

Application No: 17/3892M

Location: GEORGIAN, FROST AND WATERSIDE MILLS, PARK GREEN, MACCLESFIELD, CHESHIRE, SK11 7NA

Proposal: Demolition of existing on site buildings and erection of 67 dwellings with associated car parking and landscaping

Applicant: Peaks and Plains Housing Trust

Expiry Date: 05-Dec-2017

SUMMARY

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. This proposal would bring economic, environmental and social benefits through the delivery of 67 no. residential units in a highly sustainable location, investment in the area and by bringing a prominent vacant brownfield site into viable use on one of the key gateways into Macclesfield Town Centre.

The principle of the proposed development is found to be acceptable having regard to the constraints of the site and would deliver housing development appropriate to its location. The application site also falls within a Mixed Use Area and the Park Green Town Centre Regeneration Area where the proposed use and redevelopment of the site would support these designations.

The design, layout and character of the scheme (as amended) would provide an attractive form of development within its context that would respond positively to the Park Green Conservation Area as well as other adjoining designated heritage assets.

Whilst there would be a shortfall in parking provision against recommended standards, it is important to have regard to the location of the site within a sustainable town centre location where access to other modes of transport is good. The disbenefits of parking provision are outweighed by the benefits of the scheme i.e. namely providing sustainable housing on a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The application would offset the impact on public open space through the provision of financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF.

The application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

SUMMARY RECOMMENDATION

Approve subject to conditions and S106 Agreement

DESCRIPTION OF SITE AND CONTEXT

The application site lies in the Park Green Conservation Area and covers roughly 0.37ha. The site is located at the southern end of the town centre and currently consists of industrial buildings. The site lies to the southeast of Park Green and to the west of the Silk Road (A523) which occupies an elevated position relative to the site. The River Bollin runs through the middle of the site. The Grade II Listed 'Gradus Mill' sits to the north. The neighbouring buildings are made up of a variety of architectural styles and uses, which include retail, warehouses and residential

DETAILS OF PROPOSAL

This application seeks full planning permission the demolition of the existing on site buildings and erection of 67 dwellings with associated car parking and landscaping on land referred to as 'Georgian, Frost and Waterside Mills', Park Green, Macclesfield.

RELEVANT HISTORY

14/5176M - Variation of condition 18 (renewable energy) on 11/3347M - Demolition of Mill and erection of Development Comprising 36 apartments - Undetermined

11/3347M – Demolition of Existing Mill and Erection of Development Comprising 36 Apartments – Approved 27-Mar-2014

10/3545M - Extension of time to full planning permission 06/0236P mixed use development comprising 87 no apartments and 1077sq m business floorspace with associated car parking, access and servicing arrangements (Full Planning) – Undetermined

10/3614M - Extension of time for permission 06/0234P - part demolition of non-listed buildings for redevelopment (Conservation Area Consent) – Undetermined

10/3615M - Extension of time for permission 06/0235P - demolition of extension and porch on Georgian Mill with external and internal alterations including windows, replacement roof and removal of internal partitions and staircases (Listed Building Consent) - Undetermined

08/2361P - Demolition of existing mill. Erection of mixed use development comprising 31 apartments and office floor space at Park Green Mill – Approved (Subject to S106) 14.05.09

08/2359P - Change of use of former mill to office use (B1). Erection of replacement office development and formation of a new River Bollin walkway / cycleway at Georgian and

Waterside Mill – Was awaiting the signing of S106 Agreement before issuing Decision Notice, however, Georgian Mill was destroyed in a fire in June 2011 and so the decision was not formally issued

08/2357P - Demolition of Waterside Mill and Georgian Mill – Conservation Area Consent – was to be issued on completion of 08/2359P

08/2356P - Demolish extension and porch. Internal and external alterations including windows, replacement roof and removal of internal partitions and staircase (Listed Building Consent) – was to be issued on completion of 08/2359P

06/0234P - Part demolition of non-listed buildings for redevelopment (Conservation Area Consent) - Approved 26.09.07

06/0236P - Mixed use development comprising 87 no. apartments and 1077 sq. m. business floorspace with associated car parking, access and service arrangements (Full Planning) – Approved 26.09.07

06/0237P - Formation of 61 no affordable apartments with associated parking at Jack Lee Mill, Knight Street, Macclesfield - Approved 26.09.07

There have been numerous applications on the site prior to 2006, which relate to the industrial use of the site, but none of direct relevance to this current scheme.

POLICIES

Development Plan

Cheshire East Local Plan Strategy

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

PG7 Spatial Distribution of Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

IN1 Infrastructure

IN2 Developer Contributions

SC1 Leisure and Recreation

SC2 Indoor and Outdoor Sports Facilities

SC3 Health and wellbeing

SC4 Residential Mix

SC5 Affordable Homes

SE1 Design

SE2 Efficient use of land

SE3 Biodiversity and geodiversity

SE4 The Landscape

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment

SE9 Energy Efficient development

SE12 Pollution, land contamination and land stability
SE13 Flood risk and water management
CO1 Sustainable travel and transport
CO3 Digital connections
CO4 Travel plans and transport assessments

Macclesfield Borough Local Plan (saved policies)

NE9-11 (Protection of River Corridors, Conservation of River Bollin and Nature Conservation)
BE2 (Preservation of Historic Fabric and Conservation Area)
BE15 (Listed Buildings)
BE21 (Site of Archaeological Importance)
BE23 (Development affecting Archaeological Importance)
BE24 (Development of Archaeological Sites)
RT5 (Open Space Standards)
RT7 (Cycleways, Bridleways and Footpaths)
H6 (Town Centre Housing)
H9 (Occupation of Affordable Housing)
E11 (Mixed Use Areas)
MTC18 (George Street Mill Area)
MTC19 (Housing)
MTC27 (River Bollin)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscape)
DC17 (Water Resources)
DC20 (Contamination of Watercourses)
DC35 (Materials)
DC37 (Landscaping)
DC38 (Space, Light and Privacy),
DC40 (Children's Play Provision and Amenity Space)
DC63 (Contaminated Land)

Other Material Considerations

National Planning Policy Framework (The Framework)
National Planning Practice Guidance
Cheshire East Design Guide

CONSULTATIONS

ANSA and CEC Leisure – No comments received.

Cheshire Archaeology Planning Advisory Service - No objection subject to a condition requiring the submission of a programme of archaeological mitigation.

Environmental Protection – No objections subject to conditions relating to noise mitigation, schemes for piling and floor floating, electric vehicle infrastructure, a travel plan, dust control and contaminated land and informatives relating to construction hours.

Flood Risk Manager – No objection subject to conditions requiring compliance with the submitted Flood Risk Assessment, submission of a drainage strategy and scheme of surface water drainage. Parts of the site adjacent to the River Bollin are at risk of flooding from surface water. This will need to be appropriately managed as part of the development. Any works affecting the River Bollin will need to be permitted by the Environment Agency.

Housing Strategy & Needs Manager – No objection. The Housing Strategy and Needs Manager has confirmed that no affordable housing is required as part of this application having regard to the planning history of the site and the delivery of affordable units on the adjacent Jack Lee Mills development.

Head of Strategic Infrastructure – No objection.

Public Rights of Way – No objections – the proposal does not affect a definitive public right of way.

United Utilities – No objection subject to foul and surface water drainage being connected on separate systems and submission of a surface water drainage scheme.

VIEWS OF THE MACCLESFIELD TOWN COUNCIL

No objection but asked that:

- i. adequate provision of parking is given full consideration;
- ii. consideration is given to air quality

OTHER REPRESENTATIONS

Representations have been received from 7 addresses, 5 objecting to the proposal and 2 supporting it. The grounds for objection are summarised as follows:

- Impact on an important area of the town including the war memorial & the other adjacent period buildings
- Mill could be rebuilt with its iconic clock, retaining the original 'look' of the area
- Full archaeological building survey should be made and be included in the planning conditions before it disappears completely
- Elevation facing Park Green must be redesigned
- Design of the proposals will age badly and needs to be more fitting for the area
- Proposed car parking will conflict with parking associated with neighbouring businesses
- Will impact on access to neighbouring property
- Insufficient parking which will affect amenity, increase roadside parking and increase congestion
- Car ownership is increasing whilst bus service provision is being cut
- Will set a precedent

The grounds for support are summarised as follows:

- Another Macclesfield eye-sore bites the dust

- Council should concentrate on sites like this first, rather than building on rich farm land around the edges
- Will bring more life into the town
- Hope that the car parking requirement will not become an objective to its approval
- Will reduce pressure on the green belt
- Should not reject a town centre brownfield development for reasons of parking provision
- The residents of affordable accommodation have a less than average likelihood to need or own cars, and the location is most highly served by public transport
- Site is highly sustainable
- Car parking standard is an out-dated tool

OFFICER APPRAISAL

Background

This application relates to a key gateway site occupying a prominent position at the southern approach to Macclesfield Town Centre and the Park Green Conservation Area. The site has lain vacant for a number of years and in its present derelict state, serves to detract from the visual amenity of the area including the adjoining designated heritage assets.

The site has a complex history. The planning history shows that since 2006, there has been an appetite to re-develop this key brownfield site for residential use (albeit earlier iterations have included a proportion of business floor space too). Unfortunately, the larger Grade II Listed mill building that once stood to the north of the site was destroyed in a fire in June 2011 and was subsequently demolished. Later that year, detailed planning approval was given for a scheme of 36 no. apartments (planning ref; 11/3347M refers).

The site formed part of a larger development which incorporated the revitalisation of Georgian Mill, Waterside Mill and Jack Lee Mill. However, following the fire and subsequent demolition of the Grade II Listed Georgian Mill, consent was granted under planning ref; 11/3347M for the demolition of all the Park Green Works between the River Bollin and Maydews Passage (with the exception of 42 Park Green which was to be retained) and the construction of a new 3 storey building fronting Park Green, continuing alongside the River Bollin through to Brook Street.

It is important to note that when this site was considered as part of the larger development, the full affordable provision was provided within Jack Lee Mill. Taking the two sites together, the overall level of affordable provision would be in excess of that required by Policy.

Principle of Development

Sec.38 (6) of the Planning and Compulsory Purchase Act 2004 states that planning applications and appeals must be determined "*in accordance with the plan unless material considerations indicate otherwise*".

Macclesfield is identified as one of the principal towns in Cheshire East where CELPS Policy PG 2 seeks to direct 'significant development' to the towns in order to 'support their revitalisation, recognising their roles as the most important settlements in the borough.

Development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport'.

The application site also falls within a Mixed Use Area and the Park Green Town Centre Regeneration Area where saved Policies MTC12, MTC13 and MTC18 are applicable. Policy MTC12 is permissive of residential uses and Policy MTC13 states that the Borough Council will encourage the re-use and selective redevelopment of sites within the Park Green area primarily for offices, cultural and community uses.

MBLP Policy MTC18 states that proposals specifically in the George Street Mill area will be encouraged where they would result in 'the revitalisation of the area principally by the reuse of existing buildings for employment (B2) and offices (B1) together with enhancement of the River Bollin corridor'. It is accepted that Policy MTC18 states that the regeneration of the area will be principally achieved by the reuse of buildings for employment (B2) and offices. However, it does not specifically preclude housing as an appropriate use and Policy MTC19 permits housing in the town centre where a satisfactory housing environment can be achieved.

In this case, the site has already been accepted as being suitable for residential purposes owing to the previous planning consents. It is considered that the site is unsuited to industrial uses and there are adequate opportunities for offices in the designated Regeneration Areas and Mixed Use Areas elsewhere in the town centre. The site has remained vacant and in a poor state of repair for a significant number of years and therefore its redevelopment would serve as an efficient use of brownfield land within a highly sustainable location. This proposal will secure the redevelopment and regeneration of an important site within the Park Green area which will bring direct and indirect benefits to the local economy, town centre, conservation area and the community through the delivery of housing.

The general principle of the development is therefore found to be acceptable. As per para 14 of the Framework and CELPS Policy MP 1, there is a presumption in favour of sustainable development taking into account the three dimensions of sustainable development (economic, social and environmental) and compliance with the Development Plan.

SOCIAL SUSTAINABILITY

Housing Land Supply

On 27 July 2017, the Council adopted the Cheshire East Local Plan Strategy. This followed an extensive public examination led by an independent and senior Planning Inspector.

The Inspector's Report on the Local Plan was published on 20 June 2017 and signalled the Inspector's agreement to the Plans policies and proposals. The Local Plan Inspector confirmed that, on adoption, the Council was able to demonstrate a 5 year supply of housing land. In his Report he concluded:

"I am satisfied that CEC has undertaken a robust, comprehensive and proportionate assessment of the delivery of its housing land supply, which confirms a future 5-year supply of around 5.3 years"

The Inspector's conclusion that the Council had a 5 year supply of deliverable housing land was based on the housing land supply position as at 31 March 2016.

Following the adoption of the Local Plan Strategy, the Council released its annual Housing Monitoring Update, in August 2017. It sets out the housing land supply as at 31 March 2017 and identified a deliverable housing land supply of 5.45 years.

On 8 November 2017, an appeal against the decision of the Council to refuse outline planning permission for up to 400 homes at White Moss Quarry, Alsager (WMQ) was dismissed due to the scheme's conflict with the Local Plan settlement hierarchy and its spatial distribution of development.

However, in his decision letter, the WMQ Inspector did not come to a clear conclusion whether Cheshire East had a five year supply of deliverable housing land. His view was that it was either slightly above or slightly below the required 5 years (4.96 to 5.07 years). In this context, the Inspector engaged the 'tilted balance' set out in the 4th Bullet point of paragraph 14 of the National Planning Policy Framework (NPPF). This introduces a presumption that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole.

On 4 January 2018, an appeal against the non-determination of an outline planning permission for up to 100 homes at Park Road, Willaston was dismissed due to conflict with Local Plan policies that sought to protect designated Green Gap, open countryside and rural character. The Inspector also took the view that the housing land supply was either marginally above or below the required 5 years (4.93 to 5.01 years). On this basis, he adopted a 'precautionary approach' and assumed a worst case position in similarly engaging the 'tilted balance' under paragraph 14 of the Framework.

The Council is continuing to update its evidence regarding housing land supply to ensure that decisions are taken in the light of the most robust evidence available and taking account of recent case law. The Council believes it can demonstrate a five year supply and will accordingly be presenting further updated evidence at the forthcoming Stapeley Inquiry.

For the purpose of determining current planning applications, it is therefore the Council's position that there is a five year supply of deliverable housing land.

Whilst the Council can now demonstrate a 5 year supply of land for housing, it is important to note that this proposal would deliver 67 new dwellings within one of the Principal Towns in the Borough. It is important to keep the supply rolling and proposals to redevelop redundant brownfield sites such as this one will assist in relieving pressure on other edge of settlement sites and the countryside. As such, this is a key benefit of the scheme.

Affordable Housing

Policy SC 5 of the CELPS states that "in developments of 15 or more dwellings (or 0.4 hectares) in the Principal Towns and Key Service Centres of the Borough, at least 30% of all units are to be affordable". Thus, a scheme of 67 units would normally be expected to provide

20 no. affordable units. However, as stated earlier, this site was considered as part of a larger development which included Jack Lee Mill. On the Jack Lee Mill part of the site, all of the 61 no. affordable units were delivered in 2010.

The s106 agreement relating to the larger development precluded the development of Georgian Mill until Jack Lee Mill had commenced, and restricted the occupation of no more than 10 units on Georgian Mill until 30 of the units at Jack Lee Mill were complete and no more than 20 of the residential units were to be occupied until all the units at Jack Lee Mill were completed. The extant consent for the Georgian Mill part of the site approved 36 units (Planning ref; 11/3347M) and so the s106 carried the caveat that if there was a subsequent increase on any further phases of development on the sites that are linked together (i.e. Georgian Mill or Waterside Mill) which resulted in the 61 units provided at the Jack Lee Mill site being less than 30% of the overall development on the sites, then further affordable housing would be necessary to meet the 30% requirement.

In the case of this application, taking the two sites together, the overall level of affordable provision would be in excess of that required by Policy SC 5. This is a proposal for 67 units bringing the total number of units provided at all 4 mills to 103 units. 30% provision of affordable housing would equate to 31 units. Given that the development at Jack Lee Mill has already provided 61 units as part of wider development, there is therefore no requirement for provision of affordable housing on this site. As such, the scheme is found to be acceptable in this regard and is supported by the Council's Strategic Housing Section.

Public Open Space

Policies RT5 and DC40 of the MBLP set out the amenity open space requirements for housing development (per dwelling). The requirements for amenity open space would be 20 square metres per dwelling. As this proposal would not comprise of 'family dwellings', there would be no requirement for informal / formal children's play provision.

Apart from the route adjacent to the River Bollin, there would be minimal private or public amenity space accommodated on site. As such, the proposals would place a greater burden on open space and recreational facilities in the area and accordingly, the applicants would be expected to make a financial contribution towards the Borough Council's sports, recreational and open space facilities in lieu of on-site provision. The Macclesfield S106 Supplementary Planning Guidance on S106 Agreements provides the formulae for calculating off site financial contributions.

In the case of this proposal, the financial contributions would be as follows:

- Amenity Open Space - £1500 per bed space (124 bed spaces x £1500 = £186,000)
- Recreation / Outdoor Sports Provision - £500 per 2+ bed space (113 2+ bed spaces = £56,500)

Subject to the above being secured by way of a legal agreement, the scheme is found to accord with MBLP Policies RT5 and DC40.

ENVIRONMENTAL SUSTAINABILITY

Design, Character and Appearance

The NPPF and CELPS Policy SE 1 emphasises the importance of securing high quality design appropriate to its context. Policy SD 2 of the CELPS expects all development to *“Contribute positively to an area’s character and identity, creating or reinforcing local distinctiveness in terms of:*

- a. Height, scale, form and grouping;*
- b. Choice of materials;*
- c. External design features;*
- d. Massing of development - the balance between built form and green/public spaces;*
- e. Green infrastructure; and*
- f. Relationship to neighbouring properties, street scene and the wider neighbourhood;”*

The character of the area is essentially made up of tightly packed buildings, with few public open spaces save for Park Green. Most of the buildings are built tight to the back of pavements. There is a mixture of two, three and four storey commercial and residential uses in the locality. These buildings are interspersed with traditional industrial buildings which are five and six storeys in nature.

The proposed design has followed discussions with the Local Planning Authority. These discussions have resulted in an amended design which would provide 2 principal blocks of accommodation in traditionally designed and proportioned structure, which would be punctuated by contemporary elements. The design seeks a modern expression of the traditional mill form without resulting in a pastiche form. The proposal is appropriate in scale and size having regard to the existing mills and warehouses in Macclesfield. The building incorporates larger openings, entrances, bays and contemporary insertions. The fenestration (doors and windows) establish a vertical rhythm along the elevations and as amended, are well proportioned.

In reference to the history of the site and the area, the proposal would utilise a ‘saw-tooth’ roof arrangement within the eastern (Waterside) half of the development. This would reference the industrial roofs that would have once characterised this area of Macclesfield. The eastern apartment block along the Bollin would open up the river corridor and would promote passive surveillance. The block and elevations facing Park Green would achieve good presence and dominance and would respond well to the character of the area forming a heritage style block. This proposal would incorporate elements of metal perforated cladding which would provide a contemporary approach which would assist in separating the old from the new and also assist in breaking up the massing of the elevations.

The proposed design would be partly contemporary in terms of its appearance and the use of materials. However, it would provide an attractive form of development in an important area of Macclesfield Town Centre and would respond positively to the Park Green Conservation Area. The design is therefore found to be acceptable and in accordance with Policies SE 1 and SD 2 of the CELPS.

Heritage Assets

This property lies within the Park Green Conservation Area where there is a need to respect and enhance the character and appearance of the area. The present view from the Silk Road is of backs of buildings, sheds and neglected yards. An opportunity exists to significantly improve the views from Park Green and those from along the river corridor. The existing buildings on site make a negative contribution to the conservation area and the setting of adjoining listed buildings. Although the views within and out of the conservation area will be altered by this development, subject to the use of high quality materials, the impact will be positive by regenerating a derelict site on a key gateway into Macclesfield Town Centre whilst bringing the site into viable use.

Archaeology

The site is located within the Macclesfield Area of Archaeological Potential as defined in the MBLP. The application area sits within Zone 3 of this area which is characterised by the town's industrial development during the 18th and 19th centuries. In March 2006, the Cheshire Archaeology Planning Advisory Service (APAS) commented on the earlier application to develop this site (06/0236P) which was supported by an archaeological desk-based assessment.

This assessment identified the extension to the Georgian Mill as an area where significant below ground archaeological remains were likely to be present. These related specifically to the power systems of the mill including engine houses, boiler houses, wheel pits and gas holders. The report recommended a programme of pre-determination evaluation in order to examine the extent of these archaeological remains and the need for further archaeological mitigation.

The evaluation work was undertaken during which the trenches revealed evidence of the features described above. As a result it was agreed that should planning permission be granted for the scheme, that further archaeological mitigation would be required, which could be secured by condition. It was agreed that this work would comprise of an archaeological excavation targeting the engine house, boiler house and wheel pit and a photographic survey, commensurate with a Historic England Level 1 record of the remaining standing mill structures. It was also noted that the lifting of concrete slab in archaeologically sensitive areas would need to be carried out under archaeological supervision to avoid damage to the underlying strata.

Whilst the mill has since been destroyed by fire, it is the opinion of APAS the agreed scope of a previous Written Scheme of Investigation is still relevant. The Cheshire Archaeology Planning Advisory Service (APAS) has therefore recommended that that an appropriate programme of archaeological mitigation be undertaken and secured by condition. Subject to this, the proposal is found to be acceptable in this regard and compliant with Macclesfield Borough Local Plan Policies BE23, BE24 and SE 7 of the Cheshire East Local Plan.

Trees and Landscaping

Owing to the previously developed nature of the site, the only tree specimens and soft landscaping on the site is located along the Mill Lane frontage. The existing specimens are poor quality and are not worthy of retention, save for one specimen at the far north-western corner of the site. This specimen could be retained if deemed necessary. This detail would be

secured by condition by way of a landscaping condition. The Council's Principal Landscape Officer does not consider that the proposals will result in any significant landscape or visual impacts.

Highways and Parking

Vehicular access to the site would be maintained directly off Park Green in between the site and Gradus Mill to the north east. This would provide access to the internal courtyard and car parking areas. Having regard to the lawful use of the site for B2 and previous residential consents, it is considered that the vehicle movements advocated with the proposed development could be accommodated by the proposed site access and existing highway network.

With respect to parking provision, Appendix C of the Cheshire East Local Plan Strategy outlines the car parking standards for particular types of proposed development. For residential accommodation within Principal Towns such as Macclesfield, the recommended car parking standard for 1 bedroom units would be 1 space per dwelling and for 2 and 3 bedrooms it would be 2 spaces per dwelling. Appendix C advises that these standards 'will apply where there is clear and compelling justification that it is necessary to manage the road network'.

In this case, the proposals would comprise of 67 units made up of 11 no. 1 bed units, 55 no. 2 bed units and 1 no. 3 bed unit. This would equate to a need. This would equate to a need for 123 spaces according to the car parking standards. This proposal would provide 23 car parking spaces. It is recognised that this is well below the recommendations in the parking standards. However, it is important to have regard to the location of the site within the Town Centre of one of the Principal Towns in the Borough.

Further residents will be aware of the site location and parking constraints when purchasing these units. The site is located in a highly sustainable location with access to all facilities within walking distance but also is within 0.3 miles of Macclesfield Railway Station (5 minute walk along Sunderland Street). The site is also adjacent to existing bus stops on Mill Lane and the site is accessible by other public transport links serving the wider area.

The Head of Strategic Infrastructure (HSI - Highways) has assessed the application has offered no objection to the application on highways or parking grounds. Accordingly, it is not considered a refusal could be sustained on parking grounds in this case.

Residential Amenity

Saved policy DC38 of the Macclesfield Borough Local Plan (MBLP) states that new residential developments should generally achieve a distance of between 21 metres and 25 metres between principal windows and 14 metres between a principal window and a blank / flank elevation. This is required to maintain an adequate standard of privacy and amenity between residential properties, unless the design and layout of the scheme and its relationship to the site and its characteristics provide a commensurate degree of light and privacy between buildings.

Whilst the properties on the opposite side of Mill Lane to the west are predominantly commercial / retail, there are some residential uses at the upper floors which have windows facing the site. At its closest point, the separation between these adjacent properties and the proposed west facing elevation would be 18 metres. Thus, the proposal falls short of the recommended standards. However, given that the area is characterised by a traditional tight urban grain where there are examples of similar separation distances, and taking account of the benefits associated with the removal of the unneighbourly lawful uses and the general benefits of the scheme, it is not considered that a refusal could be sustained on amenity grounds.

Elsewhere, the proposal would meet with the separation standards and the amenity afforded to future residents (in terms of light and outlook) of the proposed scheme would be acceptable having regard to the character of the area and the town centre location, subject to further considerations relating to noise.

Noise

The application is supported by a noise impact assessment which details noise mitigation measures in order to ensure that occupants of the proposed dwellings are not adversely affected by current and future traffic noise in the vicinity of the site, having particular regard to the Silk Road. Provided that the noise mitigation measures as detailed in the noise impact assessment are implemented, it is considered that there should be no adverse impacts on health and quality of life of the future residents resulting from road traffic or other noise in the area. Subject to conditions, it is considered that the proposal complies with Policy SE12 of the CELPS and DC14 of the MBLP relating to noise and soundproofing.

Air Quality

Policy SE 12 of the Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 124 of the NPPF and the Government's Air Quality Strategy. When assessing the impact of a development on Local Air Quality, regard is had to the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality May 2015).

The application is supported by an Air Quality Screening Assessment which has been reviewed by the Council's Environmental Protection Unit. The screening report does not contain a detailed assessment into the impacts of NO₂ and PM₁₀ during the operational phase as one is not required in accordance with EPUK and IAQM criteria based on the predicted development flows. Nonetheless, it should be noted that the report uses local diffusion tubes for its conclusions and the values attributed to them for the years used (2014 and 2015) are slightly higher than the current most up to date figures. Whilst these differences are significant, the actual data used is effectively an over-prediction of the developments effects and can be considered a 'worst case scenario'.

The report concludes that the development's impact is considered negligible and that the existing air quality levels, given the proximity to the London Road AQMA, were predicted to be below the air quality objective at the proposed development. That being said, there is still a

need for the Local Planning Authority to consider the cumulative impact of a large number of developments in the area with particular reference to the impact of transport related emissions on Local Air Quality.

Poor air quality is detrimental to the health and wellbeing of the public and also has a negative impact on the quality of life for sensitive individuals. It is therefore considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. Air Quality Monitoring undertaken in Macclesfield indicates that the annual mean nitrogen dioxide limit value has been exceeded for the years 2014 – 2015 in the areas around Broken Cross and Park Lane, and the area around Hibel Road for 2014. The Council is currently undertaking a verification process in accordance with the Local Air Quality Management regime including the need to declare an Air Quality Management Area and the due process involved in that decision. Macclesfield also already has one Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Based on the above, it is considered appropriate that mitigation should be sought in the form of direct measures to reduce the adverse air quality impact. This can be achieved by conditions relating to travel planning, dust control and the provision of electric vehicle infrastructure, which are accordingly recommended. Subject to these conditions, the proposal will comply with policy SE 12 of the CELPS.

Ecology

Macclesfield Borough Local Plan Policy NE11 and CELPS Policy SE 3 seek to protect nature conservation interests and indicate that where development would adversely affect such interests, permission should be refused. The application is supported by a Phase 1 Habitat Survey which concludes that the site is generally low in terms of its nature conservation value. The proposal would be unlikely to affect statutory or local wildlife sites in the local area. The Council's Nature Conservation Officer has reviewed the submitted survey and agrees with its findings. Subject to conditions to safeguard breeding birds, the proposal is considered to comply with policy NE11 of the MBLP and SE3 of the CELPS.

Flood Risk and Drainage

The River Bollin runs through the site and consequently, parts of the site fall within Flood Zones 2 and 3 as defined by the Environment Agency indicative flood maps. Flood Zone 2 is considered to have a medium probability of flooding (between a 1 in 100 and 1 in 1,000 annual probability of river flooding (1% – 0.1%)) whilst Flood Zone 3 has a high probability of flooding (land assessed as having a 1 in 100 or greater annual probability of river flooding (>1%). Flood Zone 3 can be split into either Flood Zone 3a or 3b. Flood Zone 3b is classified as 'functional flood plain', which is land where water has to flow or be stored in times of flood.

The NPPF Technical Guidance includes a table / matrix (Table 3 refers) which advises on the 'flood risk vulnerability and flood compatibility' of uses dependent on the flood zone it finds itself in. It states that more vulnerable development (including residential) are appropriate within Flood Zones 1 and 2 and is also appropriate in Flood Zone 3a subject to an exception test. It states that development for more vulnerable uses should not be permitted within Flood Zone 3b (functional floodplain). The application is supported by a Flood Risk Assessment

which confirms that those parts of the site that are within Flood Zone 3 are entirely 3a and therefore none of the site from part of a floodplain.

Para 103 of the NPPF states that:

“When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment following the Sequential Test, and if required the Exception Test, it can be demonstrated that:

- within the site, the most vulnerable development is located in areas of lowest flood risk unless there are overriding reasons to prefer a different location; and*
- development is appropriately flood resilient and resistant, including safe access and escape routes where required, and that any residual risk can be safely managed, including by emergency planning; and it gives priority to the use of sustainable drainage systems.”*

In terms of the sequential test, the submitted FRA concludes that there are no sequentially more preferable sites comparable to this one. Further, the site is identified within the Cheshire East Strategic Housing Land Availability Assessment (SHLAA - site 923) as developable for such uses. In terms of the exception test, owing to the flood mitigation measures and given that the submitted FRA confirms that subject to mitigation, the proposals will not increase the risk of flooding elsewhere, the benefits of the scheme do outweigh the harm relating to flood risk. The Environment Agency, Council's Flood Risk Manager and United Utilities have been consulted on this application and have raised no objection to the development on flood risk or drainage grounds subject to conditions. Therefore the development is considered to be acceptable in terms of its flood risk and drainage impact and will comply with policy SE 12 of the CELPS.

Contaminated Land

The submitted Phase I Preliminary Risk Assessment has been assessed by the Council's Environmental Protection Unit, who have offered no objection. Any risk from further contamination not already identified can be picked up and by a Phase II investigation secured by appropriate conditions. Consequently the proposal complies with policy DC63 of the MBLP and CELPS Policy SE12.

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 Macclesfield including additional trade for local shops and businesses, jobs in construction and economic benefits to the construction industry supply chain.

S106 HEADS OF TERMS

As noted above, comments are awaited from ANSA and discussions regarding the potential contribution towards the Open Space are ongoing. Therefore, a s106 agreement is currently

being negotiated to secure the requisite Public Open Space and Sports and Recreation provision in lieu of on-site provision.

CIL Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is 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 public open space and sport and recreation (financial) mitigation directly relates to the development, is necessary, fair and reasonable to provide a sustainable form of development, to contribute towards sustainable, inclusive and mixed communities and to comply with local and national planning policy.

CONCLUSIONS

Macclesfield is one of the principal towns and growth areas of the Borough where national and local plan policies support sustainable development. This proposal would bring economic, environmental and social benefits through the delivery of 67 no. residential units in a highly sustainable location, investment in the area and by bringing a prominent vacant brownfield site into viable use on one of the key gateways into Macclesfield Town Centre.

The principle of the proposed development is found to be acceptable having regard to the constraints of the site and would deliver housing development appropriate to its location. The application site also falls within a Mixed Use Area and the Park Green Town Centre Regeneration Area where the proposed use and redevelopment of the site would support these designations.

The design, layout and character of the scheme (as amended) would provide an attractive form of development within its context that would respond positively to the Park Green Conservation Area as well as other adjoining designated heritage assets.

Whilst there would be a shortfall in parking provision against recommended standards, it is important to have regard to the location of the site within a highly sustainable Town Centre location where access to other modes of transport is good. The disbenefits of parking provision are outweighed by the benefits of the scheme i.e. namely providing sustainable housing on a redundant brownfield site.

The proposal would not materially harm neighbouring residential amenity and would provide sufficient amenity for the new occupants. The application would offset the impact on public open space through the provision of financial contributions. The applicants have demonstrated general compliance with national and local guidance in a range of areas including ecology, flood risk, noise and air quality.

On this basis, the proposal is for sustainable development which would bring environmental, economic and social benefits. The proposal is therefore considered to be acceptable in the context of the relevant policies of the adopted Cheshire East Local Plan Strategy and the saved policies of the Macclesfield Borough Local Plan and advice contained within the NPPF. The application is therefore recommended for approval subject to the imposition of appropriate conditions and the necessary Section 106 obligation.

RECOMMENDATION

APPROVE subject to conditions and a S106 Agreement / Unilateral Undertaking making provision for:

Public Open Space comprising of:

- **Amenity Open Space - £1500 per bed space (124 bed spaces x £1500 = £186,000)**
- **Recreation / Outdoor Sports Provision - £500 per 2+ bed space (113 2+ bed spaces = £56,500)**

And the following conditions:

1. Commencement of development (3 years)
2. Development in accordance with approved and amended plans
3. Construction of access prior to first occupation
4. Landscaping scheme to be submitted and approved
5. Landscaping scheme to be implemented
6. Protection for breeding birds during bird nesting season
7. Details of ground levels to be submitted, approved and implemented
8. Details of external facing materials to be submitted, approved and implemented
9. Details of boundary treatments to be submitted, approved and implemented
10. Development to be carried out in accordance with submitted noise survey
11. Development to be carried out in accordance with submitted Flood Risk Assessment.
Finished floor levels of the proposed apartments are set no lower than 134.915 m above Ordnance Datum (AOD)
12. Phase II contaminated land survey to be submitted, approved and implemented
13. Remediation of contaminated land to be carried out
14. Bin storage to be provided prior to first occupation
15. Cycle storage to be provided prior to first occupation
16. Details windows to be submitted, approved and implemented
17. Details of pile foundations to be submitted, approved and implemented
18. Electric Vehicle Infrastructure (2 rapid charge points) to be provided prior to first occupation
19. Submission, approval and implementation of Travel Plan Packs
20. Scheme of dust control to be submitted, approved and implemented
21. Submission, approval and implementation of a scheme of archaeological mitigation
22. Foul and surface water drainage to be connected on separate systems
23. Scheme of surface water drainage to be submitted, approved and implemented
24. No drainage systems for the infiltration of surface water drainage into the ground is permitted, unless otherwise agreed

25. Submission, approval and implementation of a Construction Environmental management Plan

In order to give proper effect to the Board's/Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning (Regulation) in consultation with the Chairman (or in their absence the Vice Chairman) to correct any technical slip or omission in the resolution, before issue of the decision notice.

