

Application No: 14/5063M

Location: CLARENCE MILL, CLARENCE BROW, BOLLINGTON, MACCLESFIELD, CHESHIRE, SK10 5JZ

Proposal: Application for full planning permission for the change of use of part of the first floor from B2 to 19 apartments.

Applicant: Clarence Mill Ltd

Expiry Date: 02-Feb-2015

### **REASON FOR REPORT:**

The proposal is a major development requiring a Committee decision.

### **CONCLUSION:**

The application is for the change of use of the first floor of Clarence Mill, a Grade II Listed building located in a Conservation Area from B2 (general industrial) to 19 apartments, together with a number of relatively minor external alterations. Permission was previously granted at appeal in 2011 for an almost identical scheme but that permission has now lapsed. It is considered that the impact of the proposal on the Grade II Listed Building and on the wider Conservation Area is acceptable. No objections have been raised by the Council's Conservation Officer.

Access and parking arrangements are considered to be acceptable and no objections have been raised by the Strategic Highways Manager, who notes the previously allowed appeal.

An objection has been raised by the Council's housing department due to the fact that no affordable housing is proposed. However, when considering the appeal in 2011 the Inspector concluded, based on a submitted financial appraisal, that the proposal could not sustain affordable housing provision. An updated financial appraisal submitted with this application demonstrates that this remains the case.

No on site open space provision is proposed or financial contributions in lieu of on site provision. Whilst this would normally be required for a development of this size, in this case, it is not considered to be a sustainable reason for refusal given the findings of the Inspector in 2011 and given the other significant benefits of the proposal.

Having regard to paragraph 14 of the NPPF, it is not considered that any adverse impacts of the granting of permission for the proposal would significantly or demonstrably outweigh the benefits when assessed against relevant policies, including those in the NPPF and the Local Plan. The proposal involves the redevelopment of a brownfield site for housing, located in an accessible location close to a range of amenities. It involves the renovation and reuse of a prominent listed building in a Conservation Area. The proposal will contribute to the Council's five year housing land supply and would help to relieve pressure on other, less suitable greenfield sites.

### **SUMMARY RECOMMENDATION:**

**Approve subject to conditions**

**PROPOSAL:**

Full planning permission is sought for the change of use of part of the first floor of Clarence Mill from B2 (general industrial) to 19 apartments, together with a number of relatively minor external alterations. A parallel application for listed building consent is also being considered on this agenda (14/5065M).

**SITE DESCRIPTION:**

Clarence Mill is a Grade II Listed building located adjacent to the canal, within a Conservation Area. It is a five storey building. The lower and ground floor are currently in commercial use with the upper two floors in use as residential apartments. Vehicular access to the site is via Clarence Road to the south. Access to the commercial premises is either taken from a narrow strip on the canal frontage or from the mill yard to the rear. Parking for the commercial uses and for existing residents is found either in the rear yard or in a three storey car park structure to the rear of the mill.

**RELEVANT HISTORY:**

The site has an extensive planning history, the most relevant of which is detailed below.

14/5065M – Listed building consent for the change of use of part of the first floor from B2 to 19 apartments. Currently under consideration.

14/2116M - Application for removal or variation of conditions on 10/3535M – declared invalid Sep 2014.

14/2035M - Listed Building Consent for change of use – approved July 2014.

10/3535M – Change of use of part of first floor of mill building from Class B2 industrial to residential use comprising 19 apartments; alterations to exterior. Refused and allowed at appeal July 2011.

10/3536M - CHANGE OF USE OF PART BUILDING FROM B2 INDUSTRIAL USE TO 19 RESIDENTIAL APARTMENTS (LBC) – approved January 2011.

**NATIONAL & LOCAL POLICY****National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance are paragraphs:

14 – presumption in favour of sustainable development

47 to 55 – delivering a wide choice of high quality homes

56 to 68 – requiring good design

126 to 141 – conserving and enhancing the historic environment

**Development Plan:**

The Development Plan for this area is the 2004 Macclesfield Local Plan, which allocates the site as a mixed use area, within a Conservation Area.

The relevant Saved Policies are: -

BE1 – Design

BE2 – Historic Fabric

BE3 – Conservation Area

BE6 – Macclesfield Canal Conservation Area

BE15- Repair and enhancement of Listed Buildings

BE19- Change of Use of Listed Buildings

DC2 – Extensions and alterations

DC3- Amenity  
DC6 – Circulation and access  
DC14- Noise  
DC16- Existing Infrastructure  
DC38- Space, Light and Privacy  
DC40- Provision of Play and Amenity Space  
DC42- Subdivision of Property for Residential Purposes  
H5 – Windfall housing  
E11 – Mixed Use Areas – Macclesfield/Bollington  
E12 – Redundant Mills

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

As the examination of this plan has now been suspended, its policies carry limited weight.

The following are considered relevant material considerations as indications of the emerging strategy:

MP1 – presumption in favour of sustainable development  
SD1 – sustainable development in Cheshire East  
SD2 – sustainable development principles  
SE1 – design  
SE2 – efficient use of land  
SE7 – the historic environment

### **Supplementary Planning Documents:**

Interim Planning Statement: Affordable Housing (Feb 2011)  
North West Sustainability Checklist

### **CONSULTATIONS:**

**Highways:** no objection.

**Environmental Health:** no objection subject to conditions regarding dust control, floor floating, hours of construction, noise mitigation and waste provision.

**Housing:** object due to the fact that no affordable housing is proposed.

**Canal & Rivers Trust:** no objections.

**United Utilities:** comments awaited.

**Bollington Civic Society:** comments awaited.

**Leisure Services:** comments awaited.

**Manchester Airport:** comments awaited.

### **TOWN/PARISH COUNCIL:**

**Bollington Town Council:** comments awaited.

### **REPRESENTATIONS:**

Neighbour notification letters were sent to all adjoining occupants and site notices erected. To date, no representations have been received.

### **APPRAISAL:**

The key issues are:

- The principle of the development

- Impact on the listed building and the wider Conservation Area
- Affordable housing
- The requirement for affordable housing and POS/ROS contributions
- Parking and highways considerations

### **Principle of the development**

As stated, the site is located in a mixed use area where the principle of housing is accepted. The principle of the use of the site for housing was also accepted at appeal when permission was granted in July 2011.

### **Housing Land Supply**

Paragraph 47 of the National Planning Policy Framework requires that Council's identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements.

This calculation of Five year Housing supply has two components – the housing requirement – and then the supply of housing sites that will help meet it. In the absence of an adopted Local Plan the National Planning Practice Guidance indicates that information provided in the latest full assessment of housing needs should be considered as the benchmark for the housing requirement.

The current Housing Supply Position Statement prepared by the Council employs the figure of 1180 homes per year as the housing requirement, being the calculation of Objectively Assessed Housing Need used in the Cheshire East Local Plan Submission Draft.

The Local Plan Inspector has now published his interim views based on the first three weeks of Examination. He has concluded that the council's calculation of objectively assessed housing need is too low. He has also concluded that following six years of not meeting housing targets a 20% buffer should also be applied.

Given the Inspector's Interim view that the assessment of 1180 homes per year is too low, we no longer recommend that this figure be used in housing supply calculations. The Inspector has not provided any definitive steer as to the correct figure to employ, but has recommended that further work on housing need be carried out. The Council is currently considering its response to these interim views.

Any substantive increase of housing need above the figure of 1180 homes per year is likely to place the housing land supply calculation at or below five years. Consequently, at the present time, the Council is unable to robustly demonstrate a five year supply of housing land. Accordingly recommendations on planning applications will now reflect this position.

Further to this, the NPPF clearly states at paragraph 49 that:

*“housing applications 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.”*

This must be read in conjunction with the presumption in favour of sustainable development as set out in paragraph 14 of the NPPF which for decision taking means:

*“where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:*

*n any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*

*n specific policies in the Framework indicate development should be restricted.”*

Therefore, the key question is whether there are any significant adverse impacts arising from the proposal that would weigh against the presumption in favour of sustainable development.

### **Environmental Sustainability**

#### **Impact on listed building and wider Conservation Area**

The proposal is an almost identical scheme to that allowed at appeal in 2011. That scheme was considered by both the Council and the Inspector not to have a detrimental impact on either the listed building or the Conservation Area. The differences now proposed are set out below:

- Elevation 1 - externally mounted extract hood on end elevation and two additional window openings to be re-instated on end elevation
- Elevation 2 – loading door to be removed and replaced with window to match existing, window opening to be re-instated and intake/extract hood to be installed
- Elevation 3 - window opening to be re-instated
- Elevation 4 - loading door to be removed and replaced with window to match existing

Local and National Planning policies seek to protect the special architectural and historic character of listed buildings and Local Plan policies and to conserve or enhance Conservation Areas (NPPF chapter 12 and Local Plan policies BE2, BE3, BE6, BE15, BE16 and BE19).

The external changes proposed to the building by this application are relatively minor and only deviate slightly from those previously allowed at appeal. No objections have been raised to the external changes by the Council's Conservation Officer who notes that the changes proposed were previously approved by application 14/2035M (LBC). It is not considered that the proposal would adversely impact on either the listed building or the wider Conservation Area.

### **Social Sustainability**

#### **Affordable Housing**

No affordable housing is proposed as part of the application. In accordance with the Council's Interim Planning Statement on Affordable Housing, there is a requirement for 30% of the proposed units to be affordable i.e. 6 apartments. The Council's housing department object to the application noting that no affordable housing is proposed.

When considering the appeal against 10/3535M, the Inspector noted that the number of units proposed triggered a requirement for affordable housing. However he accepted that a financial appraisal submitted by the appellants showed that the proposal could not sustain affordable housing provision i.e. the requirement to provide affordable housing would make the scheme unviable.

Upon request an updated financial appraisal has been submitted. This has been carried out by the same land and property consultant who carried out the original financial appraisal considered and accepted by the Inspector at appeal in 2011. The updated appraisal notes that whilst unit sales estimates have generally increased in value and whilst the site value has decreased by 8.5%, build costs have been rising significantly over the past 12 months. As such the predicted net profit from the scheme is now reduced from 15.89% to 13.13% (gross profit 19.88% to 16.79%). The consultant considers that from his experience the residual profit margins are below normal industry standards for undertaking speculative developments of this nature and are at the bare minimum end of an acceptable profit margin. The consultant therefore considers that any amount or form of affordable housing would make the scheme unviable leaving the site undevelopable for conversion to residential use.

Having considered the updated financial appraisal and having regard to the appeal Inspectors conclusions, it is accepted that it has been demonstrated that the proposal cannot sustain the provision of affordable housing and that the provision of affordable housing would make the scheme unviable. The predicted profit levels resulting from the proposal are already lower than the generally accepted industry standard (20%) and as such any further reduction would be likely to result in the development becoming unviable.

### **Public Open Space**

The appeal site is too constricted to allow the provision of on site open space and no financial contributions are being offered in lieu of on site provision as is normally required by Council policy.

When considering the appeal against 10/3535M, the Inspector noted that in line with Council policy and having regard to the additional demands on open space arising from the development, a financial contribution was justified. However, he noted that whilst no contribution was offered at appeal, that the site is quite well served by existing facilities and that the very substantial benefit of bringing the listed building into fuller use, thereby helping to sustain its future, more than outweighed any harm that would be caused by the lack of contribution to open space provision.

Whilst the formal comments of the Council's Greenspace Officer are awaited, given the previous appeal decision and given the substantial benefits offered by the proposal, it is not considered that the lack of a financial contribution to open space is a sustainable reason to refuse the application.

### **Accessibility**

The site is located within Bollington, within walking distance of a wide range of local services and facilities including shops, pubs, schools, health centre, bus stop and play area. Local facilities are therefore considered to be accessible by a range of transport options from the application site.

### **Highways**

As stated, vehicular access to the site would be via Clarence Road and parking. Off street parking provision is available within the curtilage of the Mill, providing 189 spaces to serve the mixed commercial and residential uses on the site. There is also storage space for 20 cycles in the existing secure facilities in the stairwell.

The Council's Strategic Highways Manager has been consulted on the application and raises no objections noting that whilst there was a highways objection to the appeal proposal, that the Inspector found that the objection on parking grounds could not be sustained. That decision was taken having regard to PPG13 which has now been replaced by the NPPF. The NPPF sets a level of 'severe' impact to warrant refusal on transport grounds. It is not considered that this can be demonstrated in this case given the previous Inspectors findings

and given the fallback of the existing lawful commercial use with potentially more serious parking implications.

### **Economic Sustainability**

With regard to the economic role of sustainable development, the proposed development will help to maintain a flexible and responsive supply of land for housing as well as bringing direct and indirect economic benefits to Bollington including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

### **Planning Balance**

There are a number of significant benefits that would arise from this proposal including:

- The restoration and re-use of a Grade II Listed Building located in a prominent position within a Conservation Area
- Provision of 19 apartments on an accessible brownfield site
- Contribution to the Council's five year housing land supply

There are also additional less significant benefits including economic benefits arising from the proposal and potential reduction in parking demand on site resulting from the replacement of the lawful commercial use.

Factors weighing against the proposal are the lack of affordable housing proposed and local of POS contributions.

However, having regard to Paragraph 14 of the NPPF, in this case it is considered that any adverse impacts resulting from the granting of permission would not significantly and demonstrably outweigh the benefits when assessed against relevant policies.

### **RECOMMENDATION**

#### **Approve subject to conditions.**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Planning and Enforcement Manager, in consultation with the Chairman (or in his absence the Vice Chair) of Northern Planning Committee to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

### **Application for Full Planning**

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A32HA - Submission of construction method statement
4. A22GR - Protection from noise during construction (hours of construction)
5. Masonry materials to match existing

6. Details of windows (which shall be timber), louvre and extract hood to be submitted and approved in writing by lpa
7. Details of cycle parking to be submitted and agreed by lpa
8. Car parking spaces to be marked out prior to use commencing
9. Sound insulation measures to be submitted and agreed by the lpa and to be implemented prior to first occupation and maintained thereafter



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