

Application No: 12/2073M

Location: 22, 24, 26 & 36 CASTLE STREET; 25, 25B & 25C CASTLE STREET MALL; MACCLESFIELD

Proposal: Change of Use of Ground and First Floors of no. 36 Castle Street from Office (Class B1) to Retail (Class A1), Internal Subdivision and Alterations Together with the Demolition of Retail Units nos 22, 24 and 26 Castle Street and nos 25, 25B, 25C Castle Street Mall to Facilitate the Development of a Two Storey Building to Adjoin no.36 Castle Street for the Provision of Three Retail Units (Ground and First Floor) with Offices Above (Second Floor), External Alterations and Associated Works.

Applicant: Eskmuir Securities Limited

Expiry Date: 29-Aug-2012

SUMMARY RECOMMENDATION: Approve subject to receipt of amended plans and S106 agreement relating to a commuted sums payment for

MAIN ISSUES

- **Principle of Development**
- **Heritage & Design**
- **Sustainability**
- **Regeneration**
- **Highway Safety and Traffic Generation**
- **Heads of Terms for Legal Agreement**

Date Report Prepared: 3rd August 2012

REASON FOR REPORT

The application has been referred to the Northern Planning Committee as the proposal is for a small scale major development where the proposed floorspace would comprise retail/commercial and other floorspace exceeding 1,000 sq. m.

DESCRIPTION OF SITE AND CONTEXT

The application site measures approximately 2768 sq. m. It comprises a three to four storey B1 office building (former Cheshire Building Society premises) located at the junction of Churchill Way and Castle Street in Macclesfield Town Centre and a two storey section of the Grosvenor Centre in the south west corner which lies adjacent to the former Cheshire Building Society premises.

The section of the Grosvenor Centre included within the site boundary comprises five ground floor retail units with storage and servicing above, plus a projecting canopy above and the entrance into the Grosvenor Centre taken from Castle Street. All of the retail units are currently occupied.

The entire site lies within the designated Primary Shopping Area, an area of archaeological potential and adjacent to the High Street Conservation Area. The building formerly occupied by Cheshire Building Society is also a locally listed building.

DETAILS OF PROPOSAL

Full planning permission is sought for the demolition of five retail units contained within the Grosvenor Centre and construction of a replacement two storey building forming an extension to the former Cheshire Building Society premises.

This would facilitate a change of use to the former Cheshire Building Society premises from B1 offices to mixed use A1 and B1 use comprising ground and first floor retailing with offices above.

RELEVANT HISTORY

The former Cheshire Building Society premises were constructed circa 1927 and the Grosvenor Centre was constructed latterly around 1970. There have been 46 applications submitted within the application site boundary including an extension to the former Cheshire Building Society premises in the 1990s. None of these applications are relevant to the proposals.

POLICIES

Regional Spatial Strategy

Policy DP 1 Spatial Principles

Policy DP 2 Promote Sustainable Communities

Policy DP 3 Promote Sustainable Economic Development

Policy DP 4 Make the Best Use of Existing Resources and Infrastructure

Policy DP 5 Manage Travel Demand; Reduce the Need to Travel, and Increase Accessibility

Policy DP 6 Marry Opportunity and Need

Policy DP 7 Promote Environmental Quality

Policy DP 9 Reduce Emissions and Adapt to Climate Change

Policy W 5 Retail Development
Policy L 1 Health, Sport, Recreation, Cultural and Education Services Provision
Policy RT 2 Managing Travel Demand
Policy EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets
Policy EM 18 Decentralised Energy Supply

The Cheshire 2016: Structure Plan Alteration:
Policy T7: Parking

Local Plan Policy

Policy BE1 - Design Guidance
Policy BE2 - Preservation of Historic Fabric
Policy BE20 - Locally Important Buildings
Policy BE22 – Sites of Archaeological Potential
Policy T9 - Traffic Management and Traffic Calming
Policy S1 - Town Centre Shopping Development
Policy MTC1 - Prime Shopping Area
Policy MTC22 - Offices
Policy DC1 - Design and Amenity
Policy DC2 - Design and Amenity
Policy DC3 - Design and Amenity
Policy DC5 - Design and Amenity
Policy DC6 - Design and Amenity
Policy DC13 - Noise
Policy DC14 – Noise
Policy IMP4 – Environmental Improvements in Town Centres

Other Material Considerations

PPS4: Planning For Sustainable Economic Growth – Companion Guide
National Planning Policy Framework (The Framework)
SPD List of Locally Important Buildings
SPG S106 Agreements/ Planning Obligations
Cheshire Retail Study Update
Macclesfield Town Centre Public Realm Strategy
Macclesfield Town Vision
Ministerial Statement – Planning for Growth (March 2011)
Draft Planning Obligations SPD
Circular 5/05

CONSULTATIONS

United Utilities

No comments received at the time of writing report

Cheshire Constabulary

No comments received at the time of writing report

Environmental Health

No comments received at the time of writing report

Town Centre Manager (Macclesfield)

No comments received at the time of writing report

Strategic Highways Manager

No comments received at the time of writing report

Archaeology Planning Advisory Service

Does not think that any significant archaeological deposits are likely to have survived and advises that further archaeological mitigation would not be required.

Macclesfield Civic Society

The Civic Society welcome the re-use and conversion of the former Cheshire Building Society offices to mixed retail and office purposes and for improvements to the Grosvenor Centre. It is considered that the new development fell within the NPPF guidelines for town centre development and also accorded, broadly, with the current Local Plan.

However, there is one point which gave rise to concern, namely the integration of the proposals with the existing Grosvenor Centre buildings. A transitional design is required, but it is not considered that the scheme was of sufficient quality and that more work needs to be done in respect of facade treatment, scale and materials vocabulary. The Civic Society hope that a design appraisal would be undertaken before a decision is reached. As it stands, the Macclesfield Civic Society object to this element of the scheme.

OTHER REPRESENTATIONS

Letter of representation from 57 Ivy Lane, Macclesfield. The main concerns are as follows:

-wish to know the impact of the application on the town centre redevelopment proposals by Wilson Bowden

The following comments were received from the **Macclesfield Guild & Chamber of Trade**:

At a meeting of the Macclesfield Guild & Chamber of Trade held 10th July 2012 it was minuted that the application be given full support.

The consolidation of retail within the Prime Shopping Area is in line with their Constitution Policy to promote and protect the prosperity of Macclesfield and is in accordance with current NPPF and saved Local Plans to protect and enhance the vitality and vibrance of the primary centre. The **Macclesfield Guild & Chamber of Trade** also welcome the change of use to facilitate protection of the iconic Kerridge Stone Building, in line with their policies and aims to promote the re-use of vacant buildings and protect the heritage identity of Macclesfield.

Their only concern is that the current redevelopment proposals by others - relating to loss of adjacent/nearby convenient car parking spaces which currently serves this area - are not in accordance with a policy supporting the Prime Shopping Area.

APPLICANT'S SUPPORTING INFORMATION

A Design and Access Statement and a Planning Statement were submitted with the planning application.

OFFICER APPRAISAL

Principle of Development

At the heart of the new NPPF is a presumption in favour of 'sustainable development', which should be seen as a "thread" running through both plan-making and decision-taking. For decision-taking this means:

- i) approving development proposals that accord with the development plan without delay; and
- ii) where the development plan is absent, silent or relevant policies are out of date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF or specific policies in the NPPF indicate development should be restricted.

The relevant policies within the development plan relating to the principle of development within the town centre pre-date the publication of The Framework. However, it is considered that policies S1 and MTC1 accord with chapter 2 within The Framework which also provides guidance on the principle of development in town centres.

The Framework indicates that LPAs should require applications for main town centre uses to be located in town centres. In this regard, the proposals are compliant with The Framework as the proposals relate to a combination of A1 retail and B1 offices, which are considered main town centre uses and are proposed within the defined Primary Shopping Area. On that basis, there is no requirement to apply the Sequential Test or undertake a Retail Impact Assessment. Policy S1 reaffirms the desirability of locating main town centre uses in centres (and specifically mentioned Macclesfield) but also notes that development should be on a scale appropriate to the character and function of the centre.

In this regard, it should be noted that several comments received have queried the cumulative impact of these proposals, coupled with other applications for main town centre uses within the Town Centre boundary. The Framework and other extant guidance (such as PPS4: Planning for Sustainable Economic Growth – Companion Guide) do not contain any requirement for the LPA to undertake a 'need' test for proposals such as these.

Policy W5 within the Regional Spatial Strategy seeks to encourage retailing in Macclesfield in order to ensure a sustainable distribution of high quality retail facilities. Policy S1 also notes that the vitality and viability of town and district centres depends on retaining and developing a wide range of attractions.

Turning to the appropriateness of the proposals in relation to the character of Macclesfield, the proposals would remove five ground floor retail units and provide three large two-storey retail units along with office accommodation above. As the Primary Shopping Area in Macclesfield has developed around a historic core, the main shopping areas along Cheestergate and Mill Street and to an extent the Grosvenor Centre comprise smaller retail units and there are few units available for retailers with larger floorspace requirements, such as national multiples. Providing larger retail units would improve competition and choice within the Town Centre, enhancing its vitality and viability.

Offices are considered a main town centre use appropriate to a town centre. In this regard, policy MTC22 within the Local Plan encourages the use of upper floors in shopping areas as offices providing that no housing accommodation is displaced. In this instance, the upper floors of the Grosvenor Centre are utilised for storage and servicing which would be relocated.

Given that the site is within the Primary Shopping Area of Macclesfield where town centre uses are actively encouraged, and is on a scale appropriate to the character and function of Macclesfield, promoting competition, choice and diversifying the existing retail offer, the proposals accord with policies MTC1, MTC22 and S1 within the Local Plan, policy W5 within the Regional Spatial Strategy and guidance within The Framework. On that basis, there is a clear presumption in favour of this development.

Heritage & Design

The site does not lie within a Conservation Area and the buildings that are the subject of this application, are not listed buildings. It should however be noted that the site lies within an area of archaeological potential and the former Cheshire Building Society premises is a locally listed building.

Local list status is a material consideration in the determination of the planning application and proposals should take into consideration the local significance of the building. Proposals should also be considered in light of the contribution that the building already makes to the local environment, as well as the impact any new or replacement development may have upon the visual amenity and local character of an area.

The list description notes that it is an imposing building, constructed in 1925, as the main post office for Macclesfield. The design incorporates stone with an ashlar base. It also features a slate Mansard roof with stone detailing.

In contrast, the adjacent Grosvenor Centre was constructed circa 1970. It has a flat roof and is constructed of dark brown brick with rendered pillars and modern shop fronts. A projecting glazed canopy and entrance features from Castle Street into the Grosvenor Centre. These were added latterly.

Paragraph 131 of The Framework highlights the desirability of sustaining and enhancing heritage assets by putting them in viable use and the contribution this can make to economic vitality and local character and distinctiveness. Moreover, policies DP4 and EM1 also support the re-use of existing heritage assets.

The proposals represent a traditional approach, rather than a modernist approach. This is considered appropriate given the successive extensions to the building and given that this would achieve consistency with the original building and its extensions.

Guidance within the SPD - List of Locally Important Buildings indicates that extensions should be designed to conserve or enhance the appearance, scale and character of the building. They should normally be subservient to the host building in height and massing.

In this regard, the proposals seek to ease the transition between the Grosvenor Centre, and the former Cheshire Buildings Society premises which are distinctly different in character. The proposed extension would replicate the flat roof and bay rhythm of the Grosvenor Centre, but reflect the proportions and materials of the former Cheshire Building Society which has a Georgian influence. The staggered roof line and the amount of glazing give the extension a modern twist to the traditional approach.

It is considered necessary to condition details of the windows and materials proposed to ensure that the windows are recessed and constructed of high quality materials.

It is considered that the proposed extension provides an interesting transition from the former Cheshire Building Society building (which is a locally listed building with historic and architectural value) and the Grosvenor Centre (which is a 1970s shopping centre with limited architectural merit). It is considered that the alterations would have a minimal impact upon the character of the former Cheshire Building Society premises and would reflect local character, represent a high standard of design and would contribute positively to the vitality of the area.

That said, there are concerns regarding the functionality of the building. The Design & Access Statement makes specific reference to the possibility of future retailers filming over the windows on the Churchill Way elevation which would involve putting a transfer on the window to facilitate the installation of shop fittings behind. This would have an adverse impact upon the streetscene.

At present, the former Cheshire Building Society premises is an outward facing building with all servicing internalised and the building retaining an active frontage to both Churchill Way and Castle Street. In addition, the existing retail units within the Grosvenor Centre scheduled for demolition face onto both Castle Street and Castle Street Mall, which also have active frontages. The absence of entrance points and the possibility of future filming over of windows would have an adverse impact upon the character of the streetscene. It would also discourage shoppers from the search and comparison of goods along the high street which could impact upon the vitality and viability of the wider town centre. It is considered necessary to condition that details of any filming / transfers are submitted to and agreed in writing by the Local Planning Authority in order to mitigate this issue.

In respect of the loss of entrance points along Castle Street and Churchill Way elevations, the Georgian style proportions of the former Cheshire Building Society premises ensures that modern shop fronts could be installed within the existing openings with limited impact upon the character of the building. It is considered necessary that these amendments are secured

before any positive resolution on the application is made. These changes have been requested from the applicant's agent.

Provided that satisfactory amended plans are received which address the issues noted above, it is considered that the proposals would accord with guidance within The Framework and policies BE1, BE2 and BE20 within the Local Plan.

Sustainability

The Design & Access Statement indicates that a key benefit of the scheme is that it would re-use an existing building and constitutes a brownfield site within the urban area of Macclesfield. The Design & Access Statement also notes that the proposals would meet current Building Regulation standards.

Policy EM18 states that in advance of local targets being set, new non residential developments above a threshold of 1,000m² should secure at least 10% of their predicted energy requirements from decentralised and renewable or low-carbon sources, unless it can be demonstrated by the applicant that this is not feasible or viable. No such information has been forthcoming and therefore at the time of writing this report, it is recommended that a condition be imposed relating to this requirement.

Regeneration

The Cheshire Retail Study update states that the Council should promote the redevelopment of the existing town centre to reverse current shopping behaviours to out-of-centre destinations through strengthening the comparison goods and leisure offer in the town centre, in accordance with the emerging economic master plans. The proposals would help to achieve this goal and accords with Cheshire East's Town Vision.

The site lies within the central retail quarter of the town centre, and provided that entrance points are proposed along Churchill Way and Castle Street, the proposals would aid movement along the retail circuit between the traditional heart and central retail quarter.

The Town Vision also notes that proposals should take opportunities to rectify areas of weak urban form created in the 1960s. In this regard, not only would the proposals bring back a significant building which is currently vacant into viable economic use, but would also involve the partial removal and improvement of the appearance of the Grosvenor Centre.

The proposals would therefore bring about regeneration benefits.

Highway Safety and Traffic Generation

The proposals relate to a change of use which would result in an increase in retail floorspace and a reduction in office floorspace as the internal alterations would reduce the internal storeys from four to three.

Whilst formal comments from the Strategic Highways Manager have not been received, given the central nature of the location and that it is easily accessible by a range of means of transport, the proposals would be unlikely to result in on street car parking problems. Given that the maximum car parking requirements for the development would fall short of those generated by the existing use, it is understood that the proposals would not result in a significant adverse impact upon highway safety or traffic generation.

Public Realm

The proposals relate to a large commercial development located within Macclesfield Town Centre where there is both a Public Realm Strategy and a Town Centre Vision both of which seek to improve existing open space facilities and seek to improve the existing facilities and environment.

Policy IMP4 within the Local Plan sets out the policy position in respect of contributions towards environmental improvements in town centres.

Because this is a major commercial development, the SPG – Planning Obligations (2004) and the emerging SPD – Planning Obligations, both indicate that there is a requirement for a contributions towards recreation and open space facilities. As provision cannot be met on site, the developer would be required to make a commuted payment towards the provision of new open space or to the improvement of an existing area of open space or facility elsewhere in the locality. Guidance also indicates that arrangements would also need to be put in place for the long term management and maintenance of these areas for a 15 year period.

The open space/recreation commuted sums payment for a scheme of this size has been calculated as £198,600 with additional commuted sum payment for maintenance period of 15 years in perpetuity.

The Government has empowered Local Authorities to charge a Community Infrastructure Levy (CIL) on new development, which is intended to largely replace the present system of negotiating planning obligations.

The CIL is a single charge that will be levied on new development to cover, in whole or in part, the costs of providing supporting infrastructure.

The system of planning obligations will remain in a 'scaled-back' form to make sure the immediate site-specific impacts of new development are adequately catered for until the adoption of the CIL charging schedule.

As Cheshire East has not adopted a CIL charging schedule, the tests in circular 5/05 continue to apply. Any planning obligation in order to mitigate for the impacts of the development need to satisfy the following tests:

- (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

Both policy IMP4 and Cheshire East's Town Centre Vision and the Public Realm Strategy indicate that improvements to open space and public realm are necessary in Macclesfield. The thresholds stipulated within the guidance documents indicated that major developments would generate demand for such facilities. Given the proposed size of the commercial development, it is considered that a financial contribution towards open space and public realm works would fairly and reasonably relate in scale and kind to the development and would bring about on site benefits to the scheme by enhancing the pedestrian environment.

Such a financial contribution would therefore meet the tests set out in Circular 5/05.

Other Material Considerations

Archaeology

It is noted that the site lies within an area of archaeological potential as the area was thought to lie within that part of the town developed in the medieval period and subsequently used in the post-medieval period for residential and industrial purposes.

As the area of archaeological potential covers the entire town centre and the area has already been seriously disturbed by the construction of the 1970s shopping mall, significant archaeological deposits are unlikely to have survived. On that basis, the Cheshire Archaeology Planning Advisory Service has advised that further archaeological mitigation would not be required.

As it has been demonstrated that there would be no harm to sites of archaeological importance as a result of these proposals, the proposals would accord with policy BE23 within the Local Plan.

Amenity

There are no nearby residential properties affected by the proposals and given that the uses proposed would not generate significant levels of noise, it is not considered necessary to remove permitted development rights for flats above shops. The proposals would therefore accord with policies DC3, DC5, DC6, DC13 and DC14 of the Local Plan.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposals would represent a sustainable form of development as it would improve the retail offer and improve the vitality and viability of Macclesfield Town Centre, re-use a brownfield site and bring back a vacant heritage asset into active use whilst improving the historic setting and architectural character of the building. In addition, the proposals would bring about some improvements to town centre regeneration and would have no discernable impact upon amenity or archaeology. The financial contributions required would also seek to mitigate the impact of the development upon the public open space/ public realm and highways network. As the scheme would deliver a number of key benefits, the application is

therefore recommended for APPROVAL, subject to receipt of amended plans and entering into a section 106 agreement relating to public open space/ public realm and highways works.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. Submission of detailed elevational and cross sectional drawings of windows
5. No further subdivision or amalgamation of the new retail units unless a further planning application has been submitted to and approved in writing by the Local Planning Authority
6. No films or transfers shall be attached to the windows internally or externally without the prior written consent of the Local Planning Authority
7. details of renewable energy measures to provide for a minimum of 10% of the predicted energy requirements of the development
8. Details of finish and construction materials for rainwater goods to be submitted to and approved in writing by the Local Planning Authority
9. Prior to the commencement of any internal alterations details of a photographic record of the internal subdivisions of the building shall be submitted to the Local Planning Authority
10. Drainage details to be submitted to and approved in writing by the Local Planning Authority



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