

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?	Complies. ✓ 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?	Complies. ✓ 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?	Complies. ✓ 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.	Complies. ✓ 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 ¹	2810m ²
Existing Vacant Floorspace	2600m ²
Net Change in Floorspace	210m ²

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

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.

¹ 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

