

Application No: 14/3619M

Location: CAR PARK, King Edward House, KING EDWARD STREET, MACCLESFIELD

Proposal: Construction of new build three storey office block with ground floor retail use on part of the existing car park at King Edward House

Applicant:

Nic Lewis, Cotton Estates Ltd

Expiry Date:

24-Oct-2014

Date report prepared: 13 November 2014

REASON FOR REPORT

The floor area of the proposed building means that it is a small scale major application and under the Council's scheme of delegation is required to be determined by the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a privately operated car park located within Macclesfield Town Centre. Listed buildings are located to either side of the application site. King Edward House to the south is in commercial use, with No. 3-5 Jordangate to the north currently vacant but previously used as offices. Macclesfield library is located on the opposite side of Jordangate. Modern commercial premises are located to the rear (west) with residential premises (Cumberland Court and Cumberland House) located to the north.

The site is located within the Macclesfield Town Centre Conservation Area. As stated, the buildings located either side of the proposed development (King Edward House - Grade II* & 3-5 Jordangate - Grade II) are both listed buildings. Other listed buildings are located within proximity of the site. The site also falls within an area of archaeological potential. The site is shown as an existing car park on the Local Plan where policy MTC24 applies within a mixed use regeneration area.

DETAILS OF PROPOSAL

Planning permission is sought for the erection of a three storey building to be located between King Edward House and 3-5 Jordangate. The building would provide retail use at ground floor with office use at first and second floor.

The building would be slightly separated from King Edward House and separate from 3-5 Jordangate with a ginnel proposed between the two buildings. As such, listed building consent would not be required for the proposal.

The proposed building is of a contemporary design, is flat roofed and would be constructed from a combination of materials including red brick, metal panels, rendered panels, glass blocks and large glazed windows and doors. Amendments have been sought and secured to the proposal during the course of the application due to officer and consultee concerns. In particular the front elevation has been amended to remove the originally proposed recessed terrace at second floor and to make the front elevation appear more symmetrical.

The building would provide 346 sq metres retail floorspace and 662 sq metres office floorspace. A total of 40 parking spaces would be retained for the proposed building, including 4 disabled spaces. 19 parking spaces, including 2 disabled spaces would be retained for King Edward House.

RELEVANT HISTORY

King Edward House (formerly known as the Macclesfield Arms) has an extensive planning history, none of which is of particular relevance to this application.

PRE/0150/12 – pre application enquiry for new residential and commercial development comprising 8 no. apartments (1 and 2 bed), 320 sq metres of flexible commercial space at street level fronting Jordangate, 198 sq metres of flexible commercial space at first floor level and associated car and cycle parking. Advice letter issued April 2013.

POLICIES

Local Plan Policy

BE1 Design Guidance

BE2 Historic Fabric

BE3 Conservation Areas

BE16 Development affecting the setting of listed buildings

BE21 Sites of archaeological importance

BE24 Requirement for archaeological evaluation

S1 Shopping developments

MTC12 Mixed Use Areas

MTC15 King Edward Street Area

MTC17 Jordangate and the Market Place

MTC22 Offices

MTC24 Car parking

MTC26 Car parking in accordance with Council's standards

DC1 Design guidance for new build

DC3 Amenity

DC5 Designing out crime

DC6 Circulation and access

DC38 Space, Light and Privacy

Cheshire East Local Plan Strategy – Submission Version (CELP)

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 28 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 following policies are relevant:

MP1 Presumption in Favour of Sustainable Development

SD1 Sustainable Development in Cheshire East

SD2 Sustainable Development Principles

EG1 Economic Prosperity

EG5 Promoting a Town Centre First Approach to Retail and Commerce

SE1 Design

SE7 The Historic Environment

Other Material Considerations

National Planning Policy Framework

National Planning Policy Guidance

CONSULTATIONS (External to Planning)

Highways: no objections.

Environmental Health: no objections subject to conditions/informatives relating to piling, dust control, floor floating, hours of construction and contaminated land.

English Heritage: support the proposal in principle but recommend a number of amendments to it in order for it to be acceptable with regard to the impact on the Conservation Area and on the setting of nearby listed buildings.

Archaeology: no objections subject to the imposition of appropriate conditions.

Environment Agency: no comment.

United Utilities: no objection.

The Georgian Group: no comments received to date.

The Victorian Society: no comments received to date.

Regeneration: supportive of the proposal.

VIEWS OF THE PARISH / TOWN COUNCIL

Not applicable.

OTHER REPRESENTATIONS

Macclesfield Civic Society:

- disappointed that no residential element within the scheme;
- disappointed in the design approach and consider that a major re-design should be sought though no objection in principle to a mixed use building of suitable design;
- parking provision appears over dependent on double bays which could give rise to management problems;
- current proposals do not preserve or enhance the Conservation Area or protect the setting of adjacent listed buildings

11 representations have been received in support of the proposal, including 2 from prospective tenants (PEAK Cyclesport and Mammut UK Ltd) and are summarised below:

- scheme would revitalise/regenerate the town centre
- will have knock on effect of attracting high quality tenants
- nice contrast to other buildings in the area, not pastiche
- Jordangate is an important gateway, development will regenerate this part of town
- Not too big in scale
- Design excellent, high quality modern design that fits in
- Will enable business to stay in Macclesfield town centre (PEAK cyclesport)
- Knock on impact for local businesses
- Will not result in any loss of public car parking
- Proposal has to be a landmark building due to prominent position and proposed development is
- Mammut UK Ltd propose to use the building as their new head office

1 representation has been received objecting to the proposal for the following reason:

- Concern if there is open access to the proposed ginnel between proposed building and rear of Cumberland Court – though stating that no objection to the application as a whole.

APPLICANT'S SUPPORTING INFORMATION

A number of supporting documents have been submitted with the application. These can be viewed on the application file and include:

- Design & Access Statement
- Archaeological Heritage Assessment

OFFICER APPRAISAL

Principle of Development

As the site is located within the town centre, there is no objection in principle to the erection of a new building subject to compliance with relevant policies.

Local Plan policy MTC24 states that town centre car parks as shown on the proposals map will be retained for car parking. However, as the existing car park is not currently available for public use, given that the proposal will only partially cover the car park and given that 57 parking spaces would remain to serve the proposal and King Edward House, there is no objection in principle to the proposal with regards to the impact on the car park.

With regard to the proposed uses, Local Plan policy MTC17 states that in Jordangate, Class A1, A2 and A3 uses and other uses appropriate to a town centre will be permitted at ground floor level. MTC22 states that office development will be permitted in the town centre in mixed areas providing residential amenity and the character of the area is not adversely affected. Therefore, there is no objection to the proposed retail and office uses.

There is no objection in principle to development in Conservation Areas and adjoining/adjacent to listed buildings, provided that the character or appearance of the Conservation Area is preserved or enhanced and provided that historic fabric and that the setting of listed buildings is not adversely affected (Local Plan policies BE2, BE3 and BE16). These Local Plan policies are consistent with the NPPF.

Design, Appearance & Impact on Listed Buildings and Conservation Area

The proposal is for a contemporary three storey, flat roofed building. It would be constructed from a combination of materials including red brick, metal panels, rendered panels, glass blocks and large glazed windows and doors. The height of the proposed building would be lower than the ridge height of the adjacent buildings King Edward House and 3-5 Jordanate, with the exception of the flat roofed section of King Edward House which the proposed building would be set slightly away from. The submitted Design & Access Statement explains how the design of the proposed building has evolved and how the architect has sought to respect and reflect the scale, massing and detailing of the surrounding listed buildings.

The Council's Conservation and Design officers have been consulted on the proposal and whilst there is no objection in principle to the scheme, as originally submitted, concerns were

raised with regard to the appearance of the front and rear elevations. In its originally submitted format, the scheme was not considered to respect the existing architectural rhythm of the area. Similarly concerns have been raised by English Heritage who state that the original proposal to introduce a three storey building of contextual design is welcomed in principle, provided that the visual dominance of the proposed design is mitigated in order to conserve and enhance the distinctive hierarchy of the Conservation Area and setting of the adjoining King Edward House (Grade II* Listed).

Macclesfield Civic Society also raised concerns regarding the originally submitted proposal and in particular the proposed flat roof, about the detailing which does not reflect the “good mannered” appearance of adjacent listed buildings with particular concern regarding the west and south elevations with the rear part of the building appearing “boxy”. The Civic Society concludes that a major re-design should be sought albeit they have no objection in principle to a mixed use building of suitable design.

In contrast, a number of the representations received have been supportive of the design of the building proposed.

Officers need to be satisfied that any new development not only respects the setting of adjoining, adjacent and nearby listed buildings but also conserves or enhances the character or appearance of the Conservation Area. In this case the proposal would be adjacent to Grade II* and Grade II Listed Buildings and is located in a prominent position within a Conservation Area i.e. designated heritage assets.

Section 12 of the NPPF deals specifically with the historic environment. Paragraph 133 of the NPPF states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss or the listed criteria apply (criteria not relevant in this case). Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use (paragraph 134). The public benefits offered by the proposal are considered later in the report.

With regard to design more generally, paragraph 60, Section 7 of the NPPF states that planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. Local Plan policies BE1 and DC1 are broadly consistent with this advice and require new development to, amongst other things, reflect local character, respect form, layout, siting, scale and design of surrounding buildings and their setting, use appropriate materials (Local Plan policies BE1 and DC1).

In this case, as originally submitted, it was considered that the proposal failed to comply with relevant policy relating to listed buildings, Conservation Areas and design. However, it is considered that the amendments to the front elevation secured during the course of the application have overcome previous officer concerns relating to the proposal. Whilst no amendments have been made to the rear elevation, further discussions with the applicant and his architect have reassured officers regarding the visual impact of this element of the scheme.

The re-introduction of a building between King Edward House and 3-5 Jordangate is welcomed as it will re-instate the historic building line at this point. Additionally the proposed building which is considered to be of a high quality will serve to screen the existing, poor quality buildings located to the rear of the car park. The siting, scale and massing of the proposed building are considered to be acceptable given the site context. This includes the introduction of a flat roof which whilst not generally in keeping with surrounding buildings, reflects the contemporary style of the building proposed. Whilst the proposed flat roof would be visible when viewed from King Edward Street, it would not be perceived from street level to the front due to the buildings overall height and position relative to the pavement. In any event, in this instance it is considered more appropriate to follow a contemporary approach rather than to seek to imitate and replicate the more traditional design of surrounding buildings. Unless exceptionally executed, replication or pastiche can often result in poor quality imitation. By contrast it is considered that the amended scheme proposed, whilst respecting and reflecting surrounding buildings, would introduce a high quality, contemporary building into the townscape. However, a crucial aspect of the buildings success will be the choice of materials to be used. Discussions have been taking place regarding proposed materials with the applicant and his architect in order that should the application be approved, a clear idea of what specific materials are to be used is known at the outset. Ideally the materials to be used would be specified by condition. At this stage, no final decision has been made regarding materials and as such, the standard submission of materials condition has been specified. However, should an agreement be reached on materials prior to the meeting, an update will be provided to Members and the materials condition amended accordingly.

To conclude, the amended proposal is considered to respect the setting of nearby listed buildings and to conserve the character and appearance of the Conservation Area. Whilst a number of concerns were raised in relation to the originally submitted scheme, it is considered that the amended scheme has overcome officer concerns and some of the concerns raised by third parties. Any further comments received in relation to the amended proposal will be provided in an update.

Highways and parking

As stated, the application site comprises part of an existing, privately operated car park. 40 car parking spaces would be provided for the development including 4 disabled spaces. 4 cycle spaces are also proposed. Vehicular access to the site will be via the existing vehicular access off King Edward Street. 17 car parking spaces, including 2 disabled spaces would be retained for King Edward House.

The Strategic Highways Manager has been consulted on the application and raises no objections noting that the site is located in a sustainable location and that the car parking provision proposed accords with Cheshire East standards.

With regard to the concerns raised in representation regarding the proposed layout of the parking area, this “end to end” parking only affects 12 out of 40 spaces for the proposal and 6 out of 19 spaces for King Edward House. As such it is considered likely that these spaces would be used by office/retail staff rather than by visitors with other, more accessible spaces being used for visitor parking. In any event, as the car parks would remain privately operated, the management of these spaces would be a matter for the managers of the respective buildings.

Amenity

Residential properties are located to the north of the site, within Cumberland Court, a conversion scheme. The rear elevation of Cumberland Court located adjacent to the northern boundary of the application site does not contain any windows, however there are 3 rooflights located in the roofslope facing the site. There is a gap between the rear elevation of 3-5 Jordangate and the side elevation of the converted building. It appears that the land to the rear of 3-5 Jordangate between that property and the converted building is associated with the use of 3-5 Jordangate.

The proposed building would be higher than the ridge height of Cumberland Court and as stated, the rear roofslope of the conversion contains three rooflights. The proposed building would partially overlap the rear elevation of the Cumberland Court and it appears that two of the rooflights would be affected. However, notwithstanding the fact that the use of the rooms that the rooflights serve are unknown at this stage, given the relative distance and angle between the rooflights and the side of the proposed building, it is not considered that a significant adverse impact on these rooflights would result from the proposal.

With regard to comments raised in representation in relation to the proposed ginnel, the ginnel would be accessible to the wider public and is intended to provide a pedestrian walkway from the rear of the site onto Jordangate and vice versa. This type of passageway is not unusual within the town centre and given that the rear elevation of Cumberland Court is a blank wall, it is not considered that the provision of a ginnel in this location would result in any adverse impact on the residential amenity of occupiers of Cumberland Court.

No other residential properties would be affected by the proposal.

Archaeology

Due to the archaeological potential of the site, trial trenching has taken place in advance of the determination of the application. The trenching has demonstrated that within the footprint of the proposed building there was some disturbance from recent activity but that this was not extensive enough to have destroyed the archaeological interest of the site. In particular, a substantial stone wall was detected in one of the trenches. It is not closely dated at present but is clearly not recent. It is similar to some of the late medieval and early post-medieval wall footings excavated in advance of the construction of the town hall extension in the 1980s and it seems likely that it represents the remains of a structure of this date on the Jordangate street frontage. Pottery dating to the 17th or 18th centuries has been found in association with the wall and is thought dates to the period of the building's demolition. A number of pits have also been recognised and have produced post-medieval pottery.

The remains described above are not of sufficient importance to generate an archaeological objection to the development but they do justify further archaeological mitigation in the event that planning permission is granted, which may be secured by condition. Briefly, this should consist of a controlled strip of the footprint of the new building and the formal excavation and recording of the archaeological deposits present. A report on the work will also be required. Beyond the new building, formal excavation will not be required but any significant intrusions for services should be subject to an archaeological watching brief. Again, this matter can be controlled by condition.

Other Matters

As it is not considered that the proposal will result in harm to designated heritage assets it is not necessary to consider whether the harm identified is outweighed by the public benefits of the proposal.

However, it is still considered appropriate to consider the wider public benefits that the proposal would offer and these are listed below:

- Would provide employment both during and after the construction phase. The application form states that it is anticipated that the proposal would generate a need for 29.5 FTE employees;
- Would help to support the wider economic regeneration of the town centre in line with the Town Centre Vision;
- Mixed retail/office use development would increase activity on this corridor of the town centre;
- Redevelopment of gap sites will contribute to the retention of businesses and retailers in the town centre;
- Proposal will provide modern facilities which will be attractive to businesses/retailers

CONCLUSIONS AND REASON(S) FOR THE DECISION

There is no objection in principle to the proposed development and no objections in respect of highways, amenity and archaeology. The proposal has been amended during the course of the application in order to overcome officer concerns and in an attempt to overcome concerns raised by English Heritage and Macclesfield Civic Society. The amended scheme would see the introduction of a contemporary building into the townscape, located within the Conservation Area and between and amongst listed buildings. The building has been designed having regard to and in response to its setting and it is considered that there would be no adverse impact on the setting of nearby listed buildings or on the character and appearance of the Conservation Area. The proposal re-introduces a building into the streetscape which would serve to fill the existing gap between buildings and to screen the existing poor quality buildings located to the rear of the car park. Additionally the proposal offers a number of wider public benefits including job creation, regeneration and provision of town centre business facilities. The proposal is therefore considered to be in accordance with all relevant national and local planning policies.

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 Chairman (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.

SUBJECT TO

The expiry of the additional publicity period and the receipt of any additional consultation/representation responses.

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. A07EX Sample panel of brickwork to be made available
5. A11EX Details to be approved (railings)
6. A20EX Submission of details of windows
7. A32HA Submission of construction method statement
8. A17MC Decontamination of land
9. Details of piling
10. Dust Control
11. IFloor Floating

12. Archaeological works

13. Method statement to ensure protection of adjacent listed buildings during construction works