

Application No: 23/3471M

Location: Craven House, Lusso Macclesfield Serviced Apartments, CHURCHILL WAY, MACCLESFIELD, SK11 6AY

Proposal: Proposed 5th floor extension to form 2no. additional apartments, including new roof terrace. New pergola and hot tub proposed to existing roof terrace

Applicant: LBH Macclesfield Ltd

Expiry Date: 07-Nov-2023

SUMMARY

The application site lies within Macclesfield Town Centre. Macclesfield is identified as a Principal Town in the CELPS, where residential development is deemed acceptable subject to compliance with other policies within the development plan. The development accords with Policies PG 2 and SD 2 of the CELPS.

The site is within a highly sustainable location and is in easy walking distance of town centre amenities, services and facilities and public transport links including the train and bus stations within Macclesfield.

The design of the proposed development is considered to be acceptable and would not result in significant harm to the character or appearance of the existing building, wider area or nearby Locally Listed Building and Conservation Area. The proposal complies with Policies SE 1, SD 2 and SE7 of the CELPS, SADPD policy HER 3, and the CEC Design Guide.

The development is considered to be acceptable in terms of its impact upon the residential amenities of surrounding occupiers the site and will integrate with existing uses and businesses appropriately within the town centre location. The proposal would accord with SADPD policies ENV 15 and HOU 12 and HOU 13.

The development is considered to be acceptable in terms of its impact upon the highway network and the lack of parking is acceptable due to its highly sustainable location.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Document, and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

SUMMARY RECOMMENDATION

Approve subject to conditions.

REASON FOR REFERRAL

This application has been called-in to be determined by the Northern Planning Committee by the local Ward Member, Cllr Liz Braithwaite, for the following reasons:

“The applicant states that the work has not started, yet I registered a Planning Enforcement breach in July 2022 22/00518E as a large structure has been erected on the roof, and the terrace extended way beyond what was approved. These changes appear to be the same as those in this application. I have not been advised that any action has been taken by Planning Enforcement. I have sent a photo to the case officer that shows the structure and the extended terrace.

My concerns are that the changes applied for are overbearing and dominate the skyline, detracting from the nearby heritage buildings. I understand that previous application were amended for this reason. It can be seen from the work already carried out that the structure is intrusive. It was covered in black plastic sheeting/tarpaulin which became loose during bad weather.

I am also concerned about the suitability of the site for the proposed use. I have personally witnessed a large group of people on the terrace, some of whom climbed a ladder (which can be seen on the photo but not the approved plans) onto the apartment roof which does not have any guard rails. The structure on the roof was lit up, as was the terrace area. There are no staff on site.

There will be an impact on residential amenity from additional noise from the proposed apartments, extended terrace and hot tub, both on residents of existing apartments and nearby properties.

The proposed development does not meet local housing need.

Due to the location of this building and the potential impact on the surroundings I feel that it warrants consideration by the planning committee. Thank you.”

DESCRIPTION OF SITE AND CONTEXT

This application relates to a prominent 4-6 storey building located on the corner of Castle Street and Churchill Way, at the Crossroads with Great King Street, Macclesfield.

The site is surrounded by a mix of commercial and retail units and is located within the Primary Shopping Area and Principal Town Centre boundary of Macclesfield. The former Cheshire Building Society building on the northern side of Castle Street is a Locally Listed building and the site is also within an area of archaeological potential. The Christ Church Conservation Area lies approximately 100m to the west.

The building ground floor of the northern section of the building fronting Castle Street is currently vacant (having previously been occupied by the Post Office) with 3 storeys of residential apartments above. The eastern section is all in residential use, with a lobby and apartments at ground floor and 5 storeys of apartments above (2 units are at 6th floor level). The building provides 97 apartments in total, comprising a mix of studios and 1 and 2 bed apartments.

The site is located within flood zone 1 and within a very low flood risk from surface water flooding.

DESCRIPTION OF PROPOSAL

This application seeks full planning permission for the erection of 2 apartments on the roof of the northern section of the building (currently 4 storey). The apartments would be accessed at the existing 5th floor level and shall be flat roof in design, set in from the existing elevation of the main apartment building fronting onto Castle Street, following the existing building lines of the accommodation at 5th floor level. A metal and glass balustrade will enclose the terrace surrounding the units which covers the existing roof space below. Fenestration and materials match those on the existing building.

The application also seeks consent for a pergola and a hot tub with enclosure to the rear of the existing 6th floor unit. The hot tub is already in place although the enclosure is not yet completed.

Revised plans were received during the course of the application to reconfigure the internal accommodation so that the apartments met internal accommodation standards within the National Described Space Standard.

RELEVANT HISTORY

22/3475M - Conversion of ground floor former post office unit to form 4no. hot food retail units and 3no. apartments, including new retractable canopy and pavement seating areas. – Refused / 10-Jan-2024. Refused on grounds of unsatisfactory level of internal amenity.

20/4866M - Extension to existing residential building to form 1no. new apartment - Approved with conditions / 22-Mar-2021

20/1442M - Extension to existing residential building to form 17no. new apartments. Alterations to shop front previously approved under 18/6076M. - Approved with conditions / 07-Aug-2020

20/2059M - Advertisement Consent for 3no. building signs - Approved with conditions / 26-Oct-2020

18/4423M - Proposed extension to provide additional floors of residential accommodation, communal facilities and refurbishment of existing elevations. - Incomplete & Returned

18/1593M - Prior approval for proposed change of use for conversion of part of the existing ground floor internal spaces previously occupied by the post office to residential accommodation - Determination - appvl not reqd (stage 1) / 26-Jul-2018

08/3000P - The comprehensive redevelopment of Macclesfield town centre - outline application (maximum and minimum scales of proposed development submitted) with all matters reserved except access - Withdrawn / 20-Jun-2011

18/6076M - Refurbishment of external elevations and change of use of basement (former public toilets) to create private gymnasium and laundry. - Approved with conditions / 15-Feb-2019

17/4483M - Prior approval for change of use of a building from office use to 12 apartments - Refused / 01-Dec-2017

15/2399M - Prior Approval for Change of Use from Office (Use Class B1) to Class C3 dwellinghouse at 3rd floor, Craven House, Churchill Way, Macclesfield. - Determination - appvl not reqd (stage 1) / 14-Jul-2015

15/1603M - Prior Approval for Change of Use from Class B1 to Class C3 Dwellings - First and Second Floor Only - Determination - appvl not reqd (stage 1) / 26-May-2015

75295P - Access ramp to rear - Approved / 23-Sep-1993

RELEVANT PLANNING POLICY

Cheshire East Local Plan Strategy 2010-2030 (CELPS)– Adopted July 2017

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
EG5 Promoting a Town Centre First Approach to Retail and Commerce
SE1 Design
SE2 Efficient Use of Land
SE4 The Landscape
SE 7 The Historic Environment
SE12 Pollution, Land contamination and land instability
CO1 Sustainable Travel and Transport
Appendix C – Parking standards

Cheshire East Site Allocations and Development Policies Document (SADPD)- Adopted December 2022

PG9 Settlement Boundaries
GEN1 Design principles
ENV15 New development and existing uses
HER 1 Heritage Assets
HER 3 Conservation Areas
HER 4 Listed Buildings
HER 8 Archaeology
HOU 8 Space, accessibility and wheelchair housing standards
HOU 11 Extensions and Alterations
HOU12 Amenity
HOU 13 Residential Standards
RET7 Supporting the vitality of town and retail centres
RET 8 Residential Accommodation in the Town centre
RET 9 Environmental Improvements, public realm and design in town centres
RET 11 Macclesfield town centre and environs
INF3 Highways safety and access
INF9 Utilities

Other Material Planning Considerations

National Planning Policy Framework (2021) National Planning Policy Guidance
Cheshire East Design Guide

CONSULTATIONS (EXTERNAL TO PLANNING)

Environmental Protection (CEC)- No objection, recommend informatives regarding dust management and hours of construction.

Manchester Airport Safeguarding – No objection subject to an informative regarding crane permits.

Archaeology - While this application does sit within an area of archaeological potential as outlined above, it is unlikely to impact significant below ground remains and therefore there are no archaeological observations required for this application.

Macclesfield Town Council – No comments received.

NEIGHBOUR REPRESENTATIONS

6 Letters of objection received and summarised below;

- No further works should be agreed until the mess from the original build is cleared
- The area all boarded up is an eyesore
- Existing building management is inadequate,
- More work will create more problems for existing residents.
- Draft environmental SPD notes noise assessments should be submitted.
- 2 additional units closer to existing restaurants and shopping centre to the north which currently operate without restriction; Concerns that proposals will prejudice existing operations.
- No noise impact assessment with the application

1 Letter of comment received and summarised below;

- In the aim of biodiversity I hope the applicant would consider a living wall rather than fake plastic green walls they have previously used

OFFICER APPRAISAL

Principle of development

Section 7 of the NPPF recognises that residential development often plays an important role in ensuring the vitality of town centres and encourages residential development on appropriate sites.

CELPS Policy EG5 identifies Principal Towns, such as Macclesfield, as the focus for town centre uses, ultimately seeking to maintain and enhance the viability and vitality of designated

centres. Policy PG2 of the CELPS encourages the redevelopment and revitalisation of Principal Towns.

SADPD Policy RET 8 notes that the provision of additional residential accommodation in town centres is supported in principle subject to compliance with, amongst other matters, Policy ENV 15 in that proposals are integrated effectively with existing businesses and community facilities. The policy requires proposals for residential accommodation in the town centre to ensure:

- i. appropriate and safe access arrangements;
- ii. secure, well designed and accessible cycle parking; and
- iii. appropriate and well located waste and recycling facilities.

In this case, the provision of 2 additional apartments on this existing apartment building with the town centre and additional extensions for an existing unit are considered acceptable in principle, subject to compliance with Policy ENV 15 which is considered within the amenity section of this report. The site is accessed via the existing entrance point and will utilise the existing waste arrangements that serve the rest of the building, that being a communal bin store at ground floor level. The site does not benefit from its own car parking or cycle parking but there are public cycle rails immediately to the front of the building.

Matters of heritage, design, amenity and highways are considered below.

Heritage, Character and Design

The site lies opposite a locally listed building (the old Cheshire Building Society) and can be seen from the Christ Church Conservation Area and therefore may affect the setting of heritage assets. Paragraph 205 of the NPPF advises that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).

Paragraph 135 of the NPPF seeks to ensure that developments function well and add to the overall quality of the area, be visually attractive as a result of good architecture, layout and landscaping; are sympathetic to local character and history, while not preventing or discouraging appropriate innovation or change; establish or maintain a strong sense of place, and create attractive and distinctive places to live, work and visit. The potential of a site should be optimised to accommodate an appropriate mix and amount of development whilst creating safe, inclusive and accessible places with a high standard of amenity for existing and future users.

Section 11 of the NPPF seeks to promote the effective use of land in meeting the need for more homes. Paragraph 124 advises that planning decisions *'should support the use of airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well-designed... and can maintain safe access and egress for occupiers.'*

CELPS Policy SE 1 states that development proposals should make a positive contribution to their surroundings. It seeks to ensure design solutions achieve a sense of place by protecting

and enhancing the quality, distinctiveness and character of settlements. It should also respect the pattern, character and form of the surroundings.

Amongst other criteria, Policy SD 2 of the CELPS also expects all development to contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of **height, scale, massing, form and grouping in addition to the relationship to neighbouring properties, materials, design features and green infrastructure. SADPD Policy GEN 1 requires proposals to create high quality development reflecting local character and design. Policies SE7, HER1, HER3 and HER7 seek to ensure all new development avoids harm to heritage assets.**

The proposed apartments would be a continuation of development at the 5th storey level which is prominently located on the corner and western side of the building. The proposals would add further built form and massing at the existing roof level on the northern side of this building. The Council's conservation officer considers that the additional units would cause further harm to the views out of the conservation area (the proposal will lead to less than substantial harm to the significance of a designated heritage asset) and promote the dominance of this building with reference to the Locally listed building opposite (less than substantial harm).

Whilst the views of the conservation officer are noted, the building is prominent as existing and the continuation of accommodation at this level around the corner will have a balancing effect on the building. Overall, the additional height is not considered to detract from the character or appearance of this area as the building is one of the tallest and most prominent already. The units will not enclose the full area of the building at 5th floor level, being set back from the Castle Street and side elevations, which will significantly reduce the bulk of the extension and the impact of the extension upon the local area. Whilst the development would be visible from the Conservation Area and Locally Listed Building, this is not considered to be unduly harmful. The development would not be any more prominent in the skyline in longer range views outside of the town centre and would sit comfortably with surrounding tall buildings within the town centre, when compared to the existing development. Furthermore, utilising space above existing development is given support in the recently updated NPPF.

The proposed pergola and hot tub and associated enclosure at 6th floor level would sit adjacent to existing development and would not detract from the appearance or character of the residential building. Whilst it is understood that the hot tub and enclosure is in place this is not fully completed. Conditions can ensure a suitably designed screen is in place around the hot tub.

The site lies within an area of archaeological importance, however the Council's archaeological advisor is satisfied that the works pose no concern to any archaeological interests.

Overall, it is considered that the proposals would not detract from the character and appearance of the main building or wider area, including the setting of the nearby Locally Listed Building and Conservation Area. As such the proposals comply with Sections 12 and 16 of the NPPF, policies SE1, SE7 and SD2 of the CELPS, and the requirements of SADPD policies, HER1, HER3, HER7 and GEN 1.

Amenity

CELPS policy SE1 seeks to ensure appropriate levels of privacy for new and existing residential properties. Policy SD 2 also expects all development to contribute positively to an area's

character and identity, creating or reinforcing local distinctiveness in terms of its **relationship to neighbouring properties**. SADPD policy HOU 12 seeks to ensure development does not cause unacceptable harm to the amenities of adjoining or nearby occupiers of residential properties, sensitive uses, or future occupiers of the proposed development due to:

1. loss of privacy;
2. loss of sunlight and daylight;
3. the overbearing and dominating effect of new buildings;
4. environmental disturbance or pollution; or
5. traffic generation, access and parking.

SADPD Policy HOU 13 (table 8.2) and the Cheshire East Design Guide set out the standards for space between buildings and advises for a 3 + storey building that 20m is required between principal habitable windows front to front, and 24m between principal habitable windows back to back. For a habitable room facing a non-habitable room this reduces to 16.5m. This is required to maintain an adequate standard of privacy and amenity between residential properties.

The proposed apartments will continue development at 5th floor level in line with existing development. At its closest point the development is approximately 15m from the building on the northern side of Castle Street (a restaurant at ground floor and first floor with associated storage above) at the rear the development will look out over Exchange Close and the rear of the supermarket. The additional apartments are not considered to harm the amenity of neighbouring occupiers as a result of overlooking, overbearing, shadowing or a loss of light due to the position of existing development and established overlooking relationship across this town centre street.

The pergola and hot tub enclosure will serve the only development at 6th floor and will therefore have no impact on amenity of neighbouring occupiers.

Policy ENV 15 notes new development must effectively integrate with existing uses, and existing businesses and community facilities must not have unreasonable restrictions placed on them as a result of it. A concept known as the 'agent of change principle'. Where the operation of an existing business or facility could have a significant adverse effect on a proposed new development in its vicinity, the policy requires the submission of appropriate information to demonstrate impacts would not arise or can be mitigated against.

An objection has been received from a neighbouring occupier on the potential of the development to prejudice existing occupiers that benefit from unrestricted planning consents; and also the lack of noise impact assessment. However, this is a town centre location surrounded by retail and commercial development and some residential. It is not considered that the existing uses would have a significant adverse effect on the proposed apartments. The apartments are an addition to existing residential development at 5th floor level within a busy town centre location where there is an expectation for noise and disturbance commensurate with that location. It is noted that environmental protection have not requested a noise assessment on this application.

The apartments meet the national described space standard in terms of internal accommodation provided.

Overall, the proposals are considered to comply with the provisions of CELPS local plan policies SD2 and SE1, SADPD policies HOU 12, HOU 13 and ENV 15 in this regard.

Highways/Accessibility

CELPS Policy CO 1 deals with sustainable travel and transport. It supports a shift from car travel to public transport and seeks to guide development to sustainable and accessible locations. SADPD policy INF3 requires that amongst other things, proposals provide safe access to and from the site for all highway users and incorporate safe internal movement in the site to meet the requirements of servicing and emergency vehicles.

Policy RET 8 of the SADPD requires proposals for residential accommodation in the town centre to have appropriate and safe access arrangements and cycle parking.

The site is located centrally within the town centre and is within a highly sustainable location close to shops, services and public transport links. Although no parking or private cycle parking is provided as part of the proposals the site is very close to public car parks and public cycle stands are located to the front of the building.

The proposals are considered to comply with the provisions of the CELPS and SADPD in this regard.

Contaminated Land

Environmental Health have not raised any issue with the proposals and suggest informatives regarding hours of construction and dust management.

The proposed development would comply with Policy SE12 of CELP and the NPPF in this regard.

Representations

Representations have been received in relation to the amenity and are addressed within the main body of the report.

Residents have also raised concerns about the current standard of maintenance and management of the existing apartments. However, this is not a material consideration for the determination of this application.

CONCLUSIONS

The application lies within Macclesfield, a Principal Town, within the town centre whereby SADPD policy RET 8 provides support for additional residential accommodation within the town centre. It adds to the vitality of town centres, through providing additional surveillance and supporting the evening economy.

The site is very sustainably located within the town centre, close to public transport, services and facilities within Macclesfield. The development accords with Policies PG 2 and SD 2 of the CELPS.

The scheme presents an acceptable design and would not result in significant harm to the character or appearance of the existing building, wider area or nearby Locally Listed Building and Conservation Area. The proposal complies with Policies SE 1, SD 2 and SE7 of the CELPS, SADPD policies HER1, HER 3, HER7 and GEN1 and the CEC Design Guide.

The development is considered to be acceptable in terms of its impact upon the residential amenities of surrounding occupiers the site and will integrate with existing uses and businesses appropriately within the town centre location. The proposal would accord with SADPD policies ENV 15 and HOU 12 and HOU 13.

Due to the sustainable location close to public transport links, and public car parks, it is considered acceptable in this instance that no parking provision is provided. The proposed development is unlikely to lead to an unacceptable impact on highway safety or through cumulative impacts, or lead to congestion on the road network.

The proposals will support the provision of 2 additional units of accommodation which also contributes to the Council's housing supply and is an efficient use of land, in line with government advice on the efficient use of land and utilising space above buildings.

Economic benefits of the scheme comprise the spending power of future residents in the local shops and services and the short-term economic benefits derived from the creation of construction jobs.

The proposal is therefore considered to be acceptable in the context of the relevant policies of the Cheshire East Local Plan Strategy, the Site Allocations and Development Plan Document, and advice contained within the NPPF. The application is therefore recommended for approval subject to conditions.

RECOMMENDATION

The application is recommended for approval subject to the following conditions:

1. Time Limit for implementation (3 years)
2. Development to be in accordance with approved plans
3. Details of materials to be submitted and agreed.
4. Within 3 months of the decision details of the boundary screen for the hot tub along with a timetable for its installation shall be submitted to and agreed in writing by the local planning authority.

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Planning, in consultation with the Chair (or in their 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.

