its history as a Silk Mill and its front facade onto London Road.

#### Impact of Proposals on Heritage Asset:

The Mill has previously received permission for residential conversion, albeit for a smaller number of units. This application seeks to increase the number of units to make the scheme viable.

This is achieved by adding an extension and having pedestrian access to each flat located on the outside of the building. Some of the rear windows will be opened up to form doors, and additionally there are a number of new windows to be inserted at the rear of the property.

Whilst the new pedestrian access arrangements and insertions are not ideal, these necessary changes are contained to the rear of the Mill and are not extensive. The Council's Conservation Officer has confirmed these represent less than substantial harm. There would be limited changes in the character of the building in the context of the front elevations and main facade of the Mill.

Paragraph 202 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.'*

Overall, it is considered that this scheme is viewed in a very positive light, as it repairs and enhances a building of architectural and historic importance. Furthermore, it is accepted that the proposed change of use would preserve Albion Mill and its character and would not detract from the setting of the Mill.

Subject to Conditions to ensure the details of the roof lights, new windows and doors, rainwater goods, brickwork and any external vents would further preserve the character of the building, it is deemed that this less than substantial harm is outweighed by the public benefits of securing the future of the mill.

The scheme is therefore deemed to comply with CELPS Policy SE7 and SADPD Policies HER1, HER2 and HER4.

## **CONCLUSIONS AND REASON(S) FOR THE DECISION**

For these reasons, the proposals are considered to accord with the relevant requirements of Local and National Planning Policies, and the application is therefore recommended for approval, subject to conditions.

## **RECOMMENDATION:**

### **APPROVE subject to following conditions;**

1. Commencement of development (3 years);
2. Development in accord with approved plans;
3. Details of new materials (extension) to be submitted;
4. Materials to match existing (Mill conversion);
5. Rainwater goods (cast iron);
6. Specification of window and door design / style (@1:20);
7. Roof lights set flush;
8. Submission of the details (@1:20) of the external access arrangements (staircase and walkways);
9. Protection of features (no new vents in external faces); and
10. Submission of a scheme of Mechanical Ventilation (pre-commencement).

*In order to give proper effect to the 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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