

Application No: 21/6431M

Location: Catherine House, CATHERINE STREET, MACCLESFIELD, SK11 6BB

Proposal: Change of use from offices to C2 accommodation to create 8no. 1 bedroom flats with associated amenities.

Applicant: Martin Ball, North West Capital

Expiry Date: 17-Aug-2022

## **SUMMARY**

The application site lies within Macclesfield, which is identified as a Principal Town, within the Town centre and mixed-use regeneration area where residential development is deemed acceptable. The development accords with Policies PG 2 and SE 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 is considered to be acceptable and would not result in harm to the character or appearance of the surrounding Conservation Area. The proposal complies with Policies SE 1, SD 2 and SE7 of the CELPS, emerging SADPD policy HER 3, the CEC Design Guide and MBLP saved policies BE2 and BE8.

The development is considered to be acceptable in terms of its impact upon the residential amenities of the dwellings surrounding the site. Although there is some conflict with Policy DC38 of the MBLP with respect to neighbouring properties, the proposal would accord with the advice of the Cheshire East Design Guide.

The development is considered to be acceptable in terms of its impact upon the highway network and parking provision. The development complies with MBLP Policy DC6, CO2 and Appendix C of the CELPS.

The proposal is for sustainable development which would bring environmental, economic and social benefits. Although the development would result in the loss of employment land, the proposed C2 use is supported, in line with emerging SADPD policy HOU 2.

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

### **SUMMARY RECOMMENDATION**

Approve subject to conditions

### **REASON FOR REPORT**

The application has been called-in to be determined by the Northern Planning Committee by Cllr Braithwaite for the following reasons:

- *Potential impact on the residential amenity of neighbouring properties, including but not restricted to overlooking, hours of operation, parking, increased traffic*
- *Potential impact on future residents' amenities including but not restricted to design of accommodation units, noise, outside amenity space, internal amenity space, parking*
- *Clarity around what type of supported accommodation is intended for the site*
- *Suitability of location for intended use*
- *Overdevelopment in a densely populated area*

### **DESCRIPTION OF SITE AND CONTEXT**

The site comprises a vacant two storey brick, stone and render built office building and associated car park. The site is located on the outskirts of the Town centre of Macclesfield which also forms part of the Christ Church Conservation Area and Mixed-Use Regeneration Area.

The site is accessed via Catherine Street with the former office building located to the south-east of the site with a tarmac parking and turning area to the front and side. Currently, access into the building can be gained from the front elevation, with a secondary entrance to the side and a metal escape stair to the rear. The boundary treatment is made up of brick and concrete walls, with hedges and planting to the north and east, and a gated access.

### **DESCRIPTION OF PROPOSAL**

This application seeks full consent for the conversion and extension of the existing building to provide 8no. 1-bedroom independent apartments (Use class C2), with communal lounge and office space for staff with associated parking, bin and cycle storage. The building will provide assisted living accommodation comprising individual flats for adults with learning disabilities with an office

on site for 2 support workers on site 24/7. Prospective occupants have some independent living skills but require low level support and assistance in their day to day lives.

The proposed extensions to the building comprise 2no. single storey flat roof additions to the front of the building either side of the main entrance. The extensions will be finished in render with composite panel detailing and high level windows.

A timber bin store will be positioned within the far north eastern corner of the site and a timber enclosed cycle store located to the southern side of the entrance road will provide storage for 8 cycles. Parking space for 10 vehicles will be laid out on site with additional soft landscaping within the site and retention of the existing boundary hedging.

It is also proposed to reposition the rear metal escape staircase further along the rear elevation. Revised plans were submitted during the course of the application to amend the internal layout and reduce the amount of new windows to overcome officer concerns regarding privacy. It is now proposed to insert only one additional first floor window to the rear and one to the front; both of which shall be obscure glazed. Additional windows at ground floor comprise 2 at the rear and one at the front, with additional windows in the proposed extensions.

The applicant submitted an acoustic assessment, additional detail about the application and revised plans during the course of the application to address comments from the environmental health officer regarding noise and to show additional detail on the plans including parking, bin storage and planting.

## **RELEVANT HISTORY**

97/04365P - Alterations & extension to existing light industrial building (Class B1) – Withdrawn May 1997

97/1246P - Alterations & extension to existing light industrial building (Class B1) -Approved with conditions 31-July 1997

99/1615P - Extension to existing light industrial building (Class B1) - Approved with conditions - 29-Sep-1999

04/1205P- Replacement Roof, Renovations to External Cladding and Other External Alterations - Approved with conditions - 16-Jun-2004

## **RELEVANT PLANNING POLICY**

### **Cheshire East Local Plan Strategy 2010-2030**

MP1 Presumption in favour of sustainable development

PG1 Overall Development Strategy

PG2 Settlement hierarchy

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG1 Economic Prosperity

EG 3 Employment Land

SC3 Health and Well-being

SE1 Design

SE2 Efficient Use of Land

SE5 Trees, Hedgerows and Woodland

SE6 Green Infrastructure

SE7 The Historic Environment  
SE12 Pollution, Land contamination and land instability  
SE13 Flood risk and water management  
CO1 Sustainable Travel and Transport

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).

The Macclesfield Borough Local Plan is the relevant plan in relation to this site.

### **Saved Macclesfield Borough Local Plan Policies (MBLP)**

BE2: Preservation of Historic Environment  
BE8: Christ Church Conservation Area  
H6: Town Centre Housing  
E11: Mixed Use Areas  
MTC12: Town Centre Mixed Use Areas  
MTC 19: Housing  
MTC 20: Christ Church Housing Area  
DC3: Amenity  
DC6: Circulation and Access  
DC8: Landscaping  
DC14: Noise  
DC37: Landscaping  
DC 38: Space, Light and Privacy

### **Other Material Planning Considerations**

National Planning Policy Framework (2021) National Planning Policy Guidance

Cheshire East Design Guide

### **Emerging Cheshire East Site Allocations and Development Policies Document (SADPD).**

The Revised Publication Draft SADPD was submitted to the Secretary of State on 29 April 2021. Following the examination hearings and report from the Inspector, Main Modifications were published for consultation between 19 April 2022 and 31 May 2022. The Council has recently published its report of consultation and the Inspector will take the representations into account in preparing his Examination report, which will be issued to the council in due course. The following policies are considered to carry moderate weight in the assessment of the application:

PG9 Settlement Boundaries  
GEN1 Design principles  
ENV12 Air quality

ENV15 New development and existing uses  
ENV16 Surface water management and flood risk  
HER1 Heritage assets  
HER3 Conservation Areas  
HOU2 Specialist Housing Provision  
HOU10 Amenity  
INF3 Highways safety and access  
INF6 Protection of existing and proposed infrastructure  
INF9 Utilities

## **CONSULTATIONS (External to Planning)**

### **Environmental Protection (CEC) –**

Contaminated Land – No comments

Amenity – comments on additional information – June 2022.

This Service would accept the statements provided by Archiphonic Ltd. and would not be in a position to support a refusal on noise / amenity grounds.

Original comments -February 2022.

Object on grounds of insufficient information to adequately assess the impact of the proposed development having regard to noise / quality of life / residential amenity to the future occupiers of the flats.

### Air Quality

No objection subject to conditions relating to Ultra low emission boilers, and EV infrastructure

### Contaminated Land

No comments

**Highways (CEC)** – No objections subject to condition relating to cycle parking

**Macclesfield Town Council** - The committee resolved that whilst it in principle it supports town centre living, it objected to this application on the grounds of:

- Amenity for residents does not comply with Cheshire East Council's Local Plan Strategy policies SC1 and SC2,
- Inadequate size of and quality of accommodation,
- Lack of parking,
- Loss of privacy to neighbouring properties.

## **REPRESENTATIONS**

19 letters of representation have been received from 9 neighbouring properties objecting to the proposal on the following grounds:

- Loss of privacy to rear of neighbouring properties especially from glass frontage,
- Increase in noise and disturbance
- Future residents will be affected by existing noise from Picturedrome.
- Application doesn't specify what type of supported living is proposed,
- Loss of amenity from peace and quiet in rear gardens,
- Additional waste and pollution, and the potential for rodents
- Additional traffic including emergency vehicles accessing assisting living accommodation 24/7.
- The site currently operates as an office until 6pm and will now be in use 24/7.
- Potential safety concerns from future occupiers,
- No space for parking for residents
- No bin storage shown
- The change of use to residential is at a density which exceeds that recommended for contemporary living, wellbeing and social value.
- If this isn't specifically 'supported living' then it is an attempt to introduce a HMO into a quiet residential area.
- Level of internal insulation is a concern,
- No outdoor leisure space means that the car park could be used for leisure in good weather and spread noise more readily,
- There is an existing supported living house on the corner of Great King Street and George Street West. In recent years there has been an increasing number of disturbances and emergency vehicles currently attend on average a couple of times a week. It is unfair to residents to introduce another possible source of noise and disturbance so close by.
- Lack of provision for electric vehicles,
- No greening of the surroundings all of which could damage air quality.
- Unattractive design on front elevation.
- Proposals will affect planned work on neighbouring development.
- Loss of amenity from people using the fire exit at the rear
- Proposed tree would affect foundation of neighbouring wall and patio and would shade the neighbouring garden,
- The similar applications mentioned in the application are not for supported living.
- Opaque windows are a poor attempt to address overlooking,
- Catherine house should never have been given consent as it blocks fire access
- There is a youth support house on Bridge Street nearby so we already have lots of vulnerable people circulating in the area

2 letters of support have been received and are summarised below;

Cheshire East Senior Commissioning Manager for Adult Social Care and Health

- The commissioning team have been in dialogue with the developer and we are supportive of the proposal in terms of demand and this meeting the needs of individuals with Complex Needs.

Macclesfield Civic Society

- The surrounding area is largely residential in character and the proposal would be consistent with such. Minor changes to the external appearance of the building will allow for the provision of 8 small units of accommodation close to the facilities of the town centre. Existing parking provision would be available though perhaps some reduction could be secured to allow for the provision of some external amenity space.

## **OFFICER APPRAISAL**

### **Principle of development**

The application site is located within the urban area of Macclesfield as defined by the Local Plan Policies Map. Within such locations there is a presumption in favour of sustainable development.

The site lies on the outskirts of Macclesfield town centre, where policies PG2 and EG5 of the Cheshire East Local Plan Strategy (CELPS) identifies principal towns (such as Macclesfield) as being the main focus for town centre type uses including residential. Macclesfield Local Plan saved policy MTC 12 and 19 provides support for residential uses within mixed use regeneration areas, provided amenity and character are maintained and the proposals do not prejudice the operation of other uses or policies within plan.

Policy EG3 of the CELPS seeks to protect existing employment sites unless the site is causing a significant nuisance or it is no longer suitable for employment use and there is no potential for modernisation and no other occupiers are found.

The applicant has confirmed that the site was previously occupied as offices within a hot desking scenario which proved unviable. It was marketed as offices for around 5 years.

It is acknowledged that the proposals do not fully comply with policy EG3 as it has not been demonstrated by the applicant that alternative uses have been explored. However, the site is adjacent to sensitive residential properties which would limit the scope for suitable alternative uses. The site will also retain some form of employment on the site with the 2 members of support staff on site 24/7 at the site and visiting manager daily.

It is also noted that it is permitted development under Class MA of General Permitted Development Order, for office buildings to change to residential dwellings (subject to the relevant criteria being met within the prior approval process.) This application provides specialist residential accommodation for which there is a recognised need.

Policy SC3 of the CELPS states that the Council and its partners will create and safeguard opportunities by working in partnership with health and social care providers to improve health across Cheshire East and reduce inequalities. SADPD Emerging Policy HOU 2 provides support for specialised housing that meets an identified need. This proposal contributes to the promotion of wellbeing in the area and support individuals to lead an independent life. A letter of support has been received from Cheshire East Adult and Social Care Commissioning Team in relation to the use.

The site is surrounded by a mix of commercial and predominantly residential properties and is within walking distance of the main retail area and town centre, with its associated public transport links and local amenities. The proposals include secure cycle storage. The site is within a highly sustainable location. Although the proposals will result in the loss of office

accommodation the proposals will bring a vacant unit back into operation thus enhancing the vitality of the area.

It is therefore considered that the loss of this office use to a C2 use is acceptable in principle and in accordance with CELP policy SD1, SD2, SC3, EG3, EG5, MBLP saved policies MTC 12 and 19 and SADPD emerging policies HOU 2.

Matters such as heritage and design, amenity, highways and air quality are considered in more detail below.

## **Heritage and Design**

Policy SE1 of the CELPS sets out the design criteria for new development which is underpinned by achieving high quality design. Policy SD2 of the CELPS further details the design matters that should be considered, including; height, scale, form and grouping of development, choice of materials, external design features, massing of development and impact upon the street scene. The Emerging Site allocations and Development policies document (SADPD) policy GEN 1 echoes this advice. CELPS Policy SE7 supports proposals which do not cause harm to or better reveal the significance of heritage assets. Emerging SADPD policy HER 3 requires amongst other things that proposals pay special attention to the desirability of preserving or enhancing the character or appearance of any area; and take into account established townscape and landscape character or the area and its wider setting.

Saved policy BE2 of the MBLP seeks to preserve, enhance and interpret the historic fabric of the environment. Policy BE8 seeks to preserve or enhances the historic environment and that alterations and extensions should respect the established 19th century character.

This site is surrounded by predominantly residential properties, generally arranged in close knit terraces with occasional commercial properties interspersed. The gated access is taken from between two residential properties and the site opens out beyond the residential properties. Consequently, the building is not easily visible from public vantage points.

The Conservation officer has not raised any objection to the proposals subject to a condition regarding materials. The proposed extensions are modest and simple additions to the building and will provide additional accommodation to facilitate the use. Materials proposed are considered to be acceptable. The external alterations to the building are minimal and overall, the extensions and alterations to the building will not detract from the character and appearance of the host building and the wider conservation area.

The additional planting and soft landscaping to the front of the building and along the access road is welcomed and will soften the otherwise hard landscaped site. The bin and cycle stores are appropriately designed modest buildings that will not detract from the visual amenity of the area.

In light of the above the proposals are considered to be in accordance with the provisions of CELPS policy SE1, SD2, SE7, policies BE2 and BE6 of the MBLP saved policies, emerging SADPD policy HER 3 and advice within the Cheshire East Design Guide.

## **Amenity**

CELPS Policy SE1 states that development should ensure an appropriate level of privacy for new and existing residential properties. This advice is echoed in emerging SPD policy HOU 10.



MBLP Policy DC3 states that development proposals should not significantly injure the amenities of adjoining or nearby residential properties through loss of privacy, loss of sunlight/daylight, visual intrusion, noise and disturbance and traffic generation. Policy DC38 of the MBLP provides guidelines for minimum separation distances between buildings of 21m front to front and 25m back to back for facing habitable rooms. This reduces to 14m for habitable rooms facing non habitable rooms. Further, more up to date, advice on separation distances is set out within the CEC Design Guide.

The Design Guide identifies the following separation distances;

21 metres for typical rear separation distance

18 metres for typical frontage separation distance

12 metres for reduced frontage separation distance (minimum)

The site is surrounded by residential properties to the east (which back on to the site) and west (at right angles to the rear) with commercial properties to the north and south (sides). The proposed single storey extensions are located to the front of the building and are well within the site and screened by the existing boundary wall. The repositioning of the external stairs is not considered to result in a loss of privacy to neighbours and serves as an emergency exit only. The proposals are not therefore considered to result in overshadowing or overbearing effects to neighbouring occupiers.

There are to be windows installed in the building at ground floor in addition to the existing windows on the front, side (north) and rear which will serve habitable rooms. However, these will be screened by the existing boundary treatment and are not considered to result in a loss of privacy to neighbours.

At first floor an additional window is proposed on the western (front) elevation approx. 7m from the rear of the nearest residential property at 20 Catherine Street, which comprises habitable room windows. Revised plans were submitted to alter the internal layout at first floor and this is now a secondary window serving a kitchen/living area and will be obscure glazed, and a condition is recommended to ensure this is maintained as such.

At the rear, on the eastern elevation the existing fire escape doorway will be closed off. An existing window serving a bathroom will remain obscure glazed as a secondary window serving a kitchen/living space. An existing window on the rear elevation will serve a bedroom as its primary window. This window whilst introducing a habitable room close to the existing residential property at no. 28 George Street West, around 11m at its closest point to the north east, is at an oblique angle and will not cause direct overlooking to neighbouring properties. Other properties to the east are around 21m away and so below the 25m guideline distance outlined within saved policy DC38 of MBLP but in compliance with the more recent Cheshire East Design Guide distances of 21m for back to back development.

Whilst privacy distances are below standard, para 111 in the Cheshire East Design Guide advises 'where rear of properties sit at oblique angles these distances can be reduced'. It is acknowledged that this is not a new window in the building and whilst it is proposed to be in residential use and serving a bedroom, the perception of overlooking from this window is at present already established. On balance, the proposals are not considered to result in a loss of privacy as would warrant a refusal.

Residents are concerned about the potential for increased noise and disturbance from the proposed use. However, this site is located within the town centre where a degree of noise and activity can be expected. The proposed residential use for 8 apartments is relatively low density and is not considered to result in a significant increase in noise to the area.

Internally, each unit will provide for a kitchen/living area, bedroom and bathroom and shall exceed the Nationally described space standard each being between 42-48sqm (the requirement is 37-39sqm). Environmental Health originally raised concerns about incompatible internal arrangements leading to a loss of amenity for future residents. The applicant submitted an acoustic assessment and additional detail on how the proposed use would work (i.e. staff on site at all times to manage site operation) to address these comments. The report concludes that BS8233:2014 and WHO Guidelines for Community Noise can be achieved for internal noise levels in all habitable rooms; Environmental health have confirmed that they are satisfied with the proposals and would not support a refusal on amenity grounds. In any event, internal acoustic standards between proposed apartments are covered by separate legislation within Building regulations.

Although the site does not provide for on-site external amenity space, the site is within close proximity to public open space and West park some 0.5miles to the north west of the site.

It is therefore considered that the proposals comply with the principles of CELPS policy SE1, emerging SADPD policy HOU 10, MBLP Saved Policies DC3 and DC38 and advice within the Cheshire East Design Guide in this regard.

### **Highways/Accessibility**

CELP Policy CO1 seeks to deliver the Council objectives of delivering a safe, sustainable, high quality integrated transport system. Emerging SADPD policy INF 3 requires that development provide a safe access to and from the site for all highway users. Saved MBLP Policy DC6 relates to circulation and access. It sets out the circulation and access criteria for new development.

The highway officer has not raised any objections to the proposals.

The proposed extensions will result in the loss of parking spaces on site. However, the proposals provide 10 spaces on site which is in excess of the requirement for 1 space per apartment laid out in appendix C of the CELP. The proposals also include secure cycle parking.

There are no alterations to the existing access to the site and there would be no adverse impact on the safety or operation of the adjacent highway.

The site is within a highly sustainable location close to existing amenities and public transport links. The proposals comply with CELPS Appendix C: Parking Standards and are considered to contribute to the aims of CELP policy CO1, Emerging SADPD policy INF 3 and the requirement of MBLP saved Policy DC6.

### **Air Quality**

Policy SE12 of the CELP Local Plan states that the Council will seek to ensure all development is located and designed so as not to result in a harmful or cumulative impact upon air quality. This is in accordance with paragraph 181 of the NPPF and the Government's Air Quality

Strategy. Emerging SADPD policy INF 3 requires developments to incorporate appropriate charging infrastructure for electric vehicles in safe and convenient locations.

When assessing the impact of a development on Local Air Quality, the Council has regard to (amongst other things) the Council's Air Quality Strategy, the Air Quality Action Plan, Local Monitoring Data and the EPUK Guidance "Land Use Planning & Development Control: Planning for Air Quality January 2017)

This proposal is for the conversion and extension of an existing building for across 8 one bedroom apartments) with parking, and associated infrastructure.

Whilst this scheme itself is of a small scale, and as such would not require an air quality impact assessment, there is a need for the Local Planning Authority to consider the cumulative impact of a large number of developments in a particular area. In particular, the impact of transport related emissions on Local Air Quality. Macclesfield has an Air Quality Management Area and, as such, the cumulative impact of developments in the town is likely to make the situation worse, unless managed.

Residents are concerned about the lack of landscaping and the impact on air quality however this is an existing hard surfaced car park and does not propose to increase the amount of hard landscaping, moreover additional planting is proposed to soften the development and contribute positively to air quality.

Conditions have been recommended in relation to boilers and electric vehicle charging points to contribute to air quality aims. A condition can require appropriate electric vehicle charging on site in accordance with Emerging SADPD policy INF 3. However, requiring boiler type by condition is not reasonable or necessary and does not meet the requirement of para 57 of the NPPF in this regard.

## **Representations**

A number of representations have been received in relation to the application. Issues in relation to principle of the development, highways and amenity have been raised and have been addressed within the main body of the report. The highways, conservation and environmental health team have raised no objections to the proposals, following the submission of additional information.

A representation has been made regarding the lack of EV charging points. Environmental health have requested a scheme for EV infrastructure is submitted, agreed and implemented, and an appropriate condition is recommended.

A representation has been made regarding inadequate fire escapes for some of the properties. This is covered by separate legislation within building regulations.

A representation has been received regarding potential damage to foundations from the proposed planting. Any damage to neighbouring property as a result of proposed works is a civil matter outside of the jurisdiction of planning.

A representation has been raised regarding the use being a HMO rather than assisted living. The application is made for 8no. 1bed apartments and is not a house in multiple occupation. As detailed above, residential development is deemed acceptable in principle on this site.

## **CONCLUSIONS**

The site is located with Macclesfield in a very sustainable location. The application will provide living accommodation for vulnerable people with on site support. The building is currently a vacant office block. The loss of commercial office space in this case is considered to be acceptable, furthermore the proposed development will maintain an element of employment and bring a vacant site back into active use.

No objections have been raised by consultees in relation to technical matters, and for the reasons mentioned the application is recommended for approval subject to conditions.

## **RECOMMENDATION**

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

1. Time Limit
2. Development in accord with approved plans
3. Materials as per application
4. Landscaping details to be submitted, agreed and implemented.
5. Obscure glazed windows to remain for lifetime of development
6. Bin storage to be in place prior to occupation
7. EV infrastructure plan to be submitted
8. Cycle store to be in place prior to occupation

*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 Chairman (or in his absence the Vice Chairman) 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 Full Planning

**RECOMMENDATION:** Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application
4. A01LS - Landscaping - details to be submitted, agreed and implemented
5. A25GR - Obscure glazing as detailed on plans to remain for the lifetime of the development
6. Bin storage to be in place prior to occupation
7. Electric vehicle infrastructure plan to be submitted, agreed and implemented
8. Cycle store to be in place prior to occupation



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