

Application No: 14/2295M

Location: FORMER EVERETT CHARLES TECHNOLOGIES, GOODALL STREET,
MACCLESFIELD, CHESHIRE, SK11 7BD

Proposal: Change of use to Community Activity and Climbing Centre. Glazed
frontage behind roller shutter

Applicant: Andrew Brooks, Time to care

Expiry Date: 15-Aug-2014

SUMMARY RECOMMENDATION

APPROVE subject to conditions

MAIN ISSUES

- Principle of Development
- Highway Safety
- Amenity
- Character and Appearance
- Other Matters

REASON FOR REPORT

The application is for the change of use of a building with a floor area in excess of 1000 sq. m. Under the Council's Constitution, it is required to be determined by the Northern Planning Committee but has been referred to Strategic Planning Board to expedite a decision on the application.

DESCRIPTION OF SITE AND CONTEXT

The application site measures 2,907.73 sq. m and comprises the existing depot building and yard area including car parking.

The existing building has B2 use and was last used as a partitions fabrications factory – the building has been vacant since 31st January 2014. The existing floor area of the building is 1297 sq. m.

The site is allocated under policy E11 of the Local Plan but is within a predominantly residential area with residential properties directly to the North and East.

DETAILS OF PROPOSAL

Change of use to Community Activity and Climbing Centre including a proposed glazed frontage behind the existing roller shutter.

Planning History

None relevant

POLICIES

Macclesfield Borough Local Plan – Saved Policies

E11 – Mixed Use Areas

H13 – Protecting Residential Areas

DC1 – Design: New Build

DC3 – Amenity

DC6 – Circulation and Access

Cheshire East Local Plan Strategy – Submission Version

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies are as follows:

MP1 – Presumption in Favour of Sustainable Development

EG1 – Economic Prosperity

SE1 – Design

SE2 – Efficient Use of Land
CO1 – Sustainable Travel and Transport

Other Material Considerations

Ministerial Statement – Planning for Growth
National Planning Policy Framework
National Planning Practice Guidance

CONSULTATIONS (External to Planning)

Environmental Health – Recommends conditions in respect of a noise assessment, hours of construction and hours of operation.

Canals and Rivers Trust – No comments

Highways - No objections

OTHER REPRESENTATIONS

8 letters of objection have been received and raise the following concerns:-

- Impact on neighbouring amenity
- Impact on safety and security
- Impact on highway safety
- Concerns regarding asbestos

1 letter of representation recommending restrictions such as retention of garages as noise buffer, restriction of hours of operation and requirement for patrons to leave site after closing.

9 letters of support including recommendation of traffic calming measures.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted on behalf of the applicant:

Planning Statement

Contains details of the concept, activities taking place, history regarding the choice of site, details of why the building has been vacant and why it is not attractive to B2 operators and an analysis of planning policy considerations.

OFFICER APPRAISAL

Principle of Development

The site is designated as a mixed use area under policy E11 within the MBLP. Whilst D2 use is not one of the uses specifically mentioned, the wording of the policy would not preclude such as use provided that the new use does not:

1. conflict with other proposals of the plan
1. materially harm adjoining or nearby uses.

This policy only carries weight according to its degree of compliance with the NPPF. The NPPF at para 22 seeks to promote economic growth. However, at para 123 it also seeks to protect the amenities of neighbours. On that basis, the requirements of the policy accord with the NPPF, and therefore carry full weight.

The policy does not suggest that loss of employment uses is unacceptable in this location and in any event, the Planning Statement indicates that:

1. the use would generate jobs
1. there is limited demand for the building for B2 uses
2. the building is currently vacant

Given that the loss of employment uses in this location is not precluded by policy and given the benefits listed above, the principle of development is accepted.

It should also be noted that similar children's activity centre's have been permitted in Macclesfield (06/0606P), Hurdsfield (05/1348P) and Poynton (13/4424M) in employment areas.

Highway Safety

One of the main concerns of residents is the impact of the development on highway safety i.e. whether there is enough car parking at the site to meet the demand and the impact of on street car parking on highway safety.

As there are no standards within the Local Plan in respect of the type of use proposed, the proposals need to be assessed individually. However, the LPA has approved applications for identical uses elsewhere within the Macclesfield area and these provide a useful benchmark.

A recent appeal decision (13/0961M) whereby the proposed building had a floor area of 584 sq. m with no parking and located on Brook Street was deemed to raise concerns in respect of highway safety due to the nature of the location and the absence of parking.

However the circumstances are different as the application provided no off street car parking. The application recently approved in Poynton had a floor area of 1400 sq. m and was therefore bigger, and proposed 22 spaces rather than the 30 spaces proposed under this application. That application was also in a less central location.

The car parking proposed is set to increase above the existing available spaces, and the car parking proposed would meet the applicant's operational requirements.

The access and turning space arrangements are suitable for the former use which would have generated HGV movements and therefore the turning space and access is ample for the proposed use which would generate predominantly cars/ public carrier vehicles.

The concerns of neighbours in respect of the impact upon on street car parking are noted. However, the key issue in the consideration of this application is whether it has any significant highway safety implications.

The Strategic Highways Manager has commented that there is benefit removing the industrial B2 use from a site that has residential housing surrounding it. Additionally, the peak use is likely to be a weekend use when background traffic levels are a lot lower than weekdays. There is sufficient parking available within the site for the proposal and there are no traffic impact issues to warrant refusal.

The proposals would not have an adverse impact upon highway safety.

Amenity

The concerns of residents and Environmental Health relates mainly to the impact of noise from the development on neighbouring amenity. Whilst Officers acknowledge the concerns of neighbours it should be noted that the building is empty at present and the proposed use would inevitably generate significantly higher levels of noise to the detriment of neighbouring amenity.

However, the proposals would need to be viewed against the fallback position i.e. that the building could be occupied lawfully by any B2 use which could have a greater impact than the use proposed particularly as noise from the B2 use could not be mitigated against whereas the LPA has the ability to mitigate noise from the proposed use via conditions.

Officers sympathise with these concerns, which is why it is considered appropriate to condition the submission of a Noise Assessment. This would be required to include appropriate mitigation. Conditions are recommended to restrict hours of operation and hours of construction.

This would mitigate the impacts to the extent that it would not be significantly adverse. In light of the fallback position, the proposed use represents an opportunity to improve living conditions for neighbours.

The proposals as conditioned, would not have an adverse impact upon neighbouring amenity.

Character and Appearance

The unit is designed for industrial purposes and the character of such buildings i.e. tall with a large floor area have become typical of the type of building one would expect for a children's play centre. It is not considered there are any significant impacts on the character and appearance of the locality arising from the installation of the glazed entrance which would add legibility to the building and would be in keeping with its utilitarian appearance.

Other Matters

Concerns have been expressed regarding the safety implications associated with youths congregating around the site after hours. Greater levels of activity outside office hours would increase surveillance. In respect of patrons staying at the site after hours this would be a private matter for the applicant but could be discouraged through the use of gates at the car park and CCTV.

The presence of asbestos has not been substantiated but would be a matter for HSE and is not a planning matter. However, the onus will be on the applicant to ensure that this is removed appropriately.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed use is appropriate given the location of the site. It is not considered the use proposed would result in significant and detrimental parking and highway safety issues over and above an industrial use. The use proposed would also not raise any concerns in respect of the character of the area or neighbouring amenity. Whilst the loss of the unit is not precluded by policies within the Local Plan or the NPPF. On that basis, the proposals are in accordance with policies BE1 (Design principles for new developments), DC3 (Amenity), H13 (Protecting Residential Areas), E11 (Mixed Use Areas) and DC6 (Circulation and Access) of the Macclesfield Borough Local Plan 2004 and guidance within the National Planning Policy Framework. The application is recommended for approval subject to conditions.

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A06EX - Materials as application - glazing
4. A22GR - Protection from noise during construction (hours of construction)
5. A13GR - Business hours (including Sundays)
6. Submission of noise assessment and noise insulation
7. car parking to be retained
8. Use as community activity and climbing centre only
9. Gates closed outside hours of operation

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