

Application No: 23/3702M

Location: MARBURAE HOUSE, ATHEY STREET, MACCLESFIELD, CHESHIRE, SK11 6QU

Proposal: Conversion of existing office building to residential apartments (resubmission of planning application reference 22/1223M)

Applicant: Mr & Mr Harry and Vinny Edwards and Taylor

Expiry Date: 24-Nov-2023

SUMMARY

The principle of residential development within Principal Towns such as Macclesfield is supported subject to its adherence with other relevant policies of the development plan.

The proposals would be of an acceptable design, that would not result in any significant neighbouring amenity issues. The size of the apartments exceeds minimum nationally described space standards and it is considered that sufficient light and outlook would be afforded to the future occupiers. Whilst there would be no outdoor private amenity space, the site is located within close proximity to numerous public outdoor spaces.

Although no off-street parking is proposed, this is also the situation with the existing use. In addition, the site is located not far from the Macclesfield town centre so is within walking & cycling distance to all public amenities and all units would be equipped with internal cycle storage.

For the above reasons, the application is recommended for approval.

SUMMARY RECOMMENDATION

APPROVE subject to conditions

REASON FOR REFERRAL

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

'Although there are changes to the design and a reduction in the number of apartments from 6 to 4, the number of potential residents remains the same i.e. a total of 14. This is still overdevelopment of a small site and likely to lead to a worsening of parking problems on Athey Street and surrounding streets. The nearest most recent developments on the street (Athey Street becomes Parr Street about halfway along) all have private parking, including 10-32 Parr

Street; Athey Street Mill; and 6-8 Parr Street and 49-53 Crompton Road, which are built on the site of the Crompton Road Tavern. The report for planning application 14/2643M Crompton Road Tavern notes that "Whilst vehicles would have to reverse into the road, the access is taken from Parr Street which experiences less traffic than Crompton Road. It is admitted that this is less than ideal, however given existing on street car parking problems, the impact of on street car parking associated with the development would have had a greater impact upon highway safety if no parking were provided than the associated impacts of having vehicles reversing into the road." Car ownership and parking problems have worsened since this application was granted, and public transport has diminished significantly. The bus stop mentioned in the applicant's Design Access and Planning Statement is no longer active, the bus route mentioned has been re-routed. There are few, if any, services in the evening and none on Sundays. Therefore the aim of car free tenants is unlikely and not sustainable, and at odds with other developments in the immediate area. The application states that there are 1-2 employees plus visitors parking on site, replacing this with up to 14 residents (plus their visitors) parking will have an adverse impact on residential amenity for existing residents. If public transport is adequate, are the current employees using it?

Although the principle of development was established by application 21/0331M, this was for a single house with an integral garage and bears no relation to the current application.

There is insufficient information around waste management. The waste disposal area looks like it can only be accessed via an external door on Athey Street. There is a primary/infant school opposite the development, the pavements are pretty narrow and very busy during term time. There is clearly potential for pavement blocking by either wheelie or industrial bins. Plus, the potential for odours to seep into the flats. Adequate arrangements are required by policy RET8.

The housing standards officer has reiterated concerns around fire safety, I recall that this was deemed not to be a planning issue per se, however policy RET 8 requires appropriate and safe access and I feel that this has not been addressed. I note that para 3.7.1 refers to access via the car park at the rear, this is not part of the application site and I am concerned that this is not guaranteed.

Para 4.22 of the applicants DAAPS mentions a quick development, however no further information has been provided re the potential asbestos remaining in the building, and fire escape mitigation including the requirement for discussions with the local fire authority. The proposal, as noted by the housing standards officer, still has inner rooms.

For these reasons I believe that the application deserves the attention of the Planning Committee, and would suggest that a site visit is carried out.'

SITE DESCRIPTION

The application proposal relates to part of a 2-storey, flat-roofed commercial building on the northern side of Athey Street, Macclesfield within an area outside the town centre which comprises predominantly of a mix of commercial properties. The building is characterised by its flat roof and white tiled finish.

It is advised that the building was last used by an IT company.

PROPOSAL

Full planning permission is sought change the use of the whole building to form x4 residential apartments.

The application is an amendment and a re-submission of 22/1223M which was for x6 residential apartments. This was refused by Northern Planning Committee on the 7th June 2023 for the reasons below.

RELEVANT HISTORY

22/1223M - Conversion of existing office building to residential apartments – Refused for the following reason:

- 1. The proposed development would result in a substandard level of amenity for the future occupiers and an overdevelopment of the site. The development is subsequently contrary to policies HOU12 (Amenity) and HOU13 (Residential Standards) of the Cheshire East Site Allocations and Development Policies Document and the National Planning Policy Framework.*

21/0333M - Front elevation amendment - partial removal of wall and insertion of garage door and dropped kerb to allow future garage use – Approved 12th April 2021

21/0331M (Marburae House) - Prior approval for change of use of one office building (ground plus first floor) to residential use (use class C3) – Prior Approval Required and Approved 30th March 2021

Note: This was for x1, 2-bed apartment that included no outdoor private amenity space. However, no outdoor space is required as part of the assessment.

00/2271P (Marburae House) - Second Floor Extension to Existing Offices (Outline Application) – Refused 13th December 2000

Not appealed.

58167P - Proposed Offices in Warehouse – Approved 3rd May 1989

12423P - C/O/U from Machinery Showroom to Office Accommodation – Approved 2nd November 1977

ADOPTED PLANNING POLICY

The relevant aspects of the Cheshire East Council Development Plan include; the Cheshire East Local Plan Strategy (CELPS) and the Cheshire East Site Allocations and Development Plan Document (SADPD). The relevant policies of these documents include;

Cheshire East Local Plan Strategy (CELPS) 2017

MP1 - Presumption in favour of sustainable development, PG1 - Overall Development Strategy, PG2 – Settlement Hierarchy, PG7 – Spatial Distribution of development, EG3 – Existing and

Allocated Employment Sites, SD1 - Sustainable Development in Cheshire East, SD2 - Sustainable Development Principles, SC4 – Residential Mix, SE1 – Design, SE2 – Efficient use of Land, SE13 – Flood Risk and Water Management, CO1 – Sustainable Travel and Transport

Cheshire East Site Allocations Development Plan Document (SADPD) 2022

PG9 – Settlement boundaries, GEN1 - Design principles, ENV7 - Climate change, ENV12 - Air quality, ENV14 - Light pollution, ENV15 - New development and existing uses, ENV16 - Surface water management and flood risk, HOU1 – Housing mix, HOU8 – Space, accessibility and wheelchair housing standards, HOU12 – Amenity, HOU13 – Residential Standards, HOU15 – Housing delivery, HOU16 – Small and medium-sized sites, RET11 – Macclesfield town centre and environs, INF3 - Highways safety and access, INF9 – Utilities

Other material policy considerations

- National Planning Policy Framework (NPPF)
- National Planning Policy Guidance (NPPG)
- 'Technical housing standards – nationally described space standards' 2015 - DCLG

CONSULTATIONS (External to planning)

Head of Strategic Transport (CEC Highways) – No objections

Environmental Protection (CEC) – No objections, subject to the following conditions; submission/approval of an updated noise report, provision of low emission gas boilers, the submission/approval of an appropriate contaminated land risk assessment, the submission/approval of a contaminated land verification report and that works should stop should contamination be identified.

Strategic Housing – No objections

Housing Standards & Adoptions (CEC) – *'The bedrooms within flats 1 and 2 are classed as 'inner rooms' (a room where escape is through another 'outer room'). As such, if there was a fire within the 'outer room', any occupant within these inner rooms may become significantly hindered or even prevented from safely escaping, as there's no means of secondary or protected escape route leading from these 'inner rooms'.*

Following discussions with the designer (previously), if an automatic fire suppression system was to be installed, together with a suitable hard wired, interlinked fire detection and alarm system throughout this development, then Housing Standards would have no objections to the proposal. It is noted however, that whilst Housing Standards would consider this trade off to be acceptable, consent must first be obtained from Cheshire Fire and Rescue services, as well as Building Control on this matter.'

Building Control (CEC) – Agrees with comments from the Council's Housing Standards & Adoptions Officer (above). Suppression system will be a requirement of the building regulations process and Building Control will consult Cheshire Fire & Rescue as part of that process.

Cheshire Fire and Rescue – Access should be in accordance with Building Regulations with regards to access for fire and rescue. With regards to provision of water supplies, it is advised that the applicant should submit details of the water main installations. Recommend the installation of an automatic water suppression system in accordance with British Standards. Observe that bedrooms to flats 1 and 2 are inner rooms where emergency egress is through another room. An inner room is not permitted for bedrooms. Also observe that the kitchen in flat 2 should be located further away from the means of escape.

Macclesfield Town Council – Would like the planning officer to check the scheme against the following policies; HOU12 (Amenity) and HOU13 (Residential Standards). Would also ask the Officer to check the safety re: fire escapes as no windows are showing on the ground floor apartment plans. Consideration should also be given to room sizes.

REPRESENTATIONS

In response to the re-consultation exercise, 1 neighbouring comment has been received raising an objection on the following grounds:

- Highways – Impact of additional on-street parking

OFFICER APPRAISAL

Principle of development

The application site falls within the Macclesfield Settlement boundary.

Macclesfield is defined as a 'Principal Town' by Policy PG2 of the CELPS. Within such locations significant development will be encouraged to support their revitalisation, recognising their roles as the most important settlements in the borough. Policy PG2 goes on to state that development will maximise the use of existing infrastructure and resources to allow jobs, homes and other facilities to be located close to each other and accessible by public transport.

Policy PG7 of the CELPS sets out that it is expected that Macclesfield accommodate in the order to 4,240 new homes (over the plan period 2010-2030).

SADPD Policy PG9 states that within settlement boundaries, development proposals (including change of use), will be supported where they are in keeping with the scale, role and function of that settlement and do not conflict with any other relevant policy in the local plan.

The proposal seeks the re-use of 2 floors (ground-floor and first-floor) of an existing, narrow commercial unit. According to the floor plans, the unit comprises of a shop front, common room, bar, W.C, Power Room and storage at ground-floor level and further storage, managers' office shower room at kitchen at first-floor level. It is proposed to covert this space into 4 flats. Changes to existing openings and the introduction of new openings are proposed to facilitate this change in terms of external changes.

Surrounding the site is an events and exhibition company to one side (No.27 Athey Street) and a carpets and beds factory outlet to the other. To the rear, which also adjoins the unit, it is understood

that there is a company that sells pallet trucks and electronic weighting equipment. On the opposite side of Athey Street is a school and housing adjacent.

It is deemed that the conversion of this unit to residential use would be in keeping with the scale, role and function of the area, which is mixed commercial and residential use in a built-up part of Macclesfield. Adherence of the proposals to other relevant policies of the development plan is considered below.

Loss of commercial use

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

The submitted Design & Access Statement sets out that the site is currently in use as offices but due to a change in working practices since the pandemic, the building is now only used by half the number of employees with the remainder working from home.

There is no suggestion within the submission that the existing use causes significant nuisance or that the site is no longer suitable for its existing purpose.

However, it is deemed a notable consideration that the site benefits from Prior Approval for change of use of the front portion of the building, over 2-storey's, to form a 2-bed dwelling, granted under permission 21/0331M. As such, a large proportion of the building's use could be changed to residential regardless of any conflict with this particular policy. Whilst this fallback position would still be preferable in terms of Policy EG3, as a degree of employment use would be retained, when considered in conjunction with the fact that the amount of commercial floorspace which would be lost to the proposed development would not be significant in the context of Macclesfield as a whole and because the location of the development is deemed a highly suitable location for residential use given its position close to the town centre, the loss of the commercial use in this instance to residential use is deemed to be acceptable.

Design

Policy SE1 of the CELPS states that development should make a positive contribution to their surroundings by protecting and enhancing the quality, distinctiveness and character of settlements. Policy SD2 of the CELPS advises that development should contribute positively to an area's character and identity, creating or reinforcing local distinctiveness in terms of; height, scale, form and grouping, choice of materials, external design features, massing of development, green infrastructure and relationship to neighbouring properties and streetscene.

Policy GEN1 (Design principles) of the SADPD sets out that development proposals should create high quality, beautiful and sustainable buildings and places and should reflect local character.

The existing building's front elevation, facing Athey Street, currently comprises predominantly of a white tiled finish with a contrasting blue tile above windows. The openings comprise of white frames. This appearance is currently at odds with surrounding finishes of neighbouring units which have an exposed brick finish.

The external physical changes proposed according to the revised plans are;

- The infilling of a ground-floor window on the rear elevation and the addition of a ground-floor patio-door style window adjacent
- The infilling of a high-level, ground-floor window on the front elevation (left-hand side) and its replacement with a pedestrian door and a set of double-doors adjacent that would serve a bin store
- Erection of a barrier across an inset section found at ground-floor on the front elevation to create a small outdoor space. Within this inset section, a pedestrian door would be replaced by a set of patio doors and the existing high-level window enlarged.
- Re-fenestrate the front of the building and use metal/ceramic cladding.

These changes are deemed sympathetic to the host building, subject to a condition requiring the prior approval of any new or facing materials to ensure their finish is appropriate.

Subject to this condition, no design issues are raised and the proposals would adhere with the relevant design policies of the development plan.

Amenity

Policy SE1 of the CELPS states that development should ensure an appropriate level of privacy for new and existing residential properties.

Policy HOU12 of the SADPD sets out that development proposals must 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; loss of privacy, loss of sunlight and daylight, the overbearing and dominating effect of new buildings, environmental disturbance or pollution or traffic generation, access and parking.

Policy HOU13 details residential standards for housing including minimum separation distances between buildings. Policies ENV12 & 14 consider air and light pollution.

Neighbouring amenity

To the east (aside from an integral substation), north and west of the application building are commercial uses. On the opposite side of Athey Street is a school. As such, there are no neighbouring properties that would be directly impacted by the application proposals in terms of loss of privacy, light or an overbearing impact.

Amenity of future occupiers

The application proposals seek the creation of x4 flats/apartments. These would be spread over two floors. These flats would range in size between 75.9m² to 125m² and comprise of a mix of one, two and three bed units. More specifically:

- Flat 1 - 2-bed (over 1 floor) – 75.9m²
- Flat 2 – 3-bed (over 1 floors) – 125m²
- Flat 3 – 1-bed (over 2 floors) – 81.2m²
- Flat 4 – 1-bed (over 2 floors) – 77.91m²

With regards to the internal size of the flats/apartments, within the 'Technical housing standards – nationally described space standards 2015', document produced by the DCLG, referred to within Policy HOU8 of the SADPD, the relevant minimum standards are:

- 1-bed, 2 persons (over 2 floors) – 58m² (including 1.5m² of built-in storage)
- 2-bed, 4 persons (1 floor) – 70m² (including 2m² of built-in storage)
- 3-bed, 6 persons (1 floor) – 95m² (including 2.5m² of built-in storage)

As such, the size of the flats/apartments adhere with the nationally prescribed space standards. In terms of the light & outlook, all principal habitable rooms (bedrooms, living rooms etc) would benefit from a window, and therefore outlook and light.

The future occupiers of the proposed flats & apartments would not benefit from any private or shared outdoor space. As such, no outdoor storage is possible. However, the agent for the application has designed the proposals to include a space for internal shared amenity space which would benefit from natural light from high level windows. In addition, a shared cycle store is provided. A specific bin store has been created within the ground floor of the principal elevation that would open-up onto the pavement when required. The doors will allow the bins to be screened-off from view within the streetscene.

Whilst the specific lack of outdoor private space is not ideal, the internal space does offer an open communal space and given the location of the site within Macclesfield, within a short walking distance from numerous public spaces on balance, the arrangements are deemed to be acceptable for the future occupiers of the proposed units.

Fire safety

Concerns have been raised by Cllr Braithwaite and the Town Council about fire safety arrangements for the future occupiers.

The Council's Housing Standards & Adoptions Officer & Cheshire Fire & Rescue have reviewed the submission and recommended the use of an automatic fire suppression system because some of the rooms are classed as inner rooms meaning that occupiers of those rooms need to pass through a further room before being able to exit the building. Cheshire Fire & Rescue also comment about the position of the kitchen in flat 2.

The Council's Building Control Officer advises that a suppression system would address all of these fire safety concerns and the applicant will need to provide all the relevant details to show it complies with the guidance prior to that part of the works commencing and it can be added as a condition on the building control application.

As such, Officers are satisfied that the concern will be dealt with at building control stage.

In the event of approval, an informative is proposed that the applicant/developer . should submit details of the water main installations to Cheshire Fire & Rescue as per their request.

Environmental amenity

Policy ENV15 relates to new development and existing uses. The crux of the policy is that new development must effectively integrate with existing uses and existing uses must not have unreasonable restrictions placed on them as a result of it. It is considered that the principal consideration in this instance would be possible environmental disturbance.

The Council's Environmental Protection Officer has reviewed the submission and advised that they have no objections, subject to the following condition/s; submission/approval of an updated noise report, provision of low emission gas boilers, the submission/approval of an appropriate

contaminated land risk assessment, the submission/approval of a contaminated land verification report and that works should stop should contamination be identified.

Although the application is not accompanied by an updated noise report, the Council's Environmental Protection Officer is satisfied that the principle of protecting the future residents from noise and the recommendations contained in the older acoustic report that accompanies the application in terms of appropriate glazing on the south facing facades and north and east facing facades, and additional mitigation in respect of the boundary with the substation and ventilation consideration / requirements, provide reassurance that such noise control and ventilation issues will be re-applied to the revised proposal for four apartments.

Regarding the suggested possible presence of asbestos, the Council's Environmental Protection Officer raises no concerns as the building is not sought for demolition (and therefore falls beyond their remit). However, they recommend that in the event of approval, an informative be included which advises the applicant that they should follow the appropriate HSE advice during construction which sets out their duty.

As such, no specific concerns have been raised by Council's specialists in matters relating to noise, air and ground pollution. Subsequently, subject to the above conditions the proposed use in the location proposed is deemed to effectively integrate with its surrounding uses.

Amenity conclusions

The proposals would not result in any neighbouring amenity issues and it is deemed that concerns about the overdevelopment of the site in relation to the previously refused scheme, which in turn resulted in a substandard level of amenity for its future occupiers, has been overcome. Subject to the conditions suggested by the Council's Environmental Protection Officer's, minus the gas boiler condition, which is not deemed to be enforceable, the proposals are deemed to adhere with the requirements of the amenity policies of the development plan.

Highway Safety / Parking

Policy CO1 of the CELPS refers to sustainable travel and transport. The policy expects development to reduce the need to travel by; guiding development to sustainable and accessible locations; ensuring development gives priority to walking, cycling and public transport within its design; encourages more flexible working; support improvements to communication technology and support measures that reduce the level of trips made by single occupancy vehicles. It also states that development will improve pedestrian facilities so that walking is attractive for shorter journeys and improve cyclist facilities so that cycling is attractive.

SADPD Policy INF3 considers highway safety and access.

Sustainable Travel

The Council's Highways Officer advises that the proposed change of use from office to 4 residential flats would not be expected to result in a material change in the volume of traffic generated by the site; therefore, there are no grounds for refusal based on sustainability.

Access

The Council's Highways Officer advises that the existing pedestrian and vehicular access to the site is acceptable for the proposed use.

Car Parking

No off-street car parking provision is associated with the existing commercial use and none is proposed with the change of use. The Council's Highways Officer advises that this is acceptable, on the basis that parking demand associated with the existing use, which would have been accommodated on-street, is not likely to be materially different to that associated with the proposed use. This was also their conclusion as part of the previous submission for x6 apartments, which was not refused on highway safety grounds.

The ward Councillor has highlighted that the existing use is only used by 1-2 employees (as detailed within the application) and subsequently the proposed parking impact of 4 flats is likely to exceed this.

Following further dialogue with the Council's Highways' Officer, it has been advised that Highways calculate the *potential* car parking need of commercial development based on its floorspace as per Appendix C of the CELPS. As such, the site's use as offices is currently being underutilised and could generate a need for 16 parking spaces. When compared to the proposed residential use, the parking requirement would be for 6 spaces for residents, plus 1 visitor space, considerably less than the potential parking need of the existing use. As such, whilst the parking need would be greater than the existing use if it is currently only being used by 1-2 employees, it would be considerably less than it potentially could be should another office-based business move into the premises, a scenario which would not require planning permission.

Traffic Impact

When compared with the existing commercial use, the Council's Highways Officer advises that the commuter peak hour and daily traffic generation associated with the change of use, would not be expected to have a material impact on the safe operation of the adjacent or wider highway network.

Accordingly, the Council's Highways Officer raises no objections to the proposals and the scheme is deemed to adhere with the relevant highways policies.

Other matters

As part of the Call-in request, the Councillor refers to Policy RET8 of the SADPD with regards to various requirements which the application proposals should be subject to. Policy RET8 of the SADPD refers to 'Residential accommodation in the town centre'. The policy goes on to explain that 'town centres' are defined on the adopted policies map. Upon review of the adopted policies map for Macclesfield, the application site falls outside of the defined 'town centre' and subsequently, is not subject to Policy RET8.

Conclusions

The principle of residential development within Principal Towns such as Macclesfield is supported subject to its adherence with other relevant policies of the development plan.

The proposals would be of an acceptable design, that would not result in any significant neighbouring amenity issues.

The size of the apartments exceed minimum nationally described space standards and it is considered that sufficient light and outlook would be afforded to the future occupiers. Whilst there would be no outdoor private amenity space, the site is located within close proximity to numerous public outdoor spaces.

Although no off-street parking is proposed, this is also the situation with the existing use. In addition, the site is located not far from the Macclesfield town centre so is within walking & cycling distance to all public amenities and all units would be equipped with internal cycle storage.

For the above reasons, the application is recommended for approval.

RECOMMENDATION

APPROVE subject to the following conditions:

- 1. Time (3 years)**
- 2. Plans**
- 3. Submission/approval of facing and roofing materials**
- 4. Submission/approval of updated noise report & mitigation measures**
- 5. Submission/approval of an appropriate contaminated land risk**
- 6. Submission/approval of a contaminated land verification report**
- 7. Works should stop should contamination be identified**

In order to give proper effect to the Committee's intent and without changing the substance of its decision, authority is delegated to the Head of Planning in consultation with the Chair (or in their absence the Vice Chair) to correct any technical slip or omission in the resolution, before issue of the decision notice

