

Application No: 12/1394M

Location: MASSIE DYEWORKS, LONEY STREET, MACCLESFIELD, CHESHIRE, SK11 8ER

Proposal: Demolition of the existing buildings and the erection of 5 town houses and 6 apartments (resubmission of application number 08/2405P approved on 02 March 2009).

Applicant: J. Massie

Expiry Date: 04-Jul-2012

#### SUMMARY RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

##### MAIN ISSUES

- The principle of the proposed demolition of a Locally Important Building
- Impact of the proposed development upon the character and appearance of the existing street scene.
- Implications of the proposed development upon highway safety
- Impact upon the residential amenity of local residents.
- Implications on an existing water course which runs through the site.

**Date Report**

**Prepared:** 25<sup>th</sup> May 2012

#### REASON FOR REPORT

This application seeks outline planning permission for 11 residential units. As such the Councils scheme of delegation requires that application for 10 residential units or more are determined by the Northern Planning Committee.

#### EXECUTIVE SUMMARY

The principle of this development has already been accepted under planning application 08/2405p which was approved on the 2<sup>nd</sup> March 2009 by the former Macclesfield Borough Council Committee. This scheme however is no longer extant. The scheme proposed now is identical to the approved 08/2405P application and the site circumstances remain the same. The key consideration therefore is as to whether the proposed development accords with both Local Plan Policies and the newly published National Planning Policy Framework and whether there are any other material considerations which would suggest otherwise.

The report presented considers the same key issues as the Committee Report for application 08/2405P however it has been updated to take into account policies set out within the

National Planning Policy Framework (NPPF) as well consultee and representations received. It is concluded that key policies against which the previous 2008 application was assessed conform with the policies set out within the NPPF. The presumption in favour of sustainable development is considered to add more weight in favour of this proposal. This application is therefore recommended for approval subject to conditions.

## **DESCRIPTION OF SITE AND CONTEXT**

The application site is located within a predominantly residential area of Macclesfield Town. The site sits adjacent to two residential care homes located along Loney Street and the corner of Loney Street and Peter Street. The style and character of this area is made up of a mix of two storey detached and terraced properties.

Massey Dye Works is listed within the Council's Supplementary Planning Guidance (SPG) as a Locally Important Building.

There is also an underground stream, which runs from east to west under the site and rises up to ground level in two points within the site via a well and a spring. Both of which are thought to have been utilised when the Dye Works were in working operation.

## **DETAILS OF PROPOSAL**

The proposed seeks outline planning permission for the demolition of the existing redundant Massey Dye works and a large existing chimneystack in order to create a residential development for 11 residential units comprising;

- 4 x two bed roomed town houses,
- 1 x three bed roomed town house; and
- 6 x one bed roomed apartments.

The application seeks consent for the detailed matters relating to access and layout only. It does not seek approval for the development's scale, appearance nor for the landscaping of the site. The Elevation plans submitted with this application are indicative only.

## **RELEVANT HISTORY**

- |          |   |
|----------|---|
| 09/2810M | Change of use From B1 office to C3 dwelling House<br>Refused<br>4.12.2009   |
| 08/2405P | Demolition of existing building and the erection of 5 Town houses and 6 apartments (outline consent)- Approved subject to conditions<br>2.03.2009 |

## **POLICIES**

### **The National Planning Policy Framework (NPPF)**

Paragraph 215 of the Framework indicates that relevant policies in existing plans will be given weight according to their degree of consistency with the NPPF.

## **Regional Spatial Strategy**

- DP1 Spatial Principles
- DP2 Promote Sustainable Communities
- DP4 Make the Best Use of Existing Resources and Infrastructure
- DP5 Manage Travel Demand; Reduce the need to Travel, and Increase Accessibility)
- DP7 Promote Environmental Quality
- DP9 Objective to reduce emissions and adapt to climate change
- W3 Supply of Employment Land
- L2 Understand Housing Markets
- L4 Regional Housing Provision
- L5 Affordable Housing
- RT2 Manage Travel Demand
- RT9 Provision of High Quality Pedestrian and Cycle Facilities
- EM2 Remediating Contaminated Land

## **Local Plan Policy**

Local Plan policy BE20 is of relevance when assessing the principle of the demolition of the existing buildings given their 'local listing'.

- BE1 Design Guidance
- BE2 Historic Fabric
- BE20 Locally Important Buildings
- H1 Phasing Policy
- H2 Environmental Quality of Housing Developments
- H13 Protecting Residential Area
- DC1 Design
- DC3 Amenity
- DC6 Circulation and Access
- DC8 & DC37 Landscape
- DC38 Space, Light and Privacy
- DC41 Infill housing and redevelopment sites
- DC63 Contaminated Land

## **Other Material Considerations**

Cheshire East Locally Listed Buildings SPD  
Ministerial Statement- Planning for Growth (March 2011)

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

### **Manchester Airport:**

No safeguarding objections.

### **Strategic Highways & Transportation Manager:**

Raises no objections to the proposal subject to conditions relating to the layout of parking, details of surfacing, construction method statement and cycle storage.

### **Archaeology:**

Considers that the history of the Dye works plays an important part of Macclesfield's Silk Industry and the existing buildings have been well preserved. It is therefore advised that the existing structures should be subject to a programme of developer-funded building recording prior to demolition followed, if appropriate, by a targeted watching brief. It is also advised that the building recording should be carried out to Level II, as defined in current English Heritage Guidance.

**ESU Nature Conservation:**

It is not anticipated that the proposed development will impact on a designated wildlife site nor cause reasonable risk to a protected species therefore no objections are raised. It is however advised that, in the unlikely event that protected species, such as bats or breeding birds, are encountered during demolition works then works should terminate immediately and advice sought from a suitably qualified person and the Council advised.

**ESU Landscaping:**

No objections raised subject to a condition relating to full landscaping details and boundary treatment to ensure residential amenity.

**Environmental Health:**

Raise no objections subject to a condition regulating hours of construction, pile driving and floor floating in order to ensure a minimal impact upon residential amenity of local residents. Comments are also raised concerning incompatible room arrangements between adjoining properties with bedrooms of certain apartments sharing a party wall with the living room of certain townhouses. Such incompatibility of room uses can result in noise, loss of residential amenity, sleep disturbance and noise nuisance. It is therefore advised that a condition requesting sound insulation be incorporated into the scheme during the development.

**Environmental Health (Contaminated Land)**

Given the history of the site and the proposed residential use a phase II contamination survey in accordance with Policy DC36 is required.

**Environment Agency:**

Raise no objection subject to the a Phase II contaminated land survey being submitted and a condition requesting prior to the occupation of the development a verification report which will show that site remediation criteria have been met and the proposal will not cause a potential risks posed to controlled waters

**OTHER REPRESENTATIONS**

This application has been advertised by means of a site notice, neighbour notification and a press advert the last date for comments is the 8<sup>th</sup> June 2012. At the time of writing this report no comments had been received.

**APPLICANT'S SUPPORTING INFORMATION**

A Planning, Design and Access Statement has been submitted with this application which explains the history of the site and context of the proposed development. Documents also submitted are as follows:-

- Environmental Study by Hydrock Limited
- Structural Survey of existing chimney stack by Shepherd Gilmour
- PPS3 Housing self assessment checklist

## OFFICER APPRAISAL

### Principle of the development

The principle of this development has already been accepted under planning application 08/2405p. The scheme now subject of this application is identical to the approved scheme. Application and the site circumstances remain the same.

Members will be aware that The National Planning Policy Framework published in March 2012 supersedes a number of National Planning Policy Statements and consolidates the objectives set within them.

The Framework sets out a presumption in favour of sustainable development. Located within close proximity of public transport and local amenities the site is considered to be in a sustainable location.

Paragraph 49 advises that;

*“Housing application should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”*

Member will be aware that the Council do not currently have a 5 year supply of housing for the Borough and therefore attention should be had to the requirements of paragraph 14 of the NPPF which advises that when Councils are decision taking, they should:

*“Approve development proposal that accord with the development plan without delay, and*

*Where the development plans is absent, silent, or relevant policies are out of date they should grant planning permission unless;*

- ***any adverse impact of doing so would significantly and demonstrably outweigh the benefits, when assessing against the policies in this framework taken as a whole; or***
- *Specific policies in this framework indicate development should be restricted”*

The site is designated within the Local Plan as a Predominantly Residential area and lies within close proximity to Macclesfield Town Centre. The existing Industrial use is not considered to conform with the residential uses which surround the site. The proposal will introduce a more appropriate and sustainable development to the area that will dramatically improve both the environment and residential amenities of the occupants of neighbouring properties.

The key issue with this application therefore are as follows:-

- Are there any changes in circumstances since the previous approval to warrant a different conclusion?
- The principle of the proposed demolition of a Locally Important Building
- Impact of the proposed development upon the character and appearance of the existing street scene.
- Implications of the proposed development upon highway safety
- Impact upon the residential amenity of local residents.
- Implications on an existing water course which runs through the site.
- **Given the presumption in favour of sustainable development, are there any significant adverse impacts which would prevent planning permission being granted? (having regard to the advice set out within the para 14 of NPPF stated above).**

#### Principle of Demolition

The site is identified within the Council's SPG as a Locally Important Building which describes the building as an;

“Increasingly rare building type, once common in the textile town dominated by tall industrial chimney”

Policy BE20 of the Local Plan seeks to preserve Locally Important Buildings which are valuable due to their contribution of the local scene or their historical associations. The policy states that developments which would adversely affect architectural or historic character will only be allowed if the Borough Council is satisfied that the buildings are beyond reasonable repair.

The Locally Listed Buildings SPD makes it clear that Cheshire East Council is committed to protecting local heritage and as such will always favour the retention of a locally listed building where practicable. It states that proposals for the demolition of locally listed buildings must normally demonstrate clear and convincing evidence that the building is no longer of local importance. And that where redevelopment is in accordance with Local Plan policies, there will be an expectation that the building is replaced with one of equal or greater architectural merit.

Within the NPPF glossary Local Listed buildings are considered to be Heritage Assets. Chapter 12, Paragraphs 128 and 129 advises that the significance of any heritage asset affected by the development including its contribution to the setting should be identified and assessed.

*Para 135 and 136 states that*

*“The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset”*

And

*“Local planning authorities should not permit loss of the whole or part of a heritage asset without taking all reasonable steps to ensure the new development will proceed after the loss has occurred.”*

The main existing buildings run parallel, around the corner of Loney Street and Peter Street and can in part, relate back to as early as the 19 Century. However, there is evidence that over the years the buildings have been repaired, altered and rebuilt in part, which have, in turn, alluded to a mixed style of piecemeal additions to the internal and external features of the built form.

A large high chimney stack constructed in around 1945, positioned in the centre, creates a prominent feature in the skyline of the surrounding area and provides a historical monument and link to Macclesfield's industrial past in the silk trade. Cheshire County Council's Archaeology Unit note that due to the good preservation of the buildings they are also recorded on the Cheshire Historic Environments Record.

In brief the grounds put forward by the applicant for the demolition of the existing building on site are as follows:-

- The site has remained unused and in its current state is unsuitable for modern industrial/employment use due to the inadequate layout and lack of parking facilities at the site.
- The existing industrial/employment use on site is non-conforming with the sensitive residential uses which surround the site and, as a result, impact upon the residential amenity for the occupants of neighbouring dwellings.
- A structural report has been submitted which relates to the chimney stack and identifies a series of substantial cracks which run the length of the chimney stack. The report concludes that the cracks would result in a major repair job involving complete or partial rebuilding. Therefore controlled demolition is recommended
- The position of the chimney within the site would remain as an obstruction, and give its current run down state would serve as a danger if not maintained at great expense

The above grounds for demolition are acknowledged. It is considered that the awkward layout and form of the existing building would make the building difficult to convert. The chimney stack is of a relatively new construction and would, not only be problematic and expensive to maintain, but would also be difficult to incorporate into any new redevelopment scheme. It is therefore considered that, given the current state of the existing building, any redevelopment of the site would involve a substantial level of reconstruction.

Whilst the applicant has not carried out an assessment on the “significance” of the buildings the Council Conservation Officer has in the previous application acknowledged that the existing building is structurally flawed and therefore accepted the loss of this building. The design of the building although, at this stage indicative, is considered to give reference to the industrial past of the site and is therefore encouraged. The demolition of the building is further endorsed by the Cheshire County Council's Archaeology Unit who have raised no objections

subject to a detailed historic photographic record and historical study to be submitted prior to any demolition-taking place.

In view of the above, the proposal is considered to comply with Local Plan policy BE20, NPPF and Cheshire East Locally Listed Buildings SPD.

Layout and the impact of the proposed development upon the character and appearance of the existing street scene.

The proposed dwellings are to be sited fronting Loney Street and Peter Street and propose to replicate the position of the existing façade therefore preserving the character and position of built form within the streets. The illustrative elevational plans show that the applicant seeks to create a visually striking feature directly on the corner of Loney Street and Peter Street. This 'rotunda' would accommodate the proposed six apartments.

Indicative plans illustrate the scale of the proposed development. Along both Loney Street and Peter Street the proposed development would be two storeys in nature with ridge heights measuring from approx 7.5m to 9.5m in height. The 'rotunda' element on the north eastern corner of the site to accommodate the proposed apartments is proposed to measure approx 10m in height and would be three storeys. Taking into consideration the sloping land levels it is considered that the indicative proposal will be of an appropriate scale the area.

Vehicular access to the site will be via the existing access from Loney Street where vehicles will pass under the first floor of the three bed roomed town house. This has been created to represent a similar appearance to that of the existing main access to the site, which is facilitated via roller shutters. Twelve parking spaces are to be located within the site and are to provide parking provision for the 11 proposed dwellings and the occupants of 9 Loney Street.

Each of the town houses would have an area of private amenity space located directly behind each dwelling. The occupants of the apartments would have a small-shared amenity space directly to the rear of the proposed 'rotunda' building. The amount of amenity space which is afforded to the proposed town houses is considered to be commensurate with that of existing properties within this particular area of Macclesfield. It is not normal for apartments to be provided with dedicated private space.

It is considered that, by virtue of the layout, the proposed parking facilities located within the confines of the site will be overlooked by the proposed dwellings which will provide a good level of natural surveillance and, in turn, a secure and safe environment for future occupants of the proposed dwellings.

Whilst much of the details are reserved for later consideration, the applicant states that the proposed development is to be constructed using sourced local stone and reclaimed materials. Features such as steel lintels and the proposed standing seam metal roof are to be incorporated into the scheme in order to maintain the semi industrial aesthetic character of the existing site and blending in with the local surroundings.

Design is a detailed matter 'reserved' for later consideration. However, it is worth noting that the illustrative plans show elevation treatment which is quite contemporary and striking. The



character of the area is fairly traditional and remains unchanged since the 2008 application. The NPPF places a strong emphasis on the good design and advises that Local Planning Authorities should reinforce local distinctiveness but not impose architectural styles or particular tastes nor stifle innovation. The design of the proposed development (albeit indicative) is considered to be acceptable in this case.

The Conservation Officer has raised no objections to the indicative design features and it is considered that the proposal will compliment the character of the area while preserving a hint of the site's historical past.

### **Implication of the proposed development upon Highways Safety**

As with the previous permission the proposal seeks to incorporate 12 off street parking spaces within the site which will serve;

6 x 1 bed apartments  
4 x 2 bed Town houses; and  
1 x 3 bed Town house

Paragraph 39 of the NPPF advises that;

*In setting local planning standards for residential development and non residential development local planning authorities should take into account:*

- *The accessibility of the development*
- *The type, mix and use of the development*
- *The availability of and opportunities for public transport;*
- *Local car ownership levels; and*
- *An overall need to reduce the use of high emission vehicles*

This particular area of Macclesfield is largely characterised by terraced properties which rely mainly on street parking provision. The proposed development is for a mix of small scale residential units and unlike surrounding properties will be afforded one designated parking space per unit.

The site is located in a sustainable location in close proximity to the Town Centre and Local public transport. It is considered that the proposed residential use of the site will dramatically improve not only the intensification of vehicles to and from the site, should the lawful Industrial use of the site be resumed but, would also reduce the potential for more significant highway issues.

As with the previous permission, in order to encourage sustainable forms of transport a condition requesting the incorporation of cycle storage is also proposed. The existing parking levels for this area have remained unchanged since the 2008 consent and therefore the proposal is considered to be consistent with the advice set out within the NPPF.

The vehicular access to the site is to take advantage of the existing access from Loney Street. The visibility spays at this access are restricted due to the position of the building.

However, visibility in this area can be improved with changes to a boundary wall which is within the applicant's control.

In addition to the above, Members' attention is also drawn to a former access on Peter Street and the requirement for the pavement to be reinstated. As with the previous permission the Highways Engineer is satisfied that this can be dealt with under a condition and therefore raises no objections.

#### Impact upon the residential amenity of local residents.

The proposed dwellings are to be positioned approx 15m from the front elevation of existing dwellings located along both Peter Street and Loney Street. Although this does fall short of the guidelines in Policy DC38 it is considered that this relationship will be commensurate with existing properties within the surrounding area. It is also reflective of the existing pattern of development.

In this regard it is worth noting that large windows within the 'rotunda' may give rise to overlooking of nearby development. However, this element of the proposal is illustrative. Particular would have to be had at the detailed stage to ensure an appropriate relationship with neighbours.

One detailed matter involves the side elevation of 156 Compton Road where there is a side window for what appears to be a bathroom. The window directly overlooks the proposed car parking area and is considered to be sufficient distance from the rear windows of the proposed development as not to have an adverse impact upon residential amenity.

#### Impact on the water course.

The Environment Agency raises no objections to the proposed development subject to a Phase II investigation prior to the commencement of development. The Phase II investigation will require the submission of a risk assessment of contamination on the land. If the assessment details mitigation is required, a further remediation statement should be submitted and approved in writing.

Given that the above condition is similar to the Contaminated Land condition the Environment Agency has agreed that no additional condition is required.

### **OTHER CONSIDERATIONS**

Members are advised that a Section 106 agreement did not form part of the previous planning permission. Having regard to the Council's SPG on Section 106 (planning) Agreements developments of 6 residential units or more are required to provide contributions to Public Open Space and Outdoor Sports and Recreation which are normally secured through a section 106 agreement. A commuted sum is considered to be necessary in this case and therefore members will be provided with an update on this prior to the Committee meeting.

### **RECOMMENDATION**

In light of the above, it is considered that there has been no significant change in circumstances since the previous 2008 permission was granted. As with the previous

permission the justification for the demolition of the existing building is accepted. The proposed development provides a sufficient mix of properties and has been well designed (albeit illustratively).

Located within a predominantly residential area of Macclesfield it is considered that the proposal will introduce a more compatible use to this residential area. Located within a reasonable distance of local amenities and is served by public transport the site is therefore considered to be sustainable and meet the objectives set out within the NPPF.

The details relating to layout and access of the proposed development are considered to be acceptable and comply with policies set out within the Development Plan.

Paragraph 14 of the NPPF emphasis that when making decisions Local Planning Authorities should approve development that accord with the development plan without delay and where planning policies are out of date grant planning permission unless any adverse impact would significantly outweigh the benefit of doing so. In this particular instance it is considered that the proposed development will not have a significant adverse impact. The proposed development is considered to comply with policies within the Development Plan and NPPF therefore a recommendation for approval is made subject to the following:

- Section 106 agreement for a commuted sum for open space and outdoor sport and recreation;
- Subject to further representations from local residents and the occupants of No 168 Peter Street; and
- Recommended conditions

**RECOMMENDATION: Approve subject to following conditions**

1. Full details approved as part of outline consent
2. Time limit for submission of reserved matters
3. Submission of reserved matters
4. Provision of car parking
5. Demolition as precursor of redevelopment
6. Submission of samples of building materials
7. Provision of cycle parking
8. Pedestrian visibility at access (dimensions)
9. No gates - new access
10. Drainage and surfacing of hardstanding areas
11. Decontamination of land/ Environment Agency
12. Refuse storage facilities to be approved
13. Prevention of surface water flowing onto highways
14. Door and window openings - highways / footways
15. Protection of highway from mud and debris

16. Submission of construction method statement
17. Driveway surfacing - single access drive
18. Landscaping to include details of boundary treatment
19. Commencement of development
20. Ground levels to be submitted with reserved matters application
21. floor floating
22. Noise Insulation to be addedd
23. Turning facility
24. Hours of Construction
25. Archeology
26. Re instatment of kerb along Peter Street
27. No Pile Driving
28. External Appearance

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