

Application No: 15/4086M

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

Proposal: Variation of conditions 3, 4 and 8, Discharge of conditions 6 and 7 on approved 13/3082M - Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works.

Applicant: Mr John Sullivan

Expiry Date: 08-Dec-2015

#### **SUMMARY**

The proposed alterations to the plans are considered to be a series of minor material amendments. The development is considered not to be substantially different to the approved scheme. The proposed changes are considered to be acceptable and in line with relevant local and national planning policies.

#### **RECOMMENDATION**

Approve, subject to conditions

#### **REASON FOR REPORT**

The application site measures approximately 2982 sq. m. The types of application to be determined by the Northern Planning Committee, in accordance with the scheme of delegation, includes small scale major development such as: *“retail or commercial/industrial or other floorspace of between 1,000 - 9,999 square metres or between 1ha – 2 ha”*.

#### **SITE DESCRIPTION**

The application site measures approximately 2982 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. At the time of the previous submission all of the retail units were occupied. Now, the large unit previously occupied by Argos is vacant as is the smaller unit previously occupied by Johnsons dry cleaners.

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.

## **RELEVANT HISTORY**

The former Cheshire Building Society premises were constructed circa 1927 and the Grosvenor Centre was constructed latterly around 1970. There have been numerous historic applications relating to the site, however, the following applications are relevant:

- 13/3082M Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.'s 22, 24 & 26 Castle Street and no.'s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works. A/C 07-Aug-2014
- 12/2073M 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. Approved with conditions 23-Aug-2012
- 12/4532M Removal of Condition 5 (Servicing Plan), 6 (Films/Transfers) and 7(Renewable Energy Measures) on Planning Application 12/2073M - 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. Approved with conditions 22-Feb-2013

## **POLICY**

**Macclesfield Borough Local Plan, saved policies**

BE1 (Design Guidance)  
BE2 (Preservation of Historic Fabric)  
BE20 (Locally Important Buildings)  
DC1 (New Build)  
DC2 (Design Quality of Extensions and Alterations)  
DC3 (Protection of the Amenities of Neighbouring Properties)  
DC6 (Circulation and Access)  
DC8 (Landscaping)  
DC9 (Trees)  
DC38 (Spacing Standards)  
NE11 (Nature Conservation)  
S1 (Town Centre Shopping Development)  
S2 (New Shopping Development)  
PDC3 (Secondary Shopping Area)

### **Other Material Considerations**

Ministerial Statement – Planning for Growth  
National Planning Policy Framework  
National Planning Practice Guidance  
Locally Listed Buildings SPD  
Poynton Town Strategy  
SPD for Poynton  
Planning Obligation SPG  
CE Local Plan Strategy – Submission Version (May 2014)

### **CONSULTATIONS**

Conservation Officer: the changes required on 15/4086M are acceptable for this building

### **VIEWS OF THE PARISH/TOWN COUNCIL**

#### **Macclesfield Town Council:**

- i. That in relation to Condition 3, this should be upheld for the preservation of historic significance and that any amendments require detailed plans to be submitted for consideration.
- ii. That in relation to condition 4, this should be upheld (not amended) for the preservation of historic significance.
- iii. That in relation to condition 8, this should be upheld (not amended) for the preservation of historic significance.

### **REPRESENTATIONS**

A press advert was placed in the local newspaper with a deadline for comments of 15<sup>th</sup> October 2015. No comments have been received to date.

### **APPRAISAL**

The key questions are essentially 1) whether or not the proposed changes are considered to be minor material changes, such that the scale and nature of the proposed development is not substantially different to the approved application 13/3082M; and 2) whether the proposed changes have any material impact that would result in a different decision being reached to that previously reached.

Bearing the above in mind, given the size, scale and nature of the proposed amendments it is considered that the proposed is a minor material amendment and that the resultant development is not substantially different to the approved scheme.

As the proposal includes a series of minor material amendment it is considered that there is no additional, significant, impact over and above the approved scheme, in respect of the issues previously considered (i.e. heritage assets, highways safety, neighbour amenity, character and appearance of the area, arboricultural/landscape and ecological issues) or any other matters. In respect of these issues the proposed changes are compliant with the relevant Local Plan policies and national guidance.

## **PRINCIPLE OF DEVELOPMENT**

It is permissible, under section 73 of the Town and Country Planning Act 1990, for an application to be made to the LPA to vary the plans condition of a planning permission, where the aim is to make a 'minor material amendment' to the approved plans.

A 'minor material amendment' is one whose scale and nature results in a development which is not substantially different from the one which has been approved.

The principle of the development has already been accepted. Any changes in national policy/guidance or other material considerations since approval of the original application need to be taken into account.

It is noted that there have not been any significant policy/guidance changes or other significant material considerations since the determination of application 13/3082M.

## **PROPOSAL**

The application seeks primarily to vary condition 3 (approved plans) on approved application 13/3082M, which gave approval for: *“Internal and external alterations to the original former Cheshire Building Society (no. 36 Castle Street) together with the demolition of the majority of the subsequent extensions to the building and the change of use of the ground floor from offices (Class B1(a)) to 2 no. flexible use units (Classes B1(a), A1, A2, A3 and/or A4). Demolition of retail units at no.’s 22, 24 & 26 Castle Street and no.’s 25, 25B & 25C Castle Street Mall (forming part of the Grosvenor Shopping Centre) to facilitate the redevelopment of a two storey building (plus roof top plant area) to adjoin the redeveloped former Cheshire Building Society and provide 4 no. retail (Class A1) units, erection of replacement canopy above Castle Street Mall, formation of 5 no. car parking spaces, external alterations and associated works”.*

Information submitted with the application sets out the detailed amendments. In summary the proposed alterations to the approved details include:

- The inclusion of an internal substation with new doors to access the substation;
- Scale of planter revised (enlarged) and the omission of 3 no. parking bays off Churchill Way;
- Building infill added;
- Existing building cut back;
- Elevation setting out and shop front alterations;
- Glass canopy on the Castle Street entrance scaled back;
- Escape door revised;
- Service deck amended;
- Plant area, staircase hatch and walkway added;
- Stair added;
- Existing retained building floors amended;
- Roof construction revised;
- Opaque infill to windows;
- Parapet level amended and fall arrest added; and
- Measured survey information added.

The applicants' agent is therefore requesting the substitution of the plans on application 13/3082M for those submitted with the current application. These plans are as a result of detailed discussions with the future occupiers of the units and their operational requirements.

In terms of condition no. 4 & 8, the applicant's agent is requesting variation of the wording of these two conditions, in respect of the timing of the works.

## **VARIATION AND REMOVAL OF CONDITIONS**

In terms of condition no. 4 & 8, the applicant's agent is requesting variation of the wording of these two conditions, in respect of the timing of the works.

Condition 4 as approved under application 13/3082M reads:

*"Prior to the commencement of development detailed cross sectional drawings of the windows to a scale of 1:20 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans".*

The suggested wording put forward by the agent to vary the condition was:

*"Prior to construction, detailed cross sectional drawings of the windows to a scale of 1:20 shall be submitted to and agreed in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans."*

The "prior to construction" suggested by the agent is considered to be too ambiguous. As such, the suggested wording for Members to consider is:

Prior to first implementation of any of the new windows hereby approved, detailed cross sectional drawings of the windows to a scale of 1:20 shall be submitted to and agreed in

writing by the Local Planning Authority. The development shall be carried out in accordance with the approved plans

Condition 8 as approved under application 13/3082M reads:

*"Prior to commencement of development, details of finish and construction materials for rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details."*

The suggested wording put forward to vary the condition was:

*"Prior to construction, drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details."*

Similarly, the "prior to construction" suggested by the agent is again considered to be too ambiguous. As such, the suggested wording for Members to consider is:

Prior to first installation of any new drainage, drainage details shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Information has been submitted in terms of the discharge of condition no. 6 & 7. If Members are satisfied that this information fulfills the requirements of these conditions, they can be omitted from any new Decision Notice.

Condition no. 6 on approval 13/3082M reads:

*"Prior to commencement of development, details of finish and construction materials for rainwater goods shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details"*

The agents supporting statement notes that "due to the construction and design of the building, both existing and proposed, there will be no visible rainwater goods. The design of the replacement building is such that parapet walls extend slightly above the roof edge to hide the roof, as shown on the submitted drawings. As the gutters are formed at the junction, but behind the parapets, they cannot be seen unless you are on the roof. The downpipes are located internally within the building and thus are also not visible".

Condition no. 7 on approval 13/3082M reads:

*"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"*

A Photographic Record accompanies the application, which includes in excess of 300 photos photographs of the interior of the building, annotated floorplans accompany the photographs. This is considered to be a comprehensive record of the internal subdivisions of the building. Accordingly, this objective of this condition has been met.

## **Other Matters**

In response to the points raised by Macclesfield Town Council, firstly the applicant is seeking a series of minor alterations to a previously approved consent. The amendments are considered acceptable both in terms of the impact on the locally listed building and in terms of prevailing policy.

In terms of the comments made about condition Nos 4 & 8, the application is seeking a minor variation to the wording of the conditions, to require the submission of the details necessary under the conditions to pre-construction, rather than pre-commencement. For the avoidance of doubt, the application does not seek to remove the requirements of the conditions.

## **SUMMARY**

In summary, given the nature and scale of the proposed amendments it is considered that they are minor material amendments do not substantially alter the development from that approved. It is considered that there is no justifiable/sustainable reason why a different decision to that already arrived at on application 13/3082M should be reached. Hence, it is recommended the application to vary conditions 3, 4 and 8 and to discharge conditions 6 and 7 should be approved, subject to conditions.

**Application for Variation of Condition nos: 3, 4 and 8 and the discharge of condition no's 6 & 7.**

## **RECOMMENDATION: to approve subject to conditions**

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

Application for Variation of Condition

## **RECOMMENDATION:**

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. NPPF
5. Submission of detailed elevational and cross sectional drawings of windows
6. shop front not obscured
7. Drainage details to be submitted to and approved in writing by the Local Planning Authority
8. Environmental Management Plan

