

Application No: 12/0515M

Location: INGERSLEY VALE WORKS, INGERSLEY VALE, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5BP

Proposal: Variation of Condition 41 Relating to the Approved Plans on Approval 08/0791P for Demolition of all Buildings Except the Mill, Conversion of Mill to 24no. Apartments and Erection of 24no. Apartments and 18no. Townhouses with Associated Landscaping and Car Parking

Applicant: John Barratt, Ingersley Vale LLP

Expiry Date: 03-May-2012

**Date Report Prepared:** 22 March 2012

#### **SUMMARY RECOMMENDATION**

Approve

#### **MAIN ISSUES**

- Impact upon character and appearance of the Conservation Area
- Impact upon highway safety

#### **REASON FOR REPORT**

The application relates to an amendment to a development for 66 dwellings, and in line with the Council's constitution the application should be determined by the Committee.

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

The application site comprises a detached mill building, with associated warehouse style buildings now having been demolished as part of permission 08/0791P. The site has a history of industrial use including as a bleach works, but had been derelict for some time prior to the buildings being demolished. The site is located within an existing employment area in the Bollington Conservation area as identified in the Macclesfield Borough Local Plan. The River Dean runs through the site.

#### **DETAILS OF PROPOSAL**

Planning permission 08/0791P granted approval to demolish all the buildings on the site, with the exception of the Mill, and to redevelop the area for a total of 66 dwellings. The approved scheme can be divided into four distinct areas.

Site A: 6 town houses in two buildings.  
Site B: 24 Apartments in two buildings.  
Site C: Conversion of the existing Mill into 24 apartments  
Site D: 12 townhouses in two buildings.

All parking for the development will be underground with the main access point off Ingersley Vale positioned between Sites A and B serving sites A, B and C, with the 12 townhouses in Site D being served by a second access point further to the south along Ingersley Vale.

This permission has been implemented by virtue of the demolition of the existing buildings.

This current application seeks permission to vary condition 41 on approval 08/0971P, which lists the approved plans. The amendments to the plans primarily relate to Site D and comprise:

- Change to the internal layout, including car parking arrangements, and elevational treatment of the dwellings, including windows, in Site D
- Widening of the river channel to the front of Site D, and a reduction in crossing points.

## **RELEVANT HISTORY**

08/0791P - DEMOLITION OF ALL BUILDINGS EXCEPT THE MILL. CONVERSION OF MILL TO 24NO. APARTMENTS AND ERECTION OF 24NO. APARTMENTS AND 18NO. TOWNHOUSES WITH ASSOCIATED LANDSCAPING AND CAR PARKING – Approved 30.12.2009

08/0879P - DEMOLITION OF EXISTING BUILDINGS – Approved 04.03.2010

10/3279M - NON MATERIAL AMENDMENT TO APPLICATION 08/0791P – Approved 08.09.2010

## **POLICIES**

### **The North West of England Plan Regional Spatial Strategy to 2021 –**

DP1 (Spatial principles applicable to development management)

DP2 (Criteria to promote sustainable communities)

DP4 (Sequential approach to make the best use of existing resources)

DP5 (Objectives to reduce the need to travel and improve accessibility)

DP7 (Criteria to promote environmental quality)

DP9 (Objectives to reduce greenhouse gas emissions and adapt to climate change)

L4 (Criteria and targets for regional housing provision)

L5 (Affordable housing provision)

### **Macclesfield Borough Local Plan 2004 –**

H1 (Phasing policy to ensure that the structure plan housing requirement is met but not exceeded and that previously developed sites will be developed before Greenfield sites)

H2 (High quality living environment in housing developments)

H5 (Criteria for the development of windfall housing sites)

H8 (Provision of Affordable Housing)

H9 (Affordable Housing)

E1 (Employment Land Policies)

E4 (Employment Land – Industry)

BE1 (Design principles for new developments)

BE3 (Development must preserve or enhance the Conservation Area)

NE1 (Landscape protection and enhancement of Areas of Special County Value)

NE9 (Protection and promotion of river corridors)  
NE11 (Protection and enhancement of nature conservation interests)  
RT5 (Minimum open space standards)  
RT8 (Access to countryside)  
DC1 (High quality design for new build)  
DC2 (Design quality for extensions and alterations)  
DC3 (Protection of the amenities of nearby residential properties)  
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)  
DC8 (Requirements to provide and maintain landscape schemes for new development)  
DC9 (Tree protection)  
DC17 (Developments affected by / affecting water courses)  
DC38 (Guidelines for space, light and privacy for housing development)

### **Other Material Considerations**

PPS1 (Planning for Sustainable Development)  
PPS3 (Housing)  
PPS4 (Planning for Sustainable Economic Growth)  
PPS5 (Planning for the Historic Environment)  
PPS25 (Development and Flood Risk)  
Draft National Planning Policy Framework  
Planning for Growth Ministerial Statement

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

Strategic Highways Manager – No objections as the current application will not require any changes to highways conditions previously attached.

Environmental Health – No objections

Cheshire Fire & Rescue Service – Raise no objections but offer observations and recommendations

Environment Agency – No objections

Manchester Airport – No objections

Cheshire Archaeology Planning Advisory Service – No objections subject to condition

Public Rights of Way – Object on the grounds that it would appear from inspection of the definitive map that Public Footpath no. 37, Rainow will be obstructed by the proposed layout, as submitted for amendment.

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

Bollington Town Council – Comments not received at time of report preparation

Rainow Parish Council – Comments not received at time of report preparation

## **OTHER REPRESENTATIONS**

6 letters of representation have been received raising the following concerns on the application:

- Original plans used a road to the rear of the mill to access the houses. The current plans use the existing narrow, steep, blind cornered track. This is at present used by 5 properties with attendant trade vehicles and deliveries, and recently an emergency ambulance. It necessitates careful and polite use, frequent reversing to make room particularly for the many walkers who use the track.
- It is the only access to our properties can we have assurance that this will not be restricted during building works
- No details of how the road will be upgraded have been submitted
- Applicants do not have control of all land within the application site.

A further letter has been received from a neighbouring property which includes all their objections to the previous application 08/0791P. These objections are summarised below:

- Applicants do not have control over the road
- Highway safety concerns arising from volume of vehicles using this road
- Site is on employment land and our own B2 premises are not compatible with residential dwellings.
- Roads leading to the site are already overloaded
- Road is subject to flooding
- As a private road, it should serve no more than 5 or 6 dwellings
- Question whether the road is adequately structurally sound to accommodate increase in traffic
- Site not been offered for sale as an employment site
- Houses are unsympathetic to the area

## **APPLICANT'S SUPPORTING INFORMATION**

A supporting letter has been submitted which outlines the proposed amendments, and identifies the required change to condition 41.

## **OFFICER APPRAISAL**

### **Principle of Development**

The development has been judged to be acceptable in principle at an earlier date, as a result of its approval by the Council in 2008 (ref: 08/0791P). It is therefore necessary to focus attention on national and local policies, or other material considerations which may have changed significantly since the original grant of planning permission, as well as the changes sought.

### **Policy**

Local and Regional policies remain the same as when the application was first considered in 2008. There have been some developments in national policy which while applicable at the time of writing, are not considered to raise new policy issues, including PPS3 (Housing), PPS4 (Planning for Sustainable Economic Growth), PPS5 (Planning for the Historic

Environment) and PPS25 (Development and Flood Risk). However, it is anticipated that the National Planning Policy Framework will be published and come into effect before the Committee meeting. Therefore the implications of this will be reported to Members as an update.

### **Design**

The proposed amendments do incorporate changes to the external appearance of the townhouses on Site D. The general design of the townhouses remains contemporary and very similar to that previously approved. The proposed amendments are therefore not considered to have a significantly greater impact upon the Bollington Conservation Area than the existing permission. The Conservation Officer also raises no objections to the proposed amendments. As with the previous permission, the character and appearance of the Conservation Area is considered to be enhanced by the proposal in accordance with policy BE3 of the Macclesfield Borough Local Plan.

### **Highways**

Several of the comments received in representation refer to the original plans using a road to the rear of the mill to access the houses, thereby taking traffic off Ingersley Vale. However, this is not the case. The approved plans utilised the same access arrangements as those shown within the current application. No amendment to the access arrangements is proposed. The number of parking spaces remains as approved with only the positioning of the parking beneath site D changing from the front to the rear of the footprint of the dwellings.

The Strategic Highways Manager has commented on the application and raises no objections noting that the current application would not require any changes to the conditions previously attached. No significant highway safety issues are therefore raised by the proposed amendments.

### **Ecology**

The Council's Nature Conservation Officer does not anticipate that there will be any significant ecological issues associated with the proposed amendments to the existing permission. The proposal is therefore considered to comply with policy NE11 of the Local Plan.

### **Amenity**

Having regard the scale and form of the alterations to Site D, and the distance and relationship the nearest dwellings, the proposed amendments raise no significant amenity issues.

### **Public Right of Way**

The footpath alignment shown on the submitted plans for footpath no. 37 is not the same as the route of the current footpath and therefore the definitive line would be obstructed. As there is no currently no proposal for the path to be suitably diverted under the Town and Country Planning Act 1990 (TCPA) by the applicant, and the Public Rights of way team do object to the planning application.

If, however, the applicant is prepared to apply for a diversion of the route under the Town and Country Planning Act 1990 they would consider withdrawing our objection once they have assessed the suitability of the new route.

Demolition work has already commenced on site without formal temporary closure orders for the footpath being maintained. An order that was in place has elapsed and it is understood a follow up application is currently being arranged.

Whilst it is appreciated that this application is a variation of a condition only, the issue of the footpath being affected applied equally to the existing permission as the current proposal. It does therefore need to be addressed by the developer in some way. For this reason, this issue is not considered to be sufficient reason to withhold consent for this minor material amendment to the approved scheme.

### **Other considerations**

With regard to the comments relating to the ownership of the road, it is understood that the situation is the same as when the application was first considered in 2008. However, clarification is being sought on this matter from the applicants and will be reported in an update.

### **Heads of Terms**

Should Members be minded to approve the application, then the existing S106 legal agreement would need to be updated to reflect this latest permission. The existing S106 includes the following matters:

- Provision of 15 affordable housing units
- Commuted sum payment for the provision and / or improvement of public open space within the Bollington / Rainow area
- Management Company for the site to include each purchaser of a residential unit (for maintaining roadways, and other common parts of the site)

### **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.

The provision of affordable housing would help to sustain the existing communities of Bollington / Rainow as it would provide additional affordable housing for those with a connection with the area enabling them to remain within or return to the parish, as the case may be.

The commuted sum to be paid to the Council to make additions, enhancements and improvements to the existing open space in Rainow / Bollington, which will help to ensure it provides opportunities for all parts of the community including the new residents.

The management company will ensure that the roadways will be maintained to an acceptable and safe standard in the absence of the roadways being formally adopted.

On this basis the provision of the commuted sum, affordable housing and management company is necessary, directly relate to the development and is fair and reasonable in relation to the scale and kind of development.

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

The proposed amendments are not considered to have any significantly greater impact upon the character and appearance of the Conservation Area, highway safety, ecology or any other matter of public interest than the existing permission. A recommendation of approval is therefore made subject to the receipt of comments from outstanding consultees, the same conditions being attached (and updated to reflect the current situation on site), and the prior completion of a s106 legal agreement.

Application for Variation of Condition

### **RECOMMENDATION:**

1. A03FP - Commencement of development
2. A02EX - Submission of samples of building materials
3. A03EX - Materials to match existing
4. A10EX - Rainwater goods
5. A14EX - Specification of bonding of brickwork
6. A15EX - Specification of mortar mix
7. A20EX - Submission of details of windows
8. A21EX - Roof lights set flush
9. A11LS - Implementation of landscaping scheme submitted with application
10. A10LS - Additional landscaping details required
11. A01MC - Noise insulation
12. A02HA - Construction of access
13. A04HA - Vehicular visibility at access to be approved
14. A06HA - Pedestrian visibility at access in accordance plans to be approved
15. A07HA - No gates - new access
16. A12HA - Closure of access
17. A15HA - Construction of highways - submission of details
18. A24HA - Provision / retention of service facility
19. A26HA - Prevention of surface water flowing onto highways
20. A30HA - Protection of highway from mud and debris
21. A32HA - Submission of construction method statement
22. A06HP - Use of garage / carport

- 23. A07HP - Drainage and surfacing of hardstanding areas
- 24. A22GR - Protection from noise during construction (hours of construction)
- 25. A19MC - Refuse storage facilities to be approved
- 26. A23MC - Details of ground levels to be submitted
- 27. A01GR - Removal of permitted development rights
- 28. Arboricultural Works in accordance with submission
- 29. Woodland Management Plan to be submitted
- 30. Archaeological Programme of work
- 31. Decontamination of Land
- 32. Traffic calming details to be approved
- 33. Parking in accordance with approved plan
- 34. Details of highways, footways and cycleways to be approved
- 35. Details of non reflective materials to be submitted
- 36. Constuction of hydro-electric scheme
- 37. Signage for 'ramblers' parking area
- 38. Development in accordance with ecological report
- 39. A06NC - Protection for breeding birds
- 40. Proposals for biodiversity enhancement to be submitted
- 41. A01AP - Development in accord with approved plans



