

Application No: 13/0599M

Location: Old Labour Exchange, Peak House, South Park Road, Macclesfield, Cheshire, SK11 6SH

Proposal: Conversion of Existing B1 Office Use to 13No Residential Dwellings with Parking.

Applicant: 3DM

Expiry Date: 06-Jun-2013

Date Report Prepared: 20 May 2013

SUMMARY RECOMMENDATION

Refuse

MAIN ISSUES

- The principle of the development;
- Design and impact on the architectural merit of the building and character and appearance of the area;
- Highways access, parking and safety issues;
- Residential amenity; developer contributions; and
- Other material considerations.

REASON FOR REPORT

The application is for the erection of 13 residential units, and under the Council's Constitution is required to be determined by the Northern Planning Committee.

The proposal is considered to be unacceptable for the reasons set out in the reasons for refusal and in the appraisal section of this report.

DESCRIPTION OF SITE AND CONTEXT

The site is located on South Park Road between Hatton Street and Armit Street. The locality is a relatively quiet residential area surrounded largely by terraced houses.

The application site contains a part two and part single storey stone building constructed in the 1930's. It was first used as a labour exchange but for many years has been used for private offices.

DETAILS OF PROPOSAL

This application seeks Planning Permission for the conversion of the existing building from offices (Class B1) to 13 residential apartments (Class C3). The proposals would provide 8 one bed and 5 two bed apartments, some with additional Mezzanine levels.

All works will be to the internal layout of the existing property, with the external envelope retained. One new entrance door is proposed on the West Elevation, with two new doors to the East Elevation which replace existing windows. All other windows, doors and roof lights are to be retained, or replaced to match existing.

RELEVANT HISTORY

There is no other relevant planning history for the site.

POLICIES

By virtue of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application should be determined in accordance with the development plan unless material considerations indicate otherwise.

The Development Plan for Cheshire East currently comprises the saved policies from the Congleton Borough (January 2005), Crewe and Nantwich (February 2005) and Macclesfield Local Plan (January 2004).

North West of England Plan Regional Spatial Strategy to 2021:

Please note that the Secretary of State for Communities and Local Government has revoked the North West Regional Strategy on the 20 May 2013. Therefore this document no longer forms part of the Development Plan.

Local Plan Policy:

The application site lies within a residential area in Macclesfield and the building is locally listed. Therefore, the relevant Macclesfield Local Plan Policies are considered to be: -

- Policy NE11: Nature Conservation;
- Policy BE1: Design Guidance;
- Policy BE20: Locally Important Buildings;
- Policy H1: Phasing Policy;
- Policy H2: Environmental Quality in Housing Developments;
- Policy H5: Windfall Housing Sites;
- Policy H13: Protecting Residential Areas;
- Policy DC1: New Build;
- Policy DC3: Amenity;
- Policy DC6: Circulation and Access;
- Policy DC8: Landscaping;
- Policy DC38: Space, Light and Privacy; and
- Policy DC40: Children's Play Provision and Amenity Space.

Other Material Considerations

The National Planning Policy Framework came into effect on 27 March 2012, and replaces the advice provided in Planning Policy Guidance Notes and Statements. The aim of this document is to make the planning system less complex and more accessible, to protect the environment and to promote sustainable growth. Local planning authorities are expected to “plan positively” and that there should be a presumption in favour of sustainable development.

Since the NPPF was published, the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The Local Plan policies outlined above are consistent with the NPPF and therefore should be given full weight.

Supplementary Planning Documents:

The following Supplementary Planning Documents (SPDs) have been adopted and are a material consideration in planning decisions (within the identified former Local Authority areas):-

- Local List of Important Buildings (October 2010).

CONSULTATIONS (External to Planning)

Highways: The Council’s Strategic Highways & Transportation Manager has raised objections to the application as the scheme is likely to have a detrimental effect on the free circulation of traffic, road safety and the availability of on-street parking.

Environmental Health: The Environmental Health Officer raises no objections to this application. The Contaminated Land Officer notes that the application is for new residential properties which are a sensitive end use and could be affected by any contamination present.

REPRESENTATIONS

11 letters of objection have been received from local residents and their objections can be summarised as follows: -

- Insufficient parking for the flats;
- Significant parking problems in the area;
- Parking situation worse following conversion of Chapel on South Park Road into apartments and recently converted mill on Brown Street into 16 apartments (with no parking);
- Allowing this permission will exacerbate the traffic problems in the area;
- Applicant proposes four parking spaces on street and these are already used;
- Concerns about the lack of time to comment;
- Loss of amenity through overlooking;
- Concerns over emergency vehicle access; and
- Refuse collection would be made harder due to additional parking.

APPLICANT'S SUPPORTING INFORMATION

A Design & Access Statement was submitted with the application. The application was NOT accompanied by a Transport Assessment or Travel Plan.

OFFICER APPRAISAL

The principle of the development:

The site lies within a Predominantly Residential Area on the adopted Macclesfield Borough Local Plan where residential uses are acceptable in principle. The application needs to be assessed against Local Plan Policy BE1 (Design Guidance), BE20 (Locally Listed Buildings), H2, (Environmental Quality in Housing Developments), H13 (Protecting Residential Areas), and Development Control Policies DC1, DC3, and DC38, which relate to the standard of design, amenity and space standards. Policy DC6 relates to circulation and access.

The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. Although the proposal would not provide affordable housing offered through a housing association, the accommodation to be provided would fall at the lower section of the market. The scheme achieves high quality housing in a town centre location

It is not considered that the loss of the existing offices will have a significant impact of employment, given the site's location, the quality of office space provided and the limited parking and servicing.

Design and impact on the architectural merit of the building and character and appearance of the area:

There are a number of buildings which are valued for their contribution to the local scene or for their historical associations. These buildings do not merit listing on a national scale. However, Local Planning Authorities can draw up lists of locally important buildings and to formulate Local Plan Policies for their protection. This former labour exchange building is such a locally listed building as it displays evidence of local historic interest and makes an important contribution to the street scene. Only minor external work is proposed as part of this application, therefore no objections are raised to the scheme on this issue as the development would not adversely affect the architectural and historic character of the building. Conditions could be imposed to control the details of any replacement windows and doors.

Highways Access, Parking and Safety issues:

Whilst the site is located close to Macclesfield town centre and so is highly accessible, there is already considerable pressure for on-street parking spaces in the area.

As office premises, the notional parking assessment for this size of building would be 22 spaces. Whereas only about 8 spaces are actually available within the rear curtilage, a deficit

of 14 spaces. A limited number of further spaces could be provided off-road around the front of the property, but at the expense of kerbside spaces available to the general public.

The supplied plans show four spaces within the site accessed directly from the street and a further four on South Park Road. These latter four spaces cannot be formally associated to the development and the former consist of two spaces accessed in an unacceptable layout from the South Park Road/ Armit St junction, and two from Hatton St, which would result in the loss of an on-street space. Therefore these four on street spaces are not assessed as contributing to the net number of spaces being provided.

As residential development, the requirement is for 1 space for each of the 1 bedroom units and two spaces for each of the 2-bedroom units, a total of 18 spaces, though this can be varied in central locations. There would therefore be a deficit of ten spaces against the Council's parking guidelines.

Use	Policy Requirements	Proposed	Deficiency	Percent
Office	22 Spaces	8 Spaces	10 Spaces	36%
Residential	18 Spaces	8 Spaces	10 Spaces	44%

Although this implies a slight improvement

in parking pressures compared to reuse as offices, residential parking demand peaks in the evening, so a change of use will add to evening and overnight parking levels when parking is already at saturation.

There are also practical difficulties in having only a limited number of private spaces as they cannot be allocated to specific units. There is no practicable way of ensuring the parking area is not clogged with vehicles, also the indicated spaces are in each case immediately adjacent to proposed bedroom windows

No locations are shown for bin storage. Although conditions can be used to secure these details, it is difficult to see how this can be located without loss of a parking space if the amenity of residents is to be maintained. The Local Planning Authority would also expect to see some secure cycle storage, particularly in view of the car parking shortfall. These details could be conditioned.

Residential Amenity:

It is not considered that there would be any impact on residential amenity to the surrounding properties caused by these proposed through overlooking, loss of privacy or overbearing. That being said, an assessment on any amenity implications on future occupiers of the development would also need to be assessed.

No amenity space is provided for the apartments, in the form of private gardens or communal space, either hard or soft landscaped. Whilst this is unfortunate, it would be unreasonable to refuse this scheme on the basis given the existing site layout, that is not new build and given the permissions approved in the area for other flatted schemes.

The scheme proposed parking on the internal courtyard of the existing building, whilst it is accepted that this area is used for parking and services of the existing offices, the parking

relationships in a residential scheme would be considerable different. Having parking so close to bedroom windows with no separation distances or mitigation would lead to a loss of residential amenity to those apartments through noise and disturbance of car movements and associate activities.

The internal layout of the scheme proposes to put the bedrooms of the apartments towards the rear of the building. Whilst this is understandable as the rear of the building would be the quieter side as it is away from the road, this does lead to other implications. As it is a u-shaped building the bedroom windows all look into each other. There is a concern that there would be a loss of privacy to the bedroom of those apartments that look directly at each other. Bedroom windows of apartments Nos. seven to three, seven to four, twelve to four, thirteen to two and thirteen to one would be only 4.5 metres, 7 metres, 12 metres, 10.2 metres and 9.1 metres apart respectively.

Developer Contributions:

The proposed development will trigger a requirement for public open space provision. In the absence of onsite provision a commuted sum for offsite provision will be required. A total contribution of £29,500.00 will be required to ensure the provision of adequate open space for formal and informal children's play activity due to the development. This could be secured through the submission of a S.106 legal agreement.

Other Materials Planning Considerations:

Contaminated Land:

The application area has a history of use as a Silk Mill and Dye Works and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The Contaminated Land team has no objection to the above application subject to the standard contaminated land conditions.

Ecology Implications:

The only potential ecological issue associated with this proposed development relates to the potential presence of roosting bats. A bat survey has not been undertaken or submitted. Considering the lack of suitable foraging habitat in the vicinity of the building and the abundance of alternative possible more appealing roosting opportunities offered by the surrounding buildings, it is unlikely to have an impact upon protected species.

Permitted Development:

Members will need to be aware that from the 30 May 2013, Planning Permission is no longer required to change the use from offices to dwellings. This is subject to a number of criteria, one being that the building is not listed and that the development must be begun before 30 May 2016.

That being said, the developer does have apply to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required and one of the

three assessments in this process is on the transport and highways impacts of the development.

Given the highway implications in this case, it is likely that the Council would require prior approval to be first given. As such, it cannot be concluded that a fall back of Permitted Development rights exists which should affect the determination of this application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

As Members are aware, the presumption in favour of sustainable development is at the heart of the National Planning Policy Framework (*paragraph 14*) and that housing applications should be considered in the context of this presumption. In addition the Council has a deliverable 7.15 years supply of housing for the years April 2013 to March 2018, in accordance with Paragraph 49 of the NPPF. That being said, it is considered that the adverse impacts, identified below, are considered significant and demonstrably outweigh the benefits of allowing the scheme, as submitted to go ahead.

Therefore, whilst it is accepted that the site is in sustainable location and that the Council have approved other flatted schemes in the area, it is considered that this proposal is unacceptable in highway terms unless the balance of the number of units and parking supply is greatly improved and other travel measures are provided. Accordingly, it is recommended that the application is refused as it is likely to have a detrimental effect on the free circulation of traffic, road safety and the availability of on-street parking.

Although a conversion, it is considered that the scheme would cause a loss of amenity to future occupiers through noise and disturbance from the proposed internal parking arrangement. It is also considered that the scheme would result in a loss of privacy to the detriment of future occupiers due to the internal arrangements of the flats and the resulting relationship and distances between bedroom windows.

The proposal therefore fails to comply with policies of the Development Plan. These policies are consistent with policies in the Framework and should be accorded full weight in the decision. The adverse impacts of this proposal are considered to demonstrably outweigh the benefits of the provision of housing in a sustainable location.

Application for Full Planning

RECOMMENDATION: Refuse approval

1. R06HW - Parking provision detrimental to highway safety
2. R07MS - Unneighbourly use

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