

Application No: 15/2819M

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

Proposal: Outline application for demolition of the existing buildings and the erection of 5 town houses and 6 apartments (resubmission of application number 12/1394M approved on 19 July 2012).

Applicant: Mr I. Massie

Expiry Date: 18-Sep-2015

**Date Report Prepared:** 23<sup>rd</sup> September 2015

**Summary:** The principle of this development at this site has previously been established under planning application 08/2405P and more recently application 12/1394P.

The proposal 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. The scheme seeks consent for matters relating to access and layout only and is identical to previous consents.

The principle of the removal of the Chimney Stack has already been accepted. The layout of the scheme is considered to be acceptable and in keeping with the character of the surrounding area. The proposed access and parking provision is considered to be acceptable by the Head of Strategic Infrastructure. It is anticipated that the proposed development will provide a sustainable form of development which will offer environmental and economic benefits to the area as well as contributing to the Council's 5 year housing land supply.

The site circumstances remain the same. The proposed development is considered to be compliant with both Local and National Planning Policies and there are no material considerations present, which would suggest otherwise.

**Recommendation:** Approve subject to Conditions and the prior completion of a Section 106 agreement.

## **REASON FOR REPORT**

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

## **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**

- |          |  |
|----------|--|
| 15/2827M | Prior approval for change of use of Former Cottage on Peter Street from Office accommodation to residential.<br>Prior Approval not required<br>11.08.15  |
| 12/1394M | Outline application for the demolition of an existing buildings and erection of 5 town houses and 6 apartments (resubmission of 08/2405P)<br>Approved subject to conditions and S106<br>19.07.15 |
| 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  
2.03.2009

## **POLICIES**

### **National**

National Planning Policy Framework

### **Local Plan Policy**

Macclesfield Borough Local Plan (2004)

BE1 Design Guidance  
BE2 Historic Fabric  
BE20 Locally Important Buildings  
H1 Phasing Policy  
H2 Environmental Quality of Housing Developments  
H5 Windfall Housing  
H6 Town Centre Housing  
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

Emerging Local Plan Strategy Submission Version (March 2014)

MP1 Presumption in favour of sustainable development  
PG1 Overall Development Strategy  
PG5 Open Countryside  
PG6 Spatial Distribution of Development  
SD1 Sustainable Development in Cheshire East  
SD2 Sustainable Development Principles  
IN1 Infrastructure  
IN2 Developer contributions  
SC4 Residential Mix  
SE1 Design  
SE2 Efficient use of land  
SE3 Biodiversity and geodiversity  
SE4 Landscape  
SE5 Trees, Hedgerows and Woodland  
SE6 Green Infrastructure  
SE9 Energy Efficient Development  
SE12 Pollution, Land contamination and land instability

SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport

**Other Material Considerations**

Cheshire East Locally Listed Buildings SPD  
S106 Planning Agreements (SPG)

**CONSULTATIONS (External to Planning)**

**Manchester Airport:**

No safeguarding objections.

**Strategic Highways & Transportation Manager:**

No objections raised subject to conditions relating to the layout of parking, details of surfacing, construction method statement and cycle storage.

**Archaeology:**

It is noted 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.

**Nature Conservation:**

The proposed development will not impact on a designated wildlife site nor cause reasonable risk to a protected species therefore no objections are raised. It is 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.

**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 the following 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)**

No objections raised; 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.

**United Utilities:**

No objection subject to a condition requesting a surface water drainage scheme

**OTHER REPRESENTATIONS**

**Macclesfield Town Council Planning Committee:**

Request that greater provision for off road parking made.

**Macclesfield Civic Society:**

*The scheme comprises a good blend of modern and vernacular designs and provides a useful mix of housing types to meet local needs. Parking provision should avoid undue impact upon traffic conditions in the locality. The layout safeguards privacy and amenity for existing and prospective residents. It is suggested that a written and photographic record be made of the existing buildings for the historic archive. The physical condition of the former industrial buildings and structures is noted. An early redevelopment would be welcomed.*

This application has been advertised by means of a site notice, neighbour notification and a press advert, the last date for comments is the 30th September 2018. At the time of writing this report no comments from the General Public had been received. Any representations received will be reported to member within an update to Committee.

**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

**OFFICER APPRAISAL**

**Principle of the development**

The principle of this development was firstly established under planning application 08/2405p, approved on the 2<sup>nd</sup> March 2009 by the former Macclesfield Borough Council Committee. This was followed by application 12/1394M approved on the 19<sup>th</sup> July 2012, by Northern Planning Committee and was a resubmission of the 2008 scheme, which proposed an identical scheme.

This application now before Members seeks full planning permission, again for an identical scheme to the 2009 and 2012 consents, as both consents are no longer extant.

The application site circumstances remain the same. The key consideration is whether the proposed development accords with both Local Plan Policies and The National Planning Policy Framework and whether there are any other material considerations which would suggest otherwise. Application and the site circumstances remain the same.

The report presented considers the same key issues as the Committee Report for application 12/1394M, however it has been updated to take into account the consultee and representations received.

The National Planning Policy 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 effect architectural or historic character will only be allowed if the Borough Council is satisfied that the buildings is 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 the structure is 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 2012 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 2012 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 attention 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.

## **Section 106 contributions Levy (CIL) Regulations**

The Councils Supplementary Planning Guidance on S106 Planning Agreements advises that 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.

Policy IN1 of the Cheshire East local Plan Strategy Submission Version advises that the Local Authority should work in co ordinated manner to secure funding and delivery of physical, social, community environmental and any other infrastructure required to support development and regeneration.

In order to comply with the community Infrastructure Levy (CIL) Regulations 2010 planning applications with legal agreements must consider whether the requirements within the Section 106 satisfy the following;

- (a) Necessary to make the development acceptable in planning terms;
- (b) Directly related to development; and
- (c) Fairly and reasonably related in scale and kind to the development

The commuted sum to be paid to the Council to make additions, enhancements and improvements to play provision, allotments and sport pitch facilities trim trail / jogging track around South Park which provide opportunities for all parts of the community including the new residents.

On this basis, the provision of the commuted sum is necessary, directly relates to the development and is fair and reasonable in relation to the scale and kind of development.

The applicant has been notified that a new updated legal agreement will be required and Officers area awaiting this to be submitted. Members will be provided with an update on this prior to the Committee meeting.

## **RECOMMENDATION**

There has been no significant change in circumstances since to previous 2012 permission. Located within a predominantly residential area of Macclesfield it is considered that the proposal will introduce a more compatible use to this residential area. The proposed development will allow for a sympathetic regeneration of the site and will remove any potential highways safety concerns, which could arise from the retention of the existing industrial use.

The justification for the demolition of the existing building is accepted. The details relating to layout and access of the proposed development are considered to be acceptable. The proposed development provides a sufficient mix of properties and has been indicatively well designed.

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.

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 were 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 any representations from local residents received;
- Recommended 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 Chair (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 Outline Planning

RECOMMENDATION: Approve subject to following conditions

1. A06OP - Commencement of development
2. A01OP - Submission of reserved matters
3. A02CA - Demolition as precursor of redevelopment
4. A02EX - Submission of samples of building materials
5. A03OP - Time limit for submission of reserved matters
6. A04HP - Provision of cycle parking
7. A05HA - Pedestrian visibility at access (dimensions)
8. A01HP - Provision of car parking
9. A07HA - No gates - new access
- 10.A07HP - Drainage and surfacing of hardstanding areas
- 11.A08OP - Ground levels to be submitted with reserved matters application
- 12.A10HP - Driveway surfacing - single access drive
- 13.A12LS - Landscaping to include details of boundary treatment
- 14.A12OP - Full details approved as part of outline consent
- 15.A17MC - Decontamination of land/ Environment Agency
- 16.A19MC - Refuse storage facilities to be approved
- 17.A26HA - Prevention of surface water flowing onto highways
- 18.A29HA - Door and window openings - highways / footways
- 19.A30HA - Protection of highway from mud and debris
- 20.A32HA - Submission of construction method statement
- 21.Turning facility
- 22.floor floating
- 23.Sound Insulation to be addedd
- 24.Hours of Construction
25. Pile Driving
- 26.Archeology
- 27.Re instatment of kerb along Peter Street
- 28.External Apperance
- 29.Surface water drainage

