

**Application No:** 08/2642P

**Location:** 40- 42, CHARLOTTE STREET, MACCLESFIELD, CHESHIRE

**Proposal:** NEW DETACHED TWO AND A HALF STOREY OFFICE AND THREE No MAISONETTES

**For** MR R AUTY

**Registered** 11-Mar-2009

**Policy Item** No

**Grid Reference** 391904 373443

**Date Report Prepared:** 8<sup>th</sup> May 2009

**SUMMARY RECOMMENDATION:** Approve subject to conditions

**MAIN ISSUES**

- Impact upon the character of the existing street scene
- Impact upon residential amenity
- Impact upon highways safety

**REASON FOR REPORT**

This application was registered prior to Vesting Day on 01.04.09 and therefore has been brought to Committee in line with the former Macclesfield Borough Council's Constitution.

This application was deferred from the Northern Planning Committee on 29<sup>th</sup> April 2009 for a Members' site visit on the 15<sup>th</sup> May 2009.

**DETAILS OF PROPOSAL**

This application seeks full planning permission to erect a two and half storey building with Financial and Professional Services (A2 use class) at ground floor and three maisonettes on the first and second floors.

**DESCRIPTION OF SITE AND CONTEXT**

The plot of land in question is a vacant brownfield site measuring approx 190 square metres. The site is positioned between two retail properties and is designated within the Local Plan as a Secondary Shopping Area. The site is currently leased by the applicant for private off-street parking.

The majority of properties around the site are retail. However the site does share a close relationship with 38a Charlotte Street, a residential property, which is sited south of the application site directly behind Number 38 Charlotte Street.

**RELEVANT HISTORY**

No recent planning history

**POLICIES**

**The North West of England Regional Spatial Strategy to 2021:**

DP2, DP3, DP5, DP6, DP7, W5, L2, L4

### **Macclesfield Borough Local Plan**

BE1, H1, H2, H5, H6, MTC4, MTC19, DC1- DC6, DC38, DC41,DC63

## **CONSULTATIONS**

Highways: Raise no objections subject to conditions relating to the provision of cycle storage, visibility splays and access to be constructed in accordance with the approved plans.

Environmental Health: Do not object but recommend that an hour's of construction work condition is imposed in order to minimise noise and disturbance to residents of nearby dwellings.

Environmental Health (Contaminated Land): Raise no objections, but advise a condition requesting a Phase 1 Contaminated Land survey is imposed.

## **OTHER REPRESENTATIONS**

Two letter of objection have been received and in brief the following concerns are raised:-

- The impact of the proposal upon a lounge window at 38a Charlotte Street. The window already has very little light due to its courtyard position and the fact it is surrounded by other buildings. The proposal will remove the little light which gets to this window and will have a significant impact upon the tenant's life and enjoyment;
- The proposed building will block light to a first floor side window at 38 Charlotte Street and will block the view of an existing advertisement positioned on the side elevation.
- Concerns have been raised with regard to disruption during the construction stages, impact in terms of noise, traffic congestion and impact upon residential amenity and surrounding business

## **APPLICANT'S SUPPORTING INFORMATION**

A Design and Access Statement has been submitted which accompanies the proposed plans. The statement sets out the context of the proposal. A Flood Risk Assessment has also been submitted. Both are available for public view on the Council's online planning system.

## **OFFICER APPRAISAL**

### **Principal of Development**

The principle of development at this site should be assessed against the following determining factors;

- The principle of an A2 (Financial and Professional Services) and C3 use (Residential Use) within a Secondary Shopping Area
- The impact upon the character of the existing street scene
- Impact upon residential amenity
- Impact upon parking and highways safety
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## Policy

As a Brownfield site located within a Secondary Shopping Area, the principle of providing a unit for Financial and Professional Service at ground floor as well as residential accommodation above is considered to be acceptable within this locality. Both uses are encouraged within Policies MTC4 and MTC19 of the Macclesfield Local Plan which seek to ensure the vitality and viability of the Town Centre.

A report on the supply of housing was approved by the Environment Policy Development Committee and the Cabinet of MBC, which effectively replaced the previous SPG on Restricting the Supply of Housing with the new guidance “PPS3 Housing and Saved Policies Advice Note”.

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council’s saved policies and other guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives (*does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration*)
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people (*does the application meet the housing needs of the area and/or provide affordable housing*)
3. The suitability of a site for housing, including its environmental sustainability (*is the site in a suitable and sustainable location, is it previously developed land, what constraints exist*)
4. Using land effectively and efficiently (*is the density at least 30 dwellings per hectare*)
5. Achieving high quality housing (*is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity*)

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, which is within easy walking distance of public transport links and to services. The scheme will achieve high quality housing in a town centre location. In short, it satisfies the relevant locational criteria.

## Design

The proposed building’s design reflects that of the neighbouring properties. Covering the width of the plot (but not abutting the neighbouring properties), the development will provide an infill to a row of commercial development along Charlotte Street. The building’s position within the plot, fenestration and ‘rhythm’ reflects that of the area. Whilst higher than its immediate neighbours, there is nothing necessarily wrong or harmful with that.

There is no definitive character to the properties within this particular area of town and the ridge heights along the street vary with a two-storey building directly to the south of the site and a single-storey building to the north.

The proposed building would be two storey with a third floor in the roof space. It would have an overall height of some 8.8m. In order to accommodate usable floor space at second floor, the eaves of the building are slightly higher than those of the surrounding buildings measuring approx 6.7m. To accommodate the floor in the roof, the building's elevation includes an additional area of facing brickwork above the first floor windows.

On plan, the design is unusual, however the proposed building is similar in design to a property located on the south western corner of the Pickford Street and Sunderland Street junction which currently accommodates William Hill betting shop and is considered to be acceptable in appearance.

The fenestration details on the proposed building have been designed with a cill and lintels. Stone details are also proposed to surround the vehicular access and entrance door on the front elevations.

Towards the rear of the property the applicant proposes a balcony to allow access to the three maisonettes.

The applicant proposes to construct the building using brick and slate. However, limited information has been provided with regard to specifications. In order to ensure the appearance of the proposed building, a condition relating to materials should be imposed.

Taking into consideration the variety of buildings styles with the surrounding area it is considered that the proposed development will not have an adverse impact upon the character of the existing street scene and will be generally in character with the surrounding area.

### **Residential Amenity**

38a Charlotte Street is a residential unit which is located to the south of the site directly behind 38 Charlotte Street. The property is a former retail unit which was given planning permission in 2001 to be converted into residential accommodation (ref 01/0855P). This use has been implemented.

On the rear elevation of 38a there is primary window at ground floor which provides the only source of light to a lounge. The light to this room is already substandard due to close proximity of 38 Charlotte Street which is positioned only 3m from the rear elevation of 38 Charlotte Street as well as the close proximity of a 2m high boundary wall which runs along the southern boundary. The property is all-but surrounded by properties on all sides and benefits from only a limited level of light to this window through gap on the along the southern boundary of the site.

Neighbours have expressed concerns over the proposal's impact upon this window.

It is accepted that the introduction of a large three storey building on this site will reduce the light to this window. However, as described above, the level of amenity currently enjoyed by this window is very short of what might normally be desirable. Furthermore, Members should consider the dwelling's unusual juxtaposition with town centre commercial buildings. In these circumstances it is not unusual to find dwellings with poor outlooks or amenity levels. Such situations are often a consequence of making the most

effective use of the existing building stock. In this circumstance it would be inappropriate to give this factor significant weight.

A further consideration is the potential for overlooking. Initial plans proposed an external stairway on the rear elevation and a balcony which, due to their siting, would allow people coming and going to overlook the lounge window. Revised plans relocating the staircase to the opposite side of the building and reducing the area of balcony have been received. Due to the position of the existing boundary wall it is considered that these amendments are now sufficient to overcome concerns regarding privacy levels.

Further objections have been received regarding the impact of the proposal upon a side window at 38 Charlotte Street. This window serves a commercial property. Given this fact, it is not considered to be a sensitive use and therefore the development is unlikely to have a harmful impact.

### **Highways**

An opening is proposed at ground floor in order allow vehicular access to the rear of the property to service the proposed flat and commercial premises. There is however very limited turning facility and car parking provision.

The applicant states that there will be no formal parking provided on site for either the future occupants of the dwelling or future employees.

The site is, however, located within a town centre location in easy walking distance of local amenities as well as public transport. There is a public car park directly opposite the site and the proposal will not be dissimilar to other properties within the area that are devoid of private parking provision. To encourage sustainable development the applicant has indicated secure cycle storage at ground floor.

Taking into consideration the individual merits of the site it is considered that the proposed development will not have a harmful impact upon highway safety and therefore complies with Council policies and relevant advice.

### **Flood Risk**

The site is identified by the Environment Agency as within Flood Zone 2 of the River Bollin. However, given the nature of the development, the proposal is identified as 'less vulnerable'. The applicant has submitted a Flood Risk Assessment which is considered to adequately assess the flood risk and surface water management and mitigation. Due to the nature, design and location of the proposal the development is considered to satisfy the Environment Agencies Standard Advice.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

This is an appropriate development for this location. The commercial ground floor uses with residential above are compatible with adopted policy for the area. The building's design and scale are considered to be appropriate and sufficiently respectful of the area in general. Furthermore, the lack of on site parking within the development is not a reason to justify refusal. The site is very well located where occupiers and visitors will have access to a wide variety of transport modes.

The principal concern relates to the development's impact on the amenity enjoyed in the adjacent flat. The amount of light to occupants within this property is however, already substandard. As such it is considered to be commensurate with other residential properties

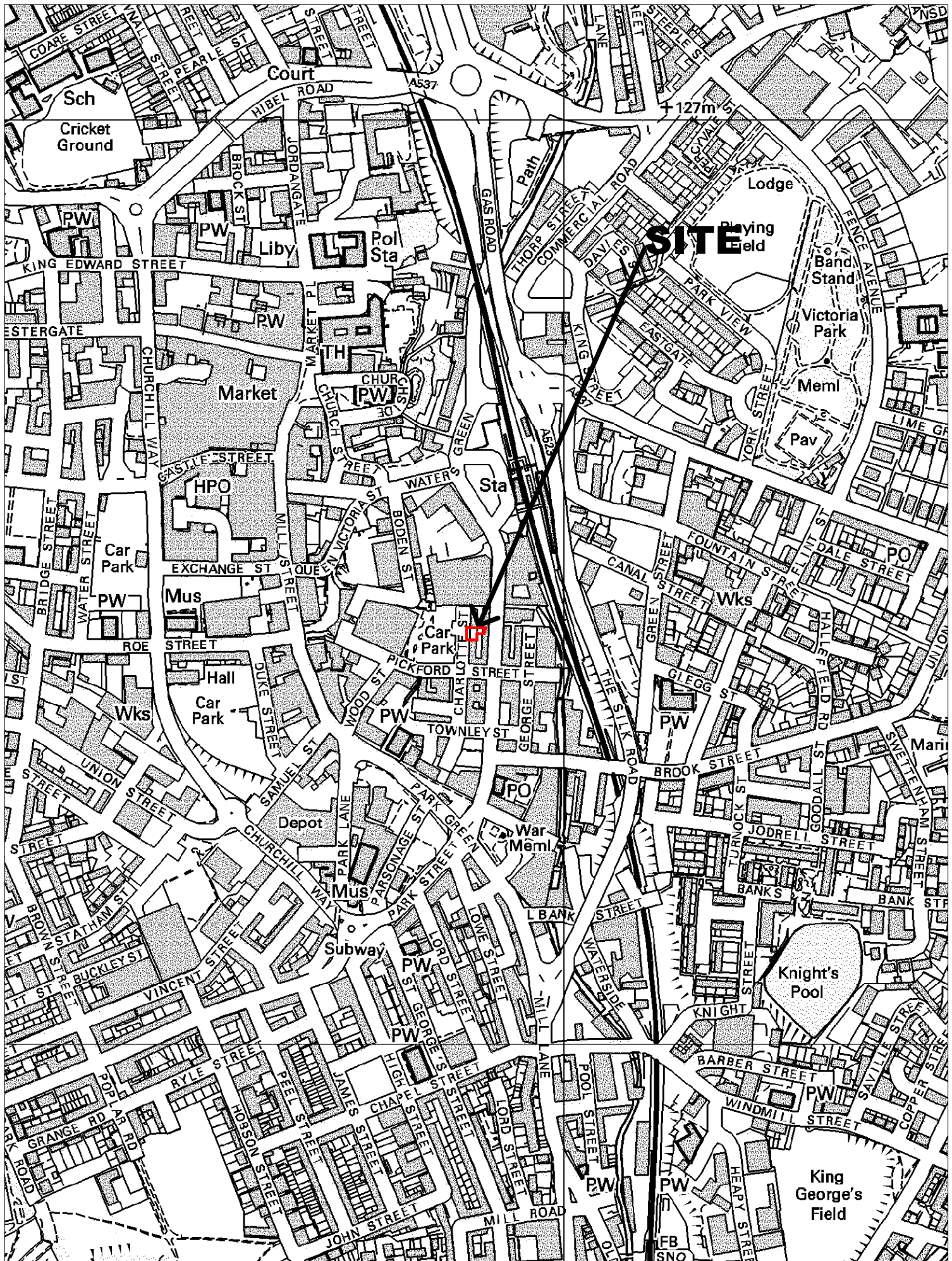
located within the Shopping Area and in some respects is to be expected due to its location.

Sited within a sustainable town centre location the redevelopment of the vacant brownfield site it is considered that the proposed development will introduce and acceptable A2 use as well as three residential units to the area.

Designated within a Secondary Shopping Area, planning policies place a strong emphasis on encouraging the vitality and viability of the town centre. Not only will the proposal provide an economic benefit to the existing area but will be a good re-use of a vacant site which will provide a positive contribution to the visual appearance of the surrounding area.

Given the individual merits of the site and the location of the development, it is considered that the wider benefits of the proposal outweigh the harm to residential amenity for the occupants of 38a Charlotte Street.

This application is therefore recommended for approval subject to conditions.



40- 42, CHARLOTTE STREET, MACCLESFIELD, CHESHIRE

NRG: 391,900 : 373,430

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Scale 1:1250

Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A04NC - Details of drainage
2. A13GR - Business hours (including Sundays)
3. A20GR - Hours of deliveries
4. A30HA - Protection of highway from mud and debris
5. A32HA - Submission of construction method statement
6. A03FP - Commencement of development (3 years)
7. A02AP - Detail on plan overridden by condition
8. A02EX - Submission of samples of building materials
9. A22GR - Protection from noise during construction (hours of construction)
10. A02HA - Construction of access
11. A04HP - Provision of cycle parking
12. Contaminated Land
13. Cycle Storage