

Application No: 10/3545M

Location: LAND AND BUILDINGS AT, PARK GREEN, MACCLESFIELD
Proposal: Full Planning Permission 06/0236p Mixed Use Development
Comprising 87 no Apartments and 1077sq m Business
Floorspace with Associated Car Parking ,Access and Servicing
Arrangements

For P H Property Holdings Ltd c/o Agent

Registered 07-Sep-2010
Policy Item No
Grid Reference 391975 373174

Date Report Prepared: 6th January 2010

SUMMARY RECOMMENDATION

Approve subject to conditions and a
S106 Agreement

MAIN ISSUES

- Whether there has been a significant change in circumstances or policy since the original grant of permission for 06/0236P.
- Whether there is sufficient information submitted to enable an extension of time to the original full permission 06/0236P to be granted.

REASON FOR REPORT

The proposed development is for a mixed use development comprising 87 no. apartments and 1077 sq m business floorspace with associated car parking, access and servicing arrangements, therefore in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site covers roughly 0.67ha and relates to a group of primarily industrial buildings at the southern end of the town centre, either side of the River Bollin. The site is located in the Park Green Conservation Area.

SCOPE OF THIS APPLICATION

Extensions to the time limits for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation procedures.

As a matter of law the Northern Planning Committee decides applications afresh: resolutions which vary from previous decisions may be justified by change of circumstances, or of weight. For this type of application, the Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will, by definition, have been judged acceptable in principle at an earlier date. It is the Government's advice that Local Planning Authorities should only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended that Local Planning Authorities should re-open debates about principles of any particular proposal, except where material circumstances may have significantly changed, either in local plan policy terms or in terms of national policy or other material considerations.

DETAILS OF PROPOSAL

This is an application for an extension in time to planning permission granted under reference 06/0236P. The outline permission granted consent for a mixed use development comprising 87 no. apartments and 1077 sq. m business floorspace with associated car parking, access and service arrangements. The application was determined on 26 September 2007.

The scheme included the following: -

- Conversion of Georgian Mill to 15 residential apartments;
- Demolition of the existing later additions to the Georgian Mill (including the industrial sheds to the rear) and erection of a new 3 storey wing containing 15 apartments;
- Demolition of Waterside (Harding's) Mill and its replacement with a 4/5 storey new building containing 24 apartments and 971 sq. m of office floor space.
- Demolition of all the Park Green Works between the River Bollin and Maydews Passage (with the exception of 42 Park Green which is retained as offices) and construction of a new 3 storey building fronting Park Green, continuing alongside the River Bollin through to Brook Street. This would contain 31 apartments;
- A new building comprising 2 single storey houses fronting Brook Street to the east of the River Bollin to replace the existing Eddie Connor joinery workshop;
- Car parking spaces including on the 2 outlying parcels of land; one is between the neighbouring brewery and the railway embankment and the other is between the river and Waterside, being partially underneath the elevated Silk Road;
- Construction of a new public walkway along the River Bollin, which is a 3m wide combined footway / cycleway.

The current application (received on 07 September 2010) was received whilst the original application was an extant permission. Whilst the guidance advises

Applicants not to leave their applications to the last minute, it remains clear that this application was submitted in time and therefore should be determined as a valid application.

The original committee report which was considered by the former Macclesfield Planning Committee on 26th April 2006, is attached to this report as Appendix 1. The Decision Notice 06/0236P is attached as Appendix 2.

RELEVANT HISTORY

08/2361P - Demolition of existing mill. Erection of mixed use development comprising 31 apartments and office floor space at Park Green Mill – Approved (Subject to S106) 15.05.09

08/2359P - Change of use of former mill to office use (B1). Erection of replacement office development and formation of a new river bollin walkway / cycleway at Georgian and Waterside Mill – Awaiting signing of S106 Agreement before issuing Decision Notice

08/2357P - Demolition of Waterside Mill and the Georgian Mill – Conservation Area Consent – only to be issued on completion of 08/2359P before issuing Decision Notice

08/2356P - Demolish extension & porch. Internal & external alterations including windows, replacement roof & removal of internal partitions & staircase – Awaiting completion of 08/2359P before issuing Decision Notice

06/0236P - Mixed use development comprising 87 no. apartments and 1077 sq. m. business floorspace with associated car parking , access and service arrangements (Full Planning) - Approved 26-Sep-2007

06/0234P - Part demolition of non-listed buildings for redevelopment (Conservation Area Consent) - Approved 26-Sep-2007

06/0235P - Demolition of extension and porch on Georgian Mill with external and internal alterations including windows, replacement roof and removal of internal partitions and staircases (Listed Building Consent) - Approved 26-Sep-2007

06/0237P - Formation of 61 no affordable apartments with associated parking at Jack Lee Mill, Knight Street, Macclesfield - Approved 26-Sep-2007

There have been numerous applications on the site prior to 2006, which relate to the industrial use of the site, but none of direct relevance to this current scheme.

POLICIES

Regional Spatial Strategy

Relevant Policies consist of the Regional Spatial Strategy Policies EM1, DP1, DP5, DP6, DP7, and EM5

Local Plan Policy

Macclesfield Borough Local Plan Policies NE9-11, BE1-5, BE15-19, BE21, BE23, BE24, RT5, RT7, H1-H3, H6, H8, H9, E11-14, T3-T5, MTC18, MTC19, MTC22, MTC27, IMP1, IMP4, DC1-6, DC8, DC17-18, DC20, DC34-DC40, and DC63. In addition, the Supplementary Planning Guidance documents Restricting the Supply of Housing and Section 106 Agreements are of particular relevance.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS4: Planning for Sustainable Economic Growth

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPG25: Development and Flood Risk

PPS4: Planning for Sustainable Economic Growth was published in December 2009, and is also of relevance to this proposal. The development includes office development. The site is considered to fall within a sustainable location. As a scheme that provides employment opportunities the principles of achieving sustainable economic development are still relevant.

PPS5: Planning for the Historic Environment was published in March 2010. The scheme, which was submitted under 06/0236P was accompanied by a comprehensive Design Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

CONSULTATIONS (External to Planning)

Highways: Comments awaited

Environmental Health: The application area has a history of use as Cotton Mills and therefore the land may be contaminated. No objections are raised subject to further investigation for contamination of the site and where appropriate remediation is required.

An Air Quality Impact Assessment has been submitted which indicates that within the vicinity of site there would be a negative impact on annual mean nitrogen dioxide levels as a result of the proposed development – this is in relation to an increase in vehicular emissions. Any increase within the AQMA is significant and therefore a condition should be attached which ensures that suitable mitigation takes place. The mitigation should be incorporated into the site preparation and construction phase, to minimise any impact on air quality and in addition, to ensure that dust related complaints are kept to a minimum. The mitigation can take place by way of a Framework Travel Plan. Although an end-user for the site has not yet been determined it is considered that the measures outlined within the Framework Travel Plan will provide a firm basis

for ensuring the objectives, targets and delivery mechanisms are taken on board within the full Travel Plan once the site is occupied.

There has been no change with respect to noise impact since the approval 3 years ago.

Manchester Airport raises no safeguarding objections to this application.

The Environment Agency - no objection to the proposed extension of time application (subject to conditions). The Agency's previous comments made to 06/0236P remain. These are summarised as follows: - There would have been a preference for a longer stretch of the existing River Bollin culvert to be removed. The Agency actively encourages culverts to be opened up. The submitted Flood Risk Assessment is acceptable.

United Utilities - no objection assuming that the site is drained on a separate Surface water should discharge directly in to the adjacent watercourse and may require the consent of the Environment Agency. If surface water is allowed to be discharged to the public surface water sewerage system United Utilities may require the flow to be attenuated to a maximum discharge rate determined by United Utilities. Further comments are made with respect to the applicants statutory undertaker duties with regard to relevant infrastructure.

Macclesfield Civic Society has considered these proposals and raises no objection to renewal of consent provided there have been no changes in planning circumstances in the interim period since the original decision. The Civic Society very much hope that an extension of the permission would allow for a start to be made in order that the buildings are put into beneficial use.

OTHER REPRESENTATIONS

No representations had been received at the time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

A letter was submitted to accompany the application. This letter highlights that Macclesfield Borough Council granted planning permission for all three application on 26 September 2007 for a duration of three years. As a result the planning permissions is still extant. Updated Ecology Reports confirm that the majority of the buildings on the site offer a low potential for roosting bats and that further surveys of the buildings are not required.

The letter states that due to the downturn in the financial markets since 2007 the development has not been brought forward which has resulted in the development not being commenced.

OFFICER APPRAISAL

MATERIAL CHANGES IN POLICY AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION

There are not considered to be fundamental changes in policy or other important material considerations since the original application was determined in 2007.

An engineers report has been submitted for the buildings which are to be retained for conversion. This has been assessed and its observations and conclusions are accepted.

The comments of the Environmental Health Officer in relation to the Air Quality Impact Assessment are noted and it is suggested that the mitigation measures can be attached as a planning condition.

The comments provided by the Environment Agency and United Utilities are noted. The comments from the Environment Agency were incorporated into conditions on the Decision Notice to application 06/0236P and it is considered that these conditions are still appropriate. The comments made by United Utilities can be incorporated into appropriate conditions and informatives.

Under the 06/0236P application, the County Archaeologist noted that a programme of pre-determination assessment and field evaluation had allowed the nature of the archaeological deposits to be established and the scope of the further archaeological mitigation to be defined. The suggested wording for an archaeological condition was also given together with a justification for the work by reference to the current guidance contained in *PPG16: archaeology and planning* (DoE 1990). The recommended archaeological mitigation and the previously-agreed programme of archaeological work are valid for the present application however, it should be noted that *PPG 16* has recently been replaced by a Planning Policy Statement 5 and a slightly modified condition is now suggested.

Application 06/0236P was considered in relation to the Restrictive Housing Policy and a case was put forward relating to the positive benefits of the scheme and the enhancement of the environment which is within a conservation area and contains listed buildings, the removal of unneighbourly uses and community benefits, including the provision of the Bollin Walkway and a proportion of affordable housing which would be provided by tying the scheme to the proposal at Jack Lee Mill (approved under application 06/0237P by the former Macclesfield Borough Council in 2006 and 08/2159P approved in 2009). This scheme does not need to be assessed under the old restrictive criteria.

A report on the supply of housing was approved by the Environment Policy Development Committee and the Cabinet, which effectively replaced the SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other

guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)
3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently (*is the density at least 30 dwellings per hectare*)
5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

It is proposed that the affordable housing element of this scheme will be provided as before (under application 06/0236P) by way of a legal agreement, which provides the affordable housing element at the Jack Lee Mill site. It should be noted that the proportion for affordable housing would be at a level higher than normally anticipated by Policy H8 of the Local Plan of that required under the interim Planning Statement on Affordable Housing, which was approved by Cabinet in September 2010. The affordable housing contribution is approximately 70% in this instance.

IMPACT UPON PROTECTED SPECIES

Ecological surveys were provided in respect of the 2007 application and these found no evidence of specifically designated protected species having been found. The majority of the buildings on the site offer a low potential for roosting bats and therefore, further surveys are not required. The exception to this is the main Georgian Mill building and no. 42 Park Green. These properties offer some potential for roosting bats under roof slates and tiles.

The applicant's ecologist suggested that provided no works were undertaken to the roofs of these two properties there would not be a reasonable likelihood of the development disturbing or injuring bats. This seems to be a reasonable conclusion, particularly considering the relatively sparse bat foraging habitat available near to this site.

No. 42 Park Green will be retained as part of the development and none of the proposed extensions to the Georgian Mill appear to affect the roof. It is therefore concluded that the proposed development is not likely to have an adverse impact upon bats and therefore no further ecological surveys are required. The Nature Conservation Officer is satisfied that the approach taken is unlikely to impact on European Protective Species, therefore, the tests of the Habitat Regulations and EC Directive are not engaged in this case.

OTHER CONSIDERATIONS

It is noted that no comments have been received from any local residents. The scheme which was approved under application 06/0236P was considered to be acceptable on its merits and full consideration to all the relevant planning matters. It is not considered that it would be appropriate to re-open the debate about the principles of the proposal as material circumstances do not appear to have significantly changed

It should be noted that application 06/0236P was submitted in tandem with application 06/0237P – Formation of 61 no. affordable apartments with associated parking at Jack Lee Mill. This scheme provided the affordable housing provision for both sites in it's entirety, and it is therefore not considered that any further contribution is required from this development. The development at Jack Lee Mill is well underway on site.

The comments from consultees are noted. No objections have been raised from the Environment Agency, United Utilities, Macclesfield Civic Society or Manchester Airport.

Formal comments are awaited from the Strategic Highways Engineer. However, it is understood that the Highways Engineer is unlikely to object the application.

CONCLUSIONS AND REASON FOR THE DECISION

There are no objections to an extension of time for the implementation of this permission for a further three years. The site is to be used for mainly residential purposes (with approximately 971 sq. m of office space) in what is a highly sustainable location. The proposals comply with the policies of the Macclesfield Borough Local Plan and previous permissions for the site. The proposals will provide good benefits in relation to walking and cycling.

There have been no material changes in circumstances since application 06/0236P was granted which would warrant a refusal of this application for an extension in time for the implementation of the permission. A recommendation of approval subject to conditions and a Section 106 Agreement is therefore made.

HEADS OF TERMS

The Heads of Terms for this extension of time application take account of planning gain secured under the 2008 planning permissions as well as that to which this extension of time application applies and therefore are not identical to the original requirements. Therefore, the contributions required are as follows: -

- Commuted sum of £42 470 as a commuted sum towards recreation space and £14 940 as a commuted sum towards Outdoor Sports facilities.
- Provision within a set timescale and maintenance in perpetuity of a walkway/cycleway (details as previously agreed) adjacent to the River Bollin, prior to the first occupation of the dwellings to be constructed on the part of the site currently occupied by the Eddie Connor building.
- No more than 29 units shall be occupied until half the affordable units permitted under the Jack Lee Mill application have been completed and ready for immediate occupation.
- No more than 58 units shall be occupied until all of the affordable units permitted under the Jack Lee Mill application have been completed and ready for immediate occupation.
- No more than 48 units shall be occupied (excluding the listed Georgian Mill apartments) until all of the residential accommodation contained within the Georgian Mill (units 1-4, 10-13, 19-22 and 28-30 all inclusive) are completed and ready for immediate occupation and all other works of conversion, repair and maintenance have been carried out .
- Access to the clock for maintenance and repair in Georgian Mill.
- A Travel Plan
- Highways commuted sum to assist in the investigation of on street parking problems within the vicinity of the site and the development of appropriate parking solutions £50 000
- A contribution towards improvements to the Public Realm and enhancements with a particular emphasis being on the Park Green Area – £39 075

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now 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.

In this instance it is considered that a commuted sum is required in lieu of Public Open Space provision, as the proposed development will provide 86 units, the occupiers of which will use local facilities as there is no open space on site, as such, there is a need to upgrade/enhance existing facilities.

The works to form walk/cycleway are required to ensure that the River Bollin corridor is enhanced.

The link to the Jack Lee Mill scheme (where the affordable housing is to be provided) is necessary, fair and reasonable to provide sufficient affordable housing in the area, and to comply with National Planning Policy.

It is necessary to ensure that the access to the clock is provided in the interests of maintaining a significant heritage asset.

The Interim Travel Plan is necessary to encourage the use of modes of transport to and from the site other than the car.

The highways commuted sum payment is required to ensure that local parking issues within the vicinity of the site are not compounded.

The improvements towards the Public Realm are required in order to ensure that the investment is made into the town centre streets and public spaces in accordance with the Macclesfield Town Centre Public Realm Strategy.

In respect of these matters it is considered that the works are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

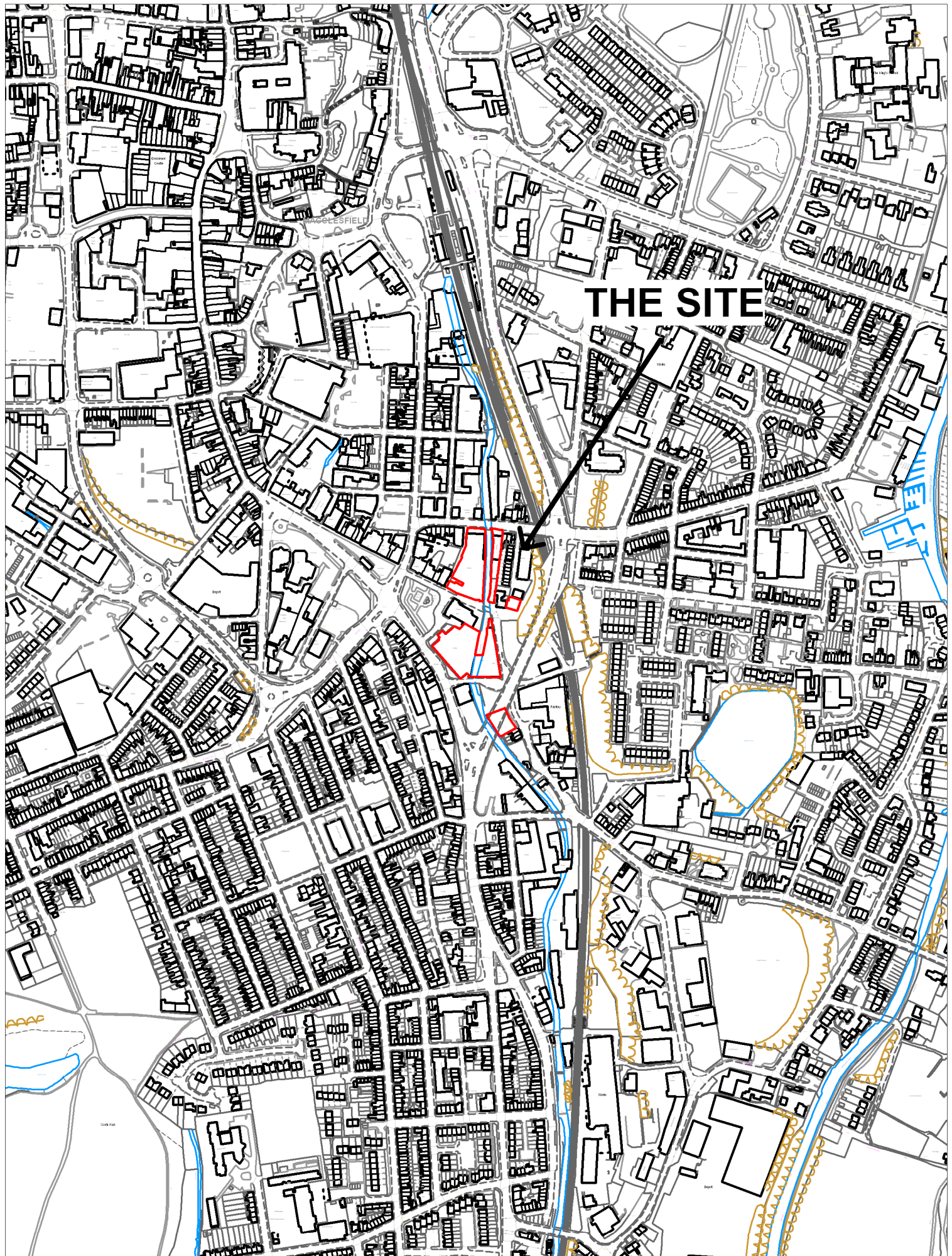
Application for **Extension to Time Limit**

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

1. AD11 - Minor alteration
2. AD14 - Acceptable relationship adjacent and wider
3. AD20 - visual impact
4. POL01 - Policies
5. A03FP - Commencement of development (3 years)
6. A01AP - Development in accord with approved plans
7. A02EX - Submission of samples of building materials
8. A07EX - Sample panel of brickwork to be made available
9. A11EX - Details to be approved
- 10.A10EX - Rainwater goods
- 11.A15MC - Archaeological watching brief
- 12.A02LS - Submission of landscaping scheme
- 13.A04LS - Landscaping (implementation)
- 14.A22GR - Protection from noise during construction (limit on hours of construction works)
- 15.A02HA - Construction of access
- 16.A07HA - No gates - new access
- 17.A14HA - Construction of highways
- 18.A15HA - Construction of highways - submission of details
- 19.A18HA - Construction of footways
- 20.A23HA - Provision / retention of turning facility
- 21.A24HA - Provision / retention of service facility
- 22.A30HA - Protection of highway from mud and debris
- 23.A32HA - Submission of details re: construction
- 24.A26HA - Prevention of surface water flowing onto highways
- 25.A02HP - Provision of car parking (scheme to be submitted)
- 26.A07HP - Drainage and surfacing of hardstanding areas
- 27.A04HP - Provision of cycle / motorcycle parking

28. Section 278
29. Removal of Japanese Knotweed
30. Protection of breeding birds

- 31. Artificial bat roosts to be agreed
- 32. Details of any pile drive driving to be approved
- 33. visibility splays on Brook Street
- 34. Decontamination of land
- 35. Minimum floor levels above river
- 36. Materials and location of services designed to minimise flood damage risk
- 37. Approval of details of surface water drainage
- 38. Approval of measures on Bollin walkway to ensure suitability for disabled
- 39. visibility splays on Brook Street



10/3545M LAND AND BUILDINGS AT, PARK GREEN, MACCLESFIELD

NGR- 391,991:373,209

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