

**Application No: 10/3535M**

**Location: CLARENCE MILL, CLARENCE ROAD, BOLLINGTON, SK10 5JZ**  
**Proposal: CHANGE OF USE OF PART BUILDING FROM B2 INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS**

**For CLARENCE MILL LTD**

**Registered 26-Oct-2010**  
**Policy Item Yes**  
**Grid Reference 393426 378151**

**Date Report Prepared: 6 January 2011**

### **SUMMARY RECOMMENDATION**

Refuse

### **MAIN ISSUES**

- Impact of the development on a Grade II Listed Building & character of the Macclesfield Canal Conservation Area
- Highway Safety and car parking provision
- Sustainability of the site
- Provision of 30% Affordable Housing
- Provision of commuted sum in lieu of Public Open Space - formal and informal play provision and amenity provision & and Recreation / Outdoor Sports facilities.

### **REASON FOR REPORT**

In accordance with the Council's Constitution, this application is being brought before Members as the development will create 19 No. new apartments. The threshold for delegated items being No.10 units.

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

The application site is Clarence Mill, a mid 19<sup>th</sup> Century Cotton Mill, which is a Grade II Listed Building situated within Macclesfield Canal Conservation Area. The site is designated as a mixed use area within the Macclesfield Borough Local Plan.

The main building has five floors. The lower ground and ground floors have been subdivided to accommodated 23 businesses of mixed uses, comprising; A1 - retail, A2 –financial and professional services, A3 -cafe, B1 - offices, B2 – general and light industry.

The two upper floors of the building have already been converted into No.87 apartments.

## **DETAILS OF PROPOSAL**

This application seeks full planning permission for the change of use and conversion of the 1<sup>st</sup> floor of the main building (the Cracker floor) from B2 – general industrial to No. 19 two bed plus apartments. The total floorspace to be converted is 2650m<sup>2</sup>.

## **RELEVANT HISTORY**

- |          |   |
|----------|---|
| 00/1716P | CONVERSION TO RESIDENTIAL USE OF UPPER TWO STOREYS OF MAIN BUILDING; ALTERATION TO ROOF; DEMOLITION OF BRICK BUILT WORKS AND CONVERSION OF DETACHED BUILDING TO OFFICE ACCOMMODATION (FULL)<br>APPROVED WITH CONDITONS 07.08.00 |
| 00/1793  | CONVERSION TO RESIDENTIAL USE OF UPPER 2 STOREYS OF MAIN BUILDING, ALTERATION TO ROOF, DEMOLITION OF BRICK BUILT WORKS AND CONVERSION OF DETACHED BUILDING TO OFFICE ACCOMMODATION (LBC)<br>APPROVED WITH CONDITONS             |
| 01/1954P | CONSTRUCTION OF THREE-STOREY CAR PARK INCORPORATING PART OF EXISTING BRICK OUTBUILDING<br>APPROVED WITH CONDITONS 13.12.01  |
| 02/2415P | CHANGE OF USE OF PART OF FIRST FLOOR TO 16NO. APARTMENTS (LBC)<br>APPROVED WITH CONDITIONS 17.02.03   |
| 02/2416P | CHANGE OF USE OF PART FIRST FLOOR TO 16NO. APARTMENTS<br>RESOLUTION TO APPROVE, SUBJECT TO CONDITIONS,<br><b>S.106 INCOMPLETE</b>   |
| 04/1540P | CONVERSION OF THREE STOREY DETACHED WORKSHOP TO 9NO. TOWN HOUSES- L.B.C (RESUBMISSION OF 04/0587P)<br>APPROVED WITH CONDITIONS 13.08.04   |
| 04/2386P | CONVERSION OF UPPER TWO FLOORS OF A THREE STOREY DETACHED WORKSHOP TO 9NO. TOWN HOUSES (RESUBMISSION OF 04/1560P) CHANGE OF USE<br>RESOLUTION TO APPROVE, SUBJECT TO CONDITIONS,<br><b>S.106 INCOMPLETE</b>                     |

10/2202M CHANGE OF USE TO CHURCH (D1)- FULL  
APPEAL LODGED AGAINST NON-DETERMINATION  
DECEMBER 2010

10/2206M CHANGE OF USE TO CHURCH (D1)- LBC  
APPEAL LODGED AGAINST NON-DETERMINATION  
DECEMBER 2010

## **POLICIES**

### **National Planning Policy**

PPS1 – Delivering Sustainable Development  
PPS3 – Housing  
PPS5 – Planning and the Historic Environment  
PPG13 - Transport

### **Regional Spatial Strategy**

DP4 - Making the best use of existing resources and infrastructure  
DP5 & RT2 – Manage Travel Demand

### **Local Plan Policy**

BE1 –Design  
BE3 – Conservation Area  
BE6 – Macclesfield Canal Conservation Area  
BE15- Repair and enhancement of Listed Buildings  
BE19- Change of Use of Listed Buildings  
DC3- Amenity  
DC14- Noise  
DC16- Existing Infrastructure  
DC38- Space, Light and Privacy  
DC40- Provision of Play and Amenity Space  
DC42- Subdivision of Property for Residential Purposes

### **Other Material Considerations**

### **CONSULTATIONS (External to Planning)**

#### **British Waterways:**

No objection, subject to an Informative.

#### **Manchester Airport:**

No safeguarding objections.

**Highways:**

Recommend refusal based on insufficient information in respect of car parking.

**Leisure:**

The Leisure Department do not object to this application subject to the following comments:

The application is for 19 two bedroom plus apartments and as such clearly passes the trigger for the need for the provision of Public Open Space and Recreation / Outdoor Sports facilities.

In accordance with the Supplementary Planning Guidance on S106 [planning] agreements, the commuted sums for the provision of offsite facilities in lieu of on site provision is as follows.

POS – formal and informal play provision and amenity provision.

Based on 19 two bed apartments the com sum for offsite provision would be £57,000 and would be used for improvements, enhancements and additions to the facilities at Adlington Road Play area, Coronation Gardens, Coronation Play Area and Bollington Recreation Ground.

Rec / Outdoor Sport – based on the apartments all being 2 bedrooms, the com sum for offsite provision would be £9,500 and would be used at Adlington Road Play area, Coronation Play Area and Bollington Recreation Ground. If affordable housing were to be provided as part of the scheme, a reduction on the Rec/ Sport com sum would be made for those affordable units.

**Environmental Health:*****Land Contamination***

No objection, subject to a condition requiring a land contamination report and remediation works as necessary.

***Noise and Amenity***

In order to avoid noise nuisance, loss of amenity and potential sleep disturbance being caused to future occupiers of the proposed apartments, it is advisable to ensure that compatible room uses are designed into the room layouts of the apartments – both on the horizontal and the vertical plane.

It is noted from the plans of the cracker floor (Tower first floor) that certain instances of incompatible room usages are apparent in respect of apartment numbers T16, T17, T18 and T19 in terms of the fact that bedrooms of one

apartment adjoin the living / dining room of the adjoining apartment. It is recommended that consideration is given to redesigning the room arrangement and if this is not possible, then that an increased degree of sound insulation is incorporated into the party walls.

## **VIEWS OF THE PARISH / TOWN COUNCIL**

Bollington Town Council recommend refusal for the following reasons:

- Over-development of the site -there are conflicting planning application for the same parking spaces (example 10/2202M & 10/2206 – Proposed Church - Block D)
- The multistory car park is also poorly maintained and will force traffic to park elsewhere.
- The 278 Agreement has not been signed
- Poor access and road maintenance exacerbating pedestrian safety concerns
- Further loss of amenity for local residents

## **OTHER REPRESENTATIONS**

### **Bollington Civic Society**

Bollington Civic Society have no objection to this application in principal, but question the direction this application takes Clarence Mill. The original plan was to convert two top floors to domestic use while retaining commercial activities on the two lower floors together with public facing activities along the canal side floor. The applicant already has planning permission for 16 apartments on the first floor, as yet undeveloped, and now seeks permission for further apartments to cover the rest of the floor, for which, we believe, plumbing services have already been installed.

This looks like another step in the conversion of the whole building to apartments by salami slicing applications. In which case we believe there should really be a proper consideration of the wider implications - do we really want the whole building to be residential only? Are we to lose the public facing canal side? Do we want to reduce the industrial/commercial employment capacity in this part of Bollington?

We also think that there has been inadequate consideration of the traffic and parking implications. Huge changes are implied by a variety of applications recently or presently being considered by CEC. We believe it is wrong to consider the traffic and parking implications for each of these applications in isolation. There needs to be a review in the light of all applications, including looking at the potential of the whole building being turned over to residential occupation.

We believe the applicant should really be submitting an application for the future of the whole site, including a comprehensive traffic and parking study.

Clarence Mill Residents Association (CMRA) object to the proposals for the following reasons:

- The car parking situation has been out of control for some time specifically on weekdays as, with the number of commercial units in use, there are not enough spaces for everyone to park and residents often cannot. This is without the certain increase of traffic resulting from a potential 19 new owners and up to twice that amount in additional vehicles.
- The increase of traffic moving up and down Clarence Road will cause additional noise for residents at both Clarence Mill and Carter Bench House which sits close to the road opposite the Mill building
- The planning conditions applicable to the Landlord of Clarence Mill (Rupert Beckwith-Moore) specify completion of the footpath to Clarence Terrace remain outstanding and should be met before any further expansion of his properties can be considered
- The significant impact of the work on the Cracker floor to input 19 apartments is unacceptable for those owners/residents already in situ at that end of the building, and with no access for the many workmen, their materials, equipment other than the residential stairs or lifts. These are private to current residents and would be seriously affected by noise, dirt and damage over the building period.

Three further objections have been received from residents at the Mill for the following reasons:

- There is already a consent in place for 16 units that hasn't been acted upon, (02/2416P)
- There are a number of vacant apartments within the Mill that haven't been sold/let, therefore it is inappropriate to grant additional apartments when there are sufficient
- It is important to strike the right balance between residential and industrial/employment at this site to alleviate increasing traffic congestion, and also to provide employment for local residents
- A highways study / parking assessment is currently being carried out, and the applications should not be determined until the findings are taken into account
- Industrial / Employment opportunities must be retained, given the closure of the Kay Metzler site

- There is sufficient housing stock with this building
- The agent's estimate of increased parking problems with an Industrial use are disputed, as it would depend on the use, e.g. a storage use would not create high numbers of personnel
- Bicycle storage is poor at present, and there is insufficient space for the storage of a further 20 bicycles in stairwells. It is recommended at a more secure internal bicycle storage solution is proposed that caters for both new and existing apartments
- Comments submitted in respect of 10/2202M should be taken into account in respect of parking provision on site, the new proposals would introduce at least a further 19 new cars

## **APPLICANT'S SUPPORTING INFORMATION**

- Design and Access Statement
- Planning Policy Statement (PPS1) Planning and Climate Change
- PPS3 Housing Checklist
- Affordable Housing Statement

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site falls within a Mixed Use area, and the building is in a mixed use at present with commercial uses on the ground and lower ground floor and apartments occupying the upper two floors.

The principle of converting parts of the Mill and adjoining buildings to residential uses has been accepted in the past, as recent as 2004. One of the key changes to planning policy since then is the need for sustainable forms of development. The application site is located on Clarence Road, within moderate walking distance of local amenities and shops. There are bus stops in both directions on Palmerston Street, which provides a half hourly bus service, Monday-Saturday to and from Macclesfield. There are a number of businesses on site, therefore in theory; a resident of the Mill could also work at the Mill, although unlikely in most cases. It is considered that the site is relatively sustainable from these perspectives.

There are two incomplete applications 02/2416P & 04/2386P where the applicant has chosen not to complete the legal agreements, for unknown reasons. In 2002 there was a resolution to grant planning permission for the conversion of part of the 1<sup>st</sup> floor of the Mill to create No. 16 apartments. In 2004, a resolution to grant consent for the conversion of the two upper floors of the workshop to the rear of the Mill to create No.9 townhouses was made. Both of these applications have now lapsed.

Within a Mixed Use area residential uses can be considered acceptable. The impact of the use on the character and appearance of the Conservation Area, the setting of the Listed Building all require consideration. Residential amenity issues, parking and highway safety also need to be addressed.

## **Policy**

Clarence Mill is an important Listed Building within Bollington, sited immediately adjacent to the Macclesfield Canal, it is readily visible and accessible from the canal by way of the new footbridge, as well as being visible from a number of other vantage points within Bollington, due to its elevated position. The area is visited frequently by local residents, walkers, and visitors to Bollington. The Visitors Centre is accommodated on the ground floor of the Mill, which encourages the Public to visit the site.

The maintenance and upkeep of this building are therefore important to secure its future. It is noted that the roof has recently been replaced, and that work is on-going to replace the windows on the Cracker Floor.

The conversion of the first floor to residential use would generate a significant income, which is likely to cover some of the costs to repair and maintain the building into the future, however, no financial assessment or viability study have been submitted with the application, so this is difficult to assess.

## **Highways and Parking Provision**

The Strategic Highways Manager has raised significant concerns with regards to off street parking facilities at this location. A previous application (10/2202M) at this site had provided parking surveys which highlighted the lack off street parking provision at peak times at this location.

There are 189 unallocated parking spaces, including 4 disabled spaces on site, the majority of which are located within the multi-storey car park.

The car park is in dual use, during the day it is predominantly used by employees to the site, and at the evening and at weekends it is predominantly used by residents. This appears to cause conflicts, as each of the apartment owners has purchased a car parking space with their apartment, however, these spaces are unallocated and the car park works on a first come, first served basis.

Insufficient information has been provided in terms of the hours of operation of the businesses, so it is difficult to assess the busiest periods, but it is assumed it will be during peak hours 7-10am and 4-7pm weekdays and 8-1pm on Saturdays, when many businesses will be operating and residents will be at home.

In respect of application 10/2202M, for the conversion of the upper floors of the workshop to be converted to a church, over 40 representations were made, predominantly in respect of car parking problems. The Clarence Mill



Residents Association has made representations on behalf of the residents in this application. There concerns about car parking remain unchanged.

There are 23 businesses on site, which employ 197 staff. Of these, 179 drive to work. We have to assume that the majority of which will use the multi-storey car park on site.

The developer has not submitted parking surveys with this application; however, parking surveys were submitted in respect of 10/2202M; however the information contained within these surveys was incomplete, and therefore insufficient to adequately assess the impact of the development on the parking situation on site.

From a survey we carried out on 6 December 2010, 133 spaces were in use at 10am, however, it should be noted that building works are on-going on the multi-storey car park, and residents have been asked to remove cars not in use from the site during the building works, to ease parking pressures, furthermore at this time there was adverse weather conditions with heavy snow, which may have prevented people travelling to work. Previous surveys show a higher volume of cars parked on site at this time.

It should be noted that not all of the 87 apartments have been sold/let. With full occupancy a number of additional cars would use the car park.

From visiting the site on 4<sup>th</sup> January, it was noted that the repair works to the car park are on-going, with the first floor being re-surfaced. This has displaced approximately 45 cars, which are parked elsewhere on site, some on landscaped areas, some on a triangular piece of land to the rear of the site, some on the road.

The Strategic Highways Manager considers that each apartment should have its own allocated parking space. The residents have paid for them, and it is within the terms of their lease. These spaces should be ring fenced for use by residents, and could not be *re-used* by the employees. This would leave 102 spaces available for the employees, which we know is insufficient, as 179 employees drive to work. The number of available spaces would fall further should this application be approved, or if the appeal for the church is successful, all of which may lead to parking pressures in the locality, and may result in cars parking on the road, which may result in Highway safety issues.

Very little information has been submitted in respect of parking provision with this application. We are told at paragraph 1.10 of the Design and Access Statement that:

*“Off street parking provision is available within the curtilage of Clarence Mill where there are 189 spaces serve the mixed employment and residential uses on the site. If the application floorspace were reoccupied for office use, the 2560m<sup>2</sup> would generate a parking requirement of some 80 spaces. It is clear that residential use for 19 apartments will generate a much lower parking requirement....”*

19 two bed apartments would require a minimum of 150% off street parking provision which would total 29 car parking spaces. These spaces would need to be allocated and form part of a lease agreement.

The existing B2 use would have a maximum parking standard attached to it of 1 space for every 45m<sup>2</sup>, as set out in Policy RT2 of the Regional Spatial Strategy. This equates to a **maximum** provision of 58 spaces and not the 80 that the developer has quoted. However it should be noted that not all B2 (General Industry/Light Industry) businesses would generate this level of parking, and as this floor of the building has laid vacant for a number of years, it is questioned whether the fallback position of a B2 operator is a realistic alternative in the current financial climate.

Due to the lack of information submitted regarding off street parking provision and the evidence contained with a recent parking survey provided by this developer, in relation to this site, the Highways Authority has no alternative but to recommend refusal due to lack of information regarding off street parking and highways safety in relation to displaced parking.

### **Amenity**

In respect of residential amenity, the key consideration is in respect of noise generation between the apartments. The proposal would have to meet Class E of the Building Regulations 2010 in respect of soundproofing and noise insulation.

The Environmental Health Department advise that to avoid noise nuisance, it is advisable to ensure that compatible room uses are designed into the room layouts of the apartments, the current proposals do not achieve this and would need to be redesigned.

The apartments have been designed to comply with the Space, Light and Privacy standards as set out with Policy DC38 of the Local Plan. The proposals are not considered to raise any overlooking or loss of privacy issues.

### **Housing**

The Housing Department do not raise any objection to the proposals, subject to the provision of 30% affordable housing, which equates to 6 apartments.

The Strategic Housing Market Assessment (SHMA) 2010 identifies that for the former Macclesfield Borough there is a net requirement for about 555 affordable homes per annum. The priority is therefore for the provision of affordable housing. This is further split into sub-areas and shows that there is an overall net requirement for 318 affordable homes in the Macclesfield & Bollington sub-area, the number of 2 bed properties required in the sub-area is 175.

The affordable housing requirement taken from the SHMA 2010 for 2 bed properties in the Macclesfield & Bollington sub-area is supported by the current affordable housing waiting list held by Housing Strategy, which shows there are 100 people who require 2 bed properties in Macclesfield & Bollington for Intermediate Tenure. The Cheshire Home Choice CBL database also shows there are currently 6 applicants who require a 2bed flat and have selected Bollington as their 1<sup>st</sup> choice.

The SHMA carried out in 2010 stated that targets need to support a better mix of housing tenure types in all locations. The SHMA 2010 shows that overall for affordable housing need in Cheshire East there is a 65% requirement for social rented housing and a 35% requirement for intermediate tenures.

In accordance with current planning policy 6no. units should be provided as affordable housing, the mix of the tenure requirements should be as those detailed in the SHMA 2010.

Planning Policy also states *“where the applicant is not a registered social landlord planning permission may be granted for the whole scheme providing the applicant enters into a legal agreement whereby there are secure arrangements to ensure that the benefits of the affordable housing will be enjoyed by subsequent occupiers as well as the initial occupiers”*.

The preferred option is that the developer undertakes to provide any social rented element through a Registered Social Landlord who becomes a signatory to the section 106 agreement.

The developer has indicated that it is not financially viable to provide any affordable housing, due to the costs involved to repair and maintain the Mill; however, no evidence has been submitted to substantiate this.

## **Design**

The only external alterations proposed are to replace the loading doors with windows. The overall character and appearance of both the conservation area and the setting of the adjacent listed building will be preserved, and possibly enhanced by the scheme.

The Conservation Officer raises no objection to application 10/3536M for Listed Building Consent.

## **Ecology**

The proposal does not raise any ecological issues.

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

Whilst the proposal could bring some redevelopment benefits, insufficient information has been submitted with the application in respect of car parking arrangements, in particular, how the car park operates at present, and how

car parking could be provided for the additional apartment owners, when it appears that the car park is nearing full capacity at present.

Furthermore, the development has indicated an unwillingness to enter into a legal agreement to provide any affordable housing or a commuted sum in lieu of Public Open Space, informal play provision, amenity provision, recreation or outdoor sport, as he indicates it would make the scheme unviable, however, no viability assessment has been submitted with the application, therefore, this is impossible to assess.

The Council's Supplementary Planning Guidance on s106 Planning Agreements clearly sets out the thresholds for the provision of affordable housing (over 15 units) and Public Open Space Requirements (over 6 units) however, the developer is now questioning the lawfulness of the requested contributions under the Community Infrastructure Levy. The requested contributions have been properly assessed and fully comply with both National and Local Planning Policy. All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development, in accordance with the CIL regulations.

It should be noted that the same developer has not completed legal agreements in respect of 2 other planning applications for residential development in 2002 and 2004 as outlined above.

In the absence of the parking information and a viability assessment, there is no alternative but to recommend the application be refused, based on insufficient information.

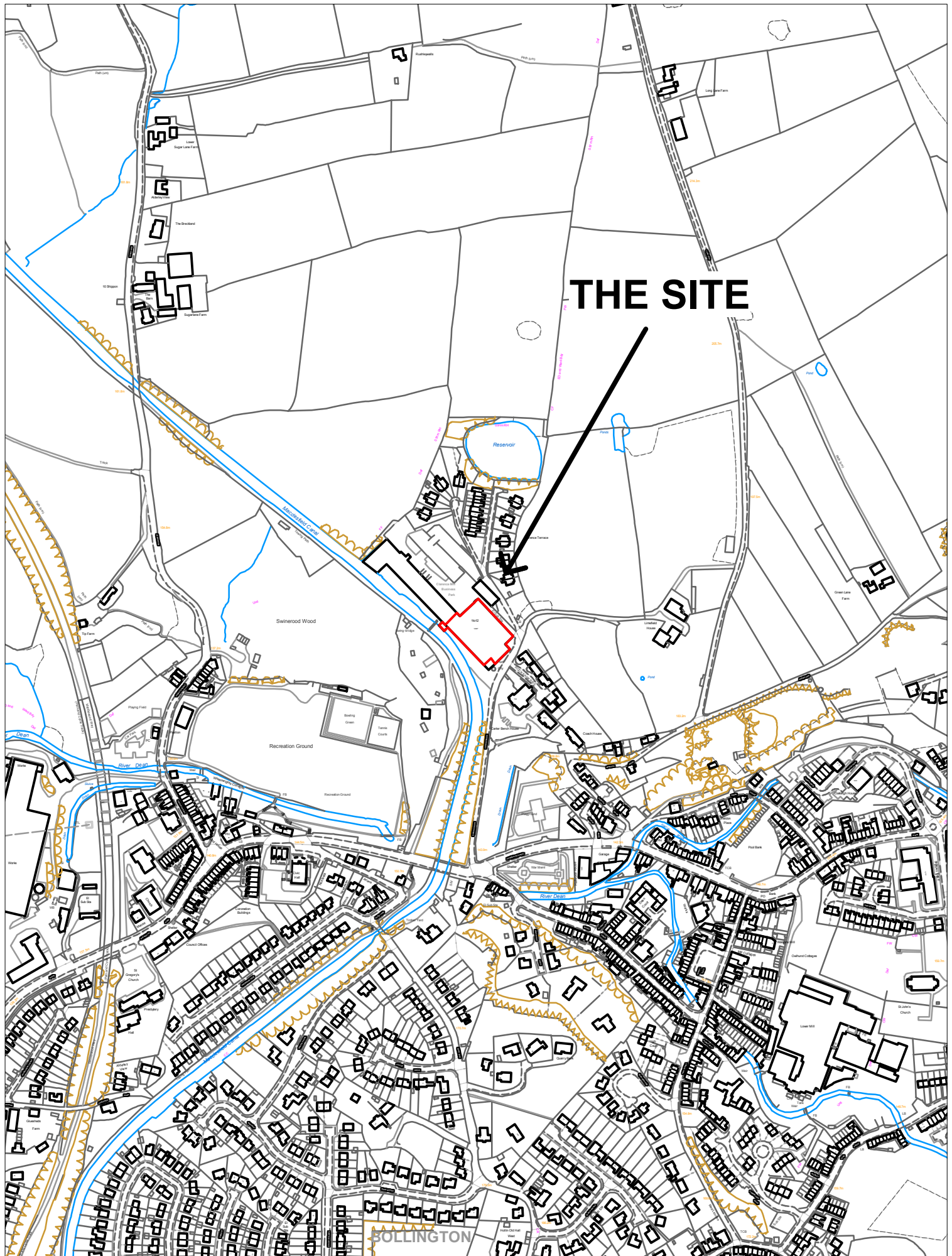
## **ANY OTHER INFORMATION**

This application has been advertised by means of Neighbour Notification and Site Notice, however, as it is a Listed Building within a Conservation Area is also requires a Press Advertisement. The Press Advertisement was not listed over the Christmas Period, and has been listed on week commencing 4 January; as a result, the last date for comments has been extended to 2 February 2011. It is recommended that the application be delegated to the Head of Planning and Housing to refuse planning permission, subject to any additional representations made, in consultation with the Chairman of the Committee.

Application for **Full Planning**

**RECOMMENDATION : Refuse for the following reasons**

1. R04MS - Insufficient information submitted in respect of car parking provision
2. R04MS\_1 - Insufficient information submitted in respect of the financial viability of the scheme to allow for the Affordable Housing provision and Public Open Space contributions to be waived



10/3535M CLARENCE MILL, CLARENCE ROAD, BOLLINGTON, SK10 5JZ

NGR- 393,430;378,150

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045.

#  
Scale 1:5000