

Application No: 12/1213M

Location: 23/31 Roe St, Macclesfield, Cheshire SK11 6UT

Proposal: Demolition of 27, 29 and 31 Roe St and partial demolition of 23 and 25 Roe St (front façade and roof to be retained)

Applicant: Wilson Bowden Developments

Expiry Date: 23rd May 2012

SUMMARY RECOMMENDATION: Approve subject to completion of a Section 106 agreement and conditions

MAIN ISSUES:

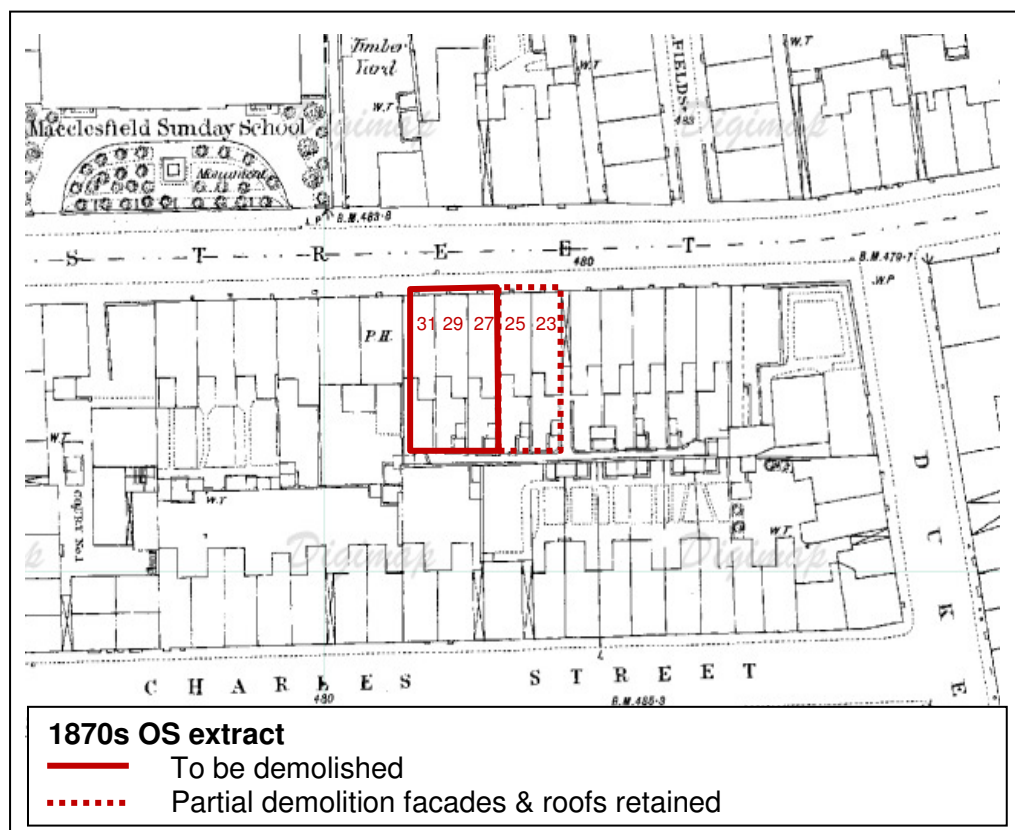
- Impact on Heritage Assets
- Public Benefits

1. REASON FOR REFERRAL

- 1.1 The application has been referred to the Strategic Planning Board as the proposal is linked to application 12/1212M, a major application appearing elsewhere on the agenda.

2. DESCRIPTION OF SITE AND CONTEXT

- 2.1 The application site boundary corresponds to that for 12/1212M detailed elsewhere on this agenda. As Conservation Area Consent is only required for the demolition of unlisted buildings within conservation areas, whilst the submitted application site plan corresponds with the entire development site of 12/1212M, this application is purely concerned with the proposed demolition of properties on Roe Street
- 2.2 The description entered on the application form refers to the demolition of 27, 29 and 31 Roe Street and the partial demolition of 23 and 25 Roe Street. As Conservation Area Consent is only required where unlisted buildings, or structures within conservation areas would be 'substantially' demolished and it is intended to retain the facades and main roofs of 23 and 25, it is considered that conservation area consent is not actually required for the partial demolition of these two properties. They are however included in the application and hence are referred to throughout this report.
- 2.3 The properties in question form part of a terrace of dwellings on the south side of the eastern stretch of Roe Street, immediately to the east of the Porters Ale House. The properties are neither listed, nor locally listed, but they appear on the 1870s OS plan (see below) and are believed to date from circa the early 1800s.



3. RELEVANT HISTORY

- 3.1 The planning history for the wider application site is set out in the report on 12/1212M elsewhere on this agenda. The planning history for the properties on Roe Street to which the conservation area consent application specifically applies is set out below:

22726P Change of use to office suite
27 Roe Street.
Refused. 11/06/80

08/3001P Demolition of: 23-31(odd) and 34-42 (even) Roe Street,
for the comprehensive redevelopment of Macclesfield
town centre
Withdrawn 20/06/11

10/1040M 2 storey rear extension, pitched roof and alterations
25 Roe Street
Approved 13/05/10

4. POLICIES

Macclesfield Local Plan – Policy Weight

- 4.1 The Macclesfield Local Plan was adopted by Macclesfield Borough Council on January 2004. It has a plan period that extended to 31 March 2011. Several Policies were then ‘saved’ under paragraph 1(3) of Schedule 8 to the Planning & Compulsory Purchase Act 2004 Act. These remain as part of the Development Plan for the purposes of s.38 of the Act.
- 4.2 Due weight should be given to relevant policies in the existing local plan according to their degree of consistency with the Framework.

Local Plan Policy

- 4.3 The following policies from the Macclesfield Local Plan are considered to be relevant: -

BE2 Historic Fabric
BE3 Conservation Areas
BE4 Conservation Areas (Demolition)
BE8 Christ Church, Macclesfield

National Planning Policy (NPPF)

- 4.4 Paras 126-141 including:

Para 126, which reminds us that heritage assets are an irreplaceable resource which bring social, cultural, economic and environmental benefits and which should be conserved in a manner appropriate to their significance.

Para 128, which requires applicants to describe the significance of heritage assets to be affected, giving detail proportionate to their significance.

Para 132, which requires that great weight is given to the conservation of heritage assets with any harm requiring clear and convincing justification.

Para 133, which requires that proposals which lead to substantial harm to designated heritage assets are refused, unless it is demonstrated the harm is necessary to achieve substantial public benefits that outweigh the harm (unless other criteria not applicable in this case apply).

Para 134, which states that where harm to designated heritage assets would be less than substantial, it should be weighed against public benefits.

Other Material Considerations

- 4.5 Christ Church Conservation Area Guidance Note 1994

5. CONSULTATIONS (External to Planning)

English Heritage

- 5.1 In response to the application as originally submitted, comment that the application failed to adequately assess the impact on key assets, but, from the information provided, comment that the proposal would result in substantial harm to the significance of heritage assets. On that basis, recommended refusal of the application, or significant amendments.
- 5.2 In response to the revised scheme, comment that the content of the Built Heritage Assessment appears to take a narrow view of 'setting', is dismissive of unlisted buildings in the conservation area and fails to consider the wider impacts on the historic townscape of Macclesfield. Consider demolition of properties along Roe Street to constitute less than substantial harm to Christ Church Conservation area. Raise a number of other issues relating to the proposed development scheme covered in the report on 12/1212M. Notes that English Heritage cannot support a proposal that does not take opportunities to enhance the character and appearance of the conservation area.
- 5.3 The letter concludes that the LPA will need to ensure that any other public benefits outweigh the less than substantial harm identified to ensure that the proposals constitute sustainable development, consistent with NPPF requirements.

Cheshire Archaeology Planning Advisory Service

- 5.4 Comment that archaeological issues can be addressed by a programme of archaeological mitigation. The mitigation may be secured by condition. Such a condition is recommended for 12/1212M.

6. OTHER REPRESENTATIONS

- 6.1 **Silk Heritage Trust** – Raise concerns regarding the impact of the loss of properties along Roe Street to the setting of the Heritage Centre.
- 6.2 **Northern Chamber Orchestra** (users of the Heritage Centre) - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.3 **Macclesfield Civic Society** - Criticise the content of the Heritage Statement. Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.4 **Activity in Retirement (AIR)** (users of the Senior Citizens Hall) - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.5 **Henbury Parish Council** - Recommends that Cheshire East Planning grants planning permission for this development subject to it conforming to the Council's planning policies and building regulations.
- 6.6 **Sutton Parish Council** - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.7 **Nether Alderley Parish Council** – Commented that the Parish Council understands the enormous significance of the development proposed under 12/1212M and state that due to the scale and nature of the application, the Parish Council would like to gauge local opinion in the Parish, before responding formally. No further comments received.
- 6.8 **Friends of Macclesfield Silk Heritage** - Raise objections to the redevelopment scheme but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.
- 6.9 **Macclesfield Guild & Chamber of Trade** - Raise concerns regarding the loss of properties along Roe Street impacting negatively on the setting of the Heritage Centre. Other issues raised relate to the redevelopment scheme, but not specifically to the demolition of properties on Roe Street and are recorded in the report on 12/1212M.
- 6.10 **Macc2020** - Raise objections to the redevelopment scheme, but not specifically to the demolition of properties on Roe Street. Issues raised are all recorded in the report on 12/1212M.

- 6.11 In addition to the above 1876 letters were received relating to this application from 1538 householders. Responses from 8 of these were in support and 1530 were objecting / expressing concerns.
- 6.12 Of those objecting, 550 households submitted copies of a leaflet produced by a local opposition group known as 'Wake Up Macc', 854 households submitted copies of a checklist of objections again produced by 'Wake up Macc', and 139 households submitted a standard worded letter again produced by the same group.
- 6.13 None of the points produced by 'Wake Up Macc' relate specifically to the demolition of properties on Roe Street, but rather to other aspects of the development proposals as set out in the report on 12/1212M.
- 6.14 The main issues raised in the bespoke letters of representation, which are pertinent to the determination of this Conservation Area Consent application, include the following:
- The demolition of a rare intact area of Georgian housing will destroy the integrity of this area of Macclesfield.
 - It will impact negatively on the Conservation Area.
 - The proposal will impact negatively on the setting of the Heritage Centre as the buildings form part of a group which illustrate a point in Macclesfield's history
 - Recommend consideration of objection from English Heritage
 - Insufficient justification - these valuable assets should not be lost just to cut through an access route into the new development.
 - These properties are more valuable examples than others elsewhere in this terrace.

7. APPLICANT'S SUPPORTING INFORMATION

7.1 The following documents have been submitted to accompany the Conservation Area Consent application:

- Environmental Statement Chapter 8 (as amended)
- Built Heritage Assessment (Appendix 8.1 ES Addendum)
- Planning Statement (as amended)
- Design and Access Statement (as amended)

7.2 In essence these documents acknowledge that the demolition of properties on Roe Street would be regrettable and would have a negative impact on the conservation area. However, the following justification has been provided for the demolition:

- A breakthrough is required in the centre of Roe Street to provide an appropriate pedestrian link between the southern and northern half of the proposed scheme.
- The extent of demolition in the revised scheme is the minimum necessary.
- The partial demolition of 23 and 25 allows the development of an active frontage and use at the entrance to Silk Street (cafe) whilst retaining the facade of the existing properties to Roe Street.
- Improvement measures are proposed as part of the development proposals to compensate for the loss of historic fabric in the form of financial contributions for grant improvements to properties, public realm works and improvements to retained properties on Roe Street within the application site.

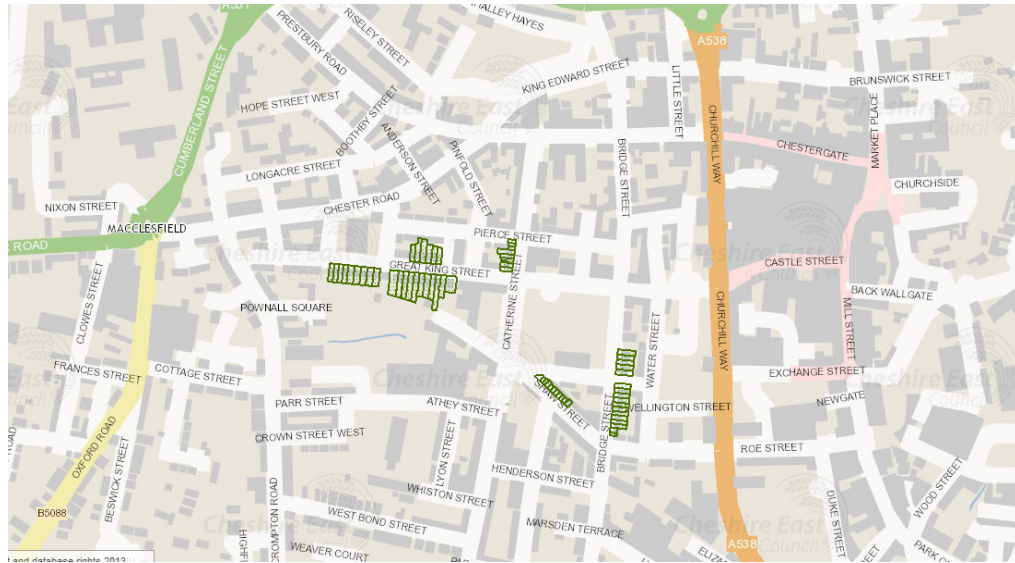
8. OFFICER APPRAISAL

Principle of Development

- 8.1 Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, imposes a statutory duty on the local authority to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Sections 16 and 66 of the same act, place a similar obligation to have special regard to the desirability of preserving listed buildings, any features of special architectural or historic interest they possess and their settings.
- 8.2 The Macclesfield Local Plan translates these duties into policies BE2, BE3, BE4 and BE8. These policies state that the Council will not normally permit development which would adversely affect historic fabric and will only permit development which preserves or enhances the character or appearance of the conservation area.
- 8.3 With regard to demolition of unlisted buildings, policy BE4 states that Conservation Area Consent will not be granted for the demolition of buildings which make a positive contribution to character or appearance.
- 8.4 In this case, given that the applicant's own heritage assessment concedes that these buildings do make a positive contribution to the areas character, the principle of this proposal is contrary to the thrust of these policies and in conflict with policy BE4.
- 8.5 This having been said, it is of note that policy BE4 relating to the demolition of unlisted buildings is, somewhat oddly, stricter than that for the demolition of listed buildings (BE17): the latter simply saying that consent for demolition will not 'normally' be granted. Furthermore, the strict wording of policy BE4 goes beyond national policy set out in the NPPF which requires consideration of impacts on the significance of the asset and a balanced judgement made based on:
- the scale of harm,
 - the significance of the asset
 - the public benefits.
- 8.6 In this respect, the Local Plan policy is not considered to be entirely in line with the NPPF and policy BE4 is given reduced weight accordingly.
- 8.7 The main issue to consider in this case is therefore whether the harm caused to heritage assets (and the resultant conflict with planning policies) would be justified by the public benefits arising from the proposed wider development proposal 12/1212M.

Impacts on Heritage

- 8.8 When considering impacts on heritage assets, it is impact on 'significance' which is to be considered. 'Significance' is defined in the NPPF as the value of a heritage asset to this and future generations because of its heritage interest, whether archaeological, architectural, artistic or historic.
- 8.9 When considering impacts of proposals on 'designated' heritage assets, it is necessary to establish the extent of harm to significance and whether that would be substantial, or less than substantial. Substantial harm to designated heritage assets should only be allowed if it has been demonstrated that the harm is necessary to achieve substantial public benefits that outweigh the harm, unless other circumstances apply (which would not be applicable in this case). If harm to the significance of designated heritage assets is considered to be less than substantial, then LPAs must weigh the harm caused against the public benefits of the proposal.
- 8.10 In this case, as the properties proposed to be demolished on Roe Street are not listed, they are not in themselves a designated heritage asset; rather they form a part of the designated heritage asset of Christ Church Conservation Area. Therefore, what must be considered first, is whether their demolition would cause substantial or less than substantial harm to the Christ Church Conservation Area.
- 8.11 There is no conservation area appraisal for Christ Church Conservation Area which can be referred to in making this judgement. Officers have therefore sought to make an assessment based on the information submitted and observation of the site and area.
- 8.12 The Christ Church Conservation Area centres on Christ Church itself and the planned square around it and the name of the conservation area suggests the importance attributed to these elements.
- 8.13 The eastern section of Roe Street has been severed from these elements by the construction of Churchill Way. The other listed buildings within the conservation area are also clearly of particular historic and architectural significance. The Grade II* Sunday School and the Grade II Whitaker memorial, sited on the eastern section of Roe Street, are in relatively close proximity to the properties to be demolished. The listed buildings in the area are supplemented by many early 19th century buildings which, whilst unlisted, still make a positive contribution to the significance of the conservation area. Arguably, of the unlisted buildings within the conservation area, it is those which are subject to an Article 4 Direction preventing external alterations which are of most notable significance. Nevertheless, most of those properties not covered by the direction, still have evidential and architectural value.
- 8.14 The properties covered by the Article 4 Direction are set out below. As can be seen, none are on Roe Street.



- 8.15 The properties which would be demolished contribute positively to the setting of the Grade II* listed Macclesfield Sunday School and the Grade II Whitaker Memorial and also evidence the expansion of the town around the turn of the 19th century. They have facades with some interesting original detailing such as fanlights, door casings, gauged brickwork arches and, in the case of number 29, the original 6 over 6 sliding sash windows.
- 8.16 Unfortunately, the original architectural elegance and repetition of the dwellings in the terrace has been somewhat compromised by the removal of original doors and windows and their replacement with a variety of unsympathetic modern insertions. The rear elevations have been even more altered.
- 8.17 Despite this, given the contribution they make to the setting of the listed buildings on Roe Street, and their own remaining evidential and architectural merits described above, the terrace still makes a positive contribution to the character and appearance of the conservation area. This is accepted by the applicant's own heritage assessment, which also notes that the value of the group of properties to the east of the Portas Ale House, (i.e. those affected by this application), are of more value than those to the west.
- 8.18 This having been said, having regard to:
- the fact that these dwellings represent a small proportion of the overall number of non designated buildings in the conservation area,
 - are severed from the heart of the conservation area by Churchill Way,
 - are of lesser heritage value than many other properties within the area,

officers advise that the harm which would be caused to the significance of the designated heritage asset, (i.e. the Christ Church Conservation Area), by the demolition of these buildings should be considered less than substantial.

- 8.19 Notwithstanding the view that the harm caused to the significance of the conservation area and to the setting of listed buildings by the demolition would be less than substantial, officers have negotiated for compensation in the form of positive enhancements to the area in an effort to offset harm caused. The applicant has agreed to the following measures:

Firstly, as part of the proposed development set out in the report on 12/1212M, public realm works would be undertaken on the stretch of Roe Street between Churchill Way and no.21 Roe Street. This would involve:

- resurfacing the carriageway,
- resurfacing the tarmac footpaths with stone,
- replacing the street lights with something more appropriate to the character of the conservation area.

Such works, which would improve the character of Roe Street, specifically that part directly in front of the listed Heritage Centre and Whitaker Memorial, were not included in 12/1212M as originally submitted, but have been included following negotiation by officers as a positive enhancement to the conservation area to compensate for harm caused .

Secondly, as part of the revised scheme, the facades of 21-25 would be enhanced with new doors and windows, as appropriate, to improve the appearance of these properties within the application site.

Thirdly, as part of the S106 agreement for 12/1212M, up to £50,000 would be set aside to be priorities for grant funding improvements to the frontages of the remaining properties in the terrace. This could provide, for example, new window and doors in a style in keeping with the age and character of the terrace, in place of the existing historically inappropriate fenestration. Such works would lift considerably the overall appearance of this part of the conservation area and again were not part of the original scheme submitted in March 2012.

- 8.20 Having regard to the proposed compensatory measures, and having regard to the impacts of the scheme proposed under 12/1212M as a whole, English Heritage agree with officers that harm should be considered less than substantial.

- 8.21 If the harm to the Conservation Area would be less than substantial applying paras 132 and 134 of the NPPF what must be considered, is whether there is clear and convincing justification that the public benefits outweigh that harm.

Public Benefits of the proposal

- 8.22 The proposed development would deliver development clearly set out as desirable in the development plan. The bulk of the application site is allocated for retail and leisure led development and the local plan sets out that this is desirable to both rejuvenate the area and to provide larger format retail units to attract multiples and a wider range of retail uses (10.11 MTCLP).
- 8.23 The delivery of such retail floor space is particularly beneficial given that the Council has been advised that this is necessary to arrest the ongoing decline in Macclesfield's market share of comparison retail expenditure, that smaller, incremental developments will not have the same effect and that such development is likely to act as a catalyst to further investment.
- 8.24 In addition to delivering a type of retail floorspace identified as missing from the towns offer, the scheme also delivers a cinema which has been identified by the public as something needed within the town to enhance the leisure offer and evening economy. The proposed new restaurants will equally enhance the night time economy of Macclesfield.
- 8.25 In addition to the benefits the scheme would bring in terms of rejuvenating the town's retail and leisure offer, the scheme would also deliver public realm improvements, in particular the new town square which again represents the delivery of a long stated ambition in the Macclesfield Local Plan (10.11 MTCLP). Furthermore, the scheme would enhance the public realm on Churchill Way and Exchange Street as well as on part of Roe Street, all areas which currently create a poor impression of the town and the improvement of which would significantly enhance the setting of the Heritage Centre.
- 8.26 A significant number of jobs would stem from this development, estimated at 909 net full time for operational staff as well as construction jobs and spin off jobs. Such jobs may be viewed as a particularly significant benefit at a time when many people are suffering from the national downturn in the economy and unemployment around Macclesfield has markedly increased.

Conclusions

- 8.27 On the basis that the scheme proposed under application 12/1212M is considered acceptable, officers advise that the public benefits arising from this, would justify the harm caused by the associated demolition of

properties on Roe Street and Conservation Area Consent should therefore be granted subject to conditions and the signing of a legal agreement to secure the payment of £50,000 to fund grant improvements to the remaining properties in the terrace on Roe Street.

9. RECOMMENDATION

APPROVE subject to a S106 agreement and conditions to secure the following:

1. A03CA - Standard time limit
2. A0C2A - Development as precursor of redevelopment
3. A04AP - Notwithstanding any reference in any supporting document to the demolition of 5 properties on Roe Street, this approval shall accord with the revised plans which indicate the demolition of 3 properties only and the partial demolition of 23 and 25 Roe Street with front elevations and front and rear roof slopes of the main roofs of these properties retained
4. Record to be made of assets to be lost and evidence made available via the Historic Environment Record.
5. A schedule of original features in the buildings to be demolished to be provided to the LPA and such features to be made available for reuse in remaining properties in the terrace
6. No part of the demolition to occur on Roe Street until contracts let for public realm improvements to Roe Street and Mulberry Square and for facade improvements to 21, 23 and 25 Roe Street.