

Application No: 15/2056M

Location: 2, UNION STREET, MACCLESFIELD, SK11 6QG

Proposal: Conversion of first floor office space to residential. Construction of additional two floors of residential accommodation.

Applicant: Mr Christian Lynn

Expiry Date: 04-Aug-2015

REASON FOR REPORT

The application is for 15 residential units and is therefore classed as a major application.

SUMMARY:

The proposed development seeks the addition of two storeys to the existing building and the addition of 15 apartments. As the proposal falls within the settlement boundary of Macclesfield, this form of development is acceptable in principle. It is not considered that the proposal will have a detrimental impact on residential amenity or highway safety. However, it is considered that the design, scale and massing of the proposal will have a detrimental impact on the character and appearance of the streetscene.

In addition, no information has been submitted in regards to affordable housing or air quality and as such the proposed development is contrary to policies, BE1 (Design guidance), H2 (Environmental quality in housing developments), H8 and H9 (Affordable Housing), H13 (Protecting residential areas), DC1 (High quality design for new build), DC2 (Extensions and alterations), of the Macclesfield Borough Local Plan and advice advocated within the National Planning Policy Framework.

RECOMMENDATION:

Refuse

DETAILS OF PROPOSAL

The application seeks Full Planning Permission for “*conversion and erection of additional two storeys to create 15 No. apartment.*”

DESCRIPTION OF SITE & CONTEXT

The application relates to a two storey detached building constructed out of facing brick under a corrugated metal roof. The building is simple and utilitarian in appearance. Currently, the ground floor is occupied by Topps Tiles and the first floor is vacant. The building is located in a mixed use area and there is a plethora of other commercial/retails uses in the locality, which are interspaced with residential properties. The site currently has a large car park at the front which will be maintained for Topps Tiles and located to the rear is a smaller car park, which can accommodate 15no. vehicles with access off Elizabeth Street. The application site is located wholly within the Macclesfield settlement boundary.

RELEVANT HISTORY

37617P – Industrial Building – Approved – 12th July 1984

44922P – New Development to Form Electrical Warehouse and Storage – Approved – 18th June 1986

46329P – Illuminated Shop Sign – Refused – 28th August 1986

46796P – Illuminated Shop Sign – Approved – 13th November 1986

98/1618P – Non-Illuminated Fascia Sign – Approved – 9th October 1998

NATIONAL & LOCAL POLICY

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. This is repeated in the NPPF (para 2).

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 Plans (January 2004).

National Policy/Guidance

National Planning Policy Framework (NPPF)

The NPPF states that

The purpose of the planning system is to contribute to the achievement of sustainable development. (para 6)

And, at the heart of the NPPF

...is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. (para 14)

For decision-taking this means

...approving development proposals that accord with the development plan without delay...and

where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- a) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- b) specific policies in the Framework indicate development should be restricted.*

Sustainable development includes economic, social and environmental roles (para 7)

Para 47 of the NPPF states that Local Planning Authorities should “...boost significantly the supply of housing...” Furthermore,

Para 49 of the NPPF states that

Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites.

Additional sections of the NPPF of particular relevance to the appraisal and determination of the application are:-

- Part 1- Building a strong, competitive economy
- Part 3 - Supporting a prosperous rural economy
- Part 4 - Promoting sustainable transport
- Delivering a wide choice of high quality homes
- Part 7 - Requiring good design
- Part 8 - Promoting healthy communities
- Part 10 - Meeting the challenge of climate change, flooding and coastal change
- Part 11 - Conserving and enhancing the natural environment

National Planning Practice Guidance (NPPG)

The NPPG came into force on 6th March 2014, replacing a range of National Planning Policy Guidance Notes and complimenting the NPPF.

Local Policy - Development Plan

Macclesfield Borough Local Plan – saved policies (MBLP)

Since publication of the NPPF the saved policies within the Macclesfield Borough Council Local Plan are still applicable but should be weighted according to their degree of consistency with the NPPF. The saved Local Plan policies considered to be most relevant are outlined below:

- NE11 (Nature conservation)
- BE1 (Design guidance)

- H1 (Housing phasing)
- H2 (Environmental quality in housing developments)
- H5 (Windfall housing sites)
- H8 & H9 (Affordable Housing)
- H13 (Protecting residential areas)
- T1 (Integrated transport)
- T2 (Support provision of public transport)
- DC1 (High quality design for new build)
- DC2 (Extensions and alterations)
- DC3 (Protection of the amenities of nearby residential properties)
- DC6 (Circulation and access)
- DC8 (Landscaping)
- DC38 (Space, light & privacy)
- DC63 (Contaminated land)
- E11 (Mixed use areas)
- MTC7 (Redevelopment areas – west of Churchill Way)

Cheshire East Local Plan Strategy – Submission Version (CELP)

The following policies are considered relevant material considerations as indications of the emerging strategy: -

- SP1 (Supporting economic prosperity by creating conditions for business growth)
- SP2 (Creating sustainable communities)
- SP3 (protecting and enhancing environmental quality)
- SP4 (Reduce the need to travel, manage car use, promote more sustainable modes of transport).
- IMP1 (Presumption in favour of sustainable development)
- PG6 (Spatial distribution of development)
- SD1 (Sustainable development in Cheshire East)
- SD2 (Sustainable development principles)
- IN1 (Infrastructure)
- IN2 (Developer contributions)
- SC3 (Health & well-being)
- SC4 (Residential mix)
- SE 1 (Design)
- SE2 (Efficient use of land)
- SE3 (Biodiversity and geodiversity)
- SE4 (Landscape)
- SE5 (Trees, hedgerows and woodland)
- SE7 (Historic environment)
- SE12 (Pollution, and contamination and land instability)
- SE 13 (Flood Risk and water management)
- C01 (Sustainable travel & transport)

Other Material considerations:

Interim Planning Statement: Affordable Housing - February 2011
Strategic Market Housing Assessment (SHMA)- Up-date September 2013
Strategic Housing Land Availability Assessment (SHLAA)- January 2013

CONSULTATIONS

Housing: Objects - The proposals include no detail of affordable housing and no affordable housing is offered.

Archaeology: No objections

Environmental Health: No objections subject to the imposition of conditions relating to dust control, floor floating, days/hours of construction, noise mitigation scheme and waste provision.

Air Quality: Submit an Air Quality Impact Assessment or provide details relating to Mechanical Ventilation Recovery and Heat Recovery.

Contaminated Land: No objections

Highways: No comments have been received at the time of writing this report.

Greenspace: No comments have been received at the time of writing this report.

Macclesfield Civic Society: Support the creation of new residential accommodation in and adjacent to the town centre subject to achievement of good design and reasonable standards of amenity for existing and prospective occupiers. The building is in a prominent position when viewed from Churchill Way but, as stated, is somewhat bland and uninteresting. The proposed design would make a more positive contribution to the area subject to the LPA being satisfied regarding bulk, mass and scale. The Society does not consider that the proposed building would be over dominant given the character of adjacent development. The provision with regard to parking for occupiers and noise attenuation measures appear satisfactory though no doubt this will be assessed in due course.

REPRESENTATIONS

No letters of representation received

VIEWS OF PARISH/TOWN COUNCIL

No comments received

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted the following additional information in support of the application, details of which can be read on file:

- Design & Access Statement;
- Noise Survey

OFFICER APPRAISAL

Key Issues

- Principle of the development
- Design/impact on the area
- Impact on neighbouring residential amenity
- Highways safety
- Ecological, Arboricultural and Landscape issues
- Environmental Health matters (noise, air quality, and contaminated land)
- Housing land supply
- Sustainability
- Planning balance

ENVIRONMENTAL SUSTAINABILITY

Principle of the development

The site is in Macclesfield Town Centre (as identified in the Local Plan). As such the principle of change of use of the first floor to C3 residential use is acceptable. The relevant policies MTC7 and E11 both allow for C3 use and so the change of use would be appropriate in principle. The provision of sustainable town centre accommodation should be encouraged.

Design/impact on the area and the street-scene

Guidance advocated within NPPF supports a mix of housing within areas. Policy BE1 (Design Guidance) is broadly in accordance with this guidance but places greater emphasis on the impact to the streetscene and encouraging development which respects the character, pattern and form of development within the area.

As a matter of fact, the NPPF states *‘Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions’* (paragraph 64).

However, the NPPF clearly 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’* (paragraph 60).

The proposed development consists of converting the existing first floor into residential accommodation and erecting an additional 2 storeys. The proposed development will retain the existing commercial/retail uses at ground floor level, whilst the first floor accommodation will comprise 2no. 2 bedroom apartments and 5no. 1 bedroom apartments. The second floor accommodation will comprise 3no. 2 bedroom apartments and 4no. 1 bedroom apartments. The third floor accommodation will incorporate a 2 bedroom “L”-shaped penthouse apartment.

Whilst it is noted that the majority of properties within the immediate locality are two storeys high, which are punctuated at sporadic intervals with three storey high buildings. The applicants' property is located immediately adjacent to a roundabout and is viewed as one travels down the adjoining Churchill Way. It is considered that the scale, bulk and massing of the proposal will appear as an alien and incongruous feature and this will be exacerbated by its prominent location, which is relatively divorced and isolated from the adjoining built form. Furthermore, the proposals include the installation of coloured rendered panels at second floor level and the same rendering panels will be utilised around the top of the building (albeit interspaced with fixed glazed panels at irregular intervals, which will serve the roof top garden). It is considered that these rendered panels will appear stark and overly conspicuous and draw the eye. Overall, it is considered that the design of the proposed development due to its design, bulk and massing will have a detrimental impact on the character and appearance of the streetscene and as such, is contrary to advice advocated within policies DC1, DC2 of the Local Plan and advice enunciated within the NPPF.

Affordable Housing

As previously stated the proposed development is for 15no. apartments. The Interim Planning Statement: Affordable Housing (IPS) and Policy SC5 in the emerging Local Plan states that in this location the Council will negotiate for the provision of an appropriate element of the total dwelling provision to be for affordable housing.

The IPS also states the exact level of provision will be determined by local need, site characteristics, general location, site suitability, economics of provision, proximity to local services and facilities, and other planning objectives. However, the general minimum proportion of affordable housing for any site will normally be 30%, in accordance with the recommendation of the 2010 Strategic Housing Market Assessment. The preferred tenure split for affordable housing identified in the SHMA 2010 was 65% social, or affordable rented and 35% intermediate tenure. The proposals include no detail of affordable housing and no affordable housing is offered and consequently, this will form an additional reason for refusal.

Highways

According to the submitted plans there are 15no. car parking spaces. There is sufficient space for vehicles to maneuver, so that they can access/egress the site in a forward gear. The proposal is for 15no. apartments and as such the amount of car parking equates to 100%. Furthermore, guidance within the NPPF notes that developers should not be required to provide more car parking than they or potential occupiers might want, nor to provide off-street car parking when there is no need, particularly in urban areas where public transport is available or there is a demand for car-free housing. It is considered that the application site represents a sustainable edge of centre location where services are readily accessible by walking, cycling or public transport. The property is situated close to Macclesfield Town Centre and close to both bus and train links. The development proposed is in a sustainable location. Furthermore, the town centre and the railway station are in close proximity to the site.

Drainage

The application forms state that foul sewerage will be disposed of via the mains sewer, and that it is proposed that the development will be connected to the mains sewer which will be via the existing conditions. The case officer considers it prudent to attach a drainage condition to the decision notice, if planning permission is to be approved.

Impact on Residential Amenity

The physical effect of the development upon the amenity of adjacent properties and the future occupiers of the proposed dwelling by reason of overshadowing, overlooking, visual intrusion, odour or in any other way is a key consideration.

The closest residential property to the site is located on Elizabeth Street which is located approximately 28m away at its closest point which would broadly comply with policy DC38 of the Local Plan. As such it is considered that the impact of the proposal on the amenity of surrounding properties would be acceptable. The proposed development accords with policies H13, DC3 and DC38 of the Local Plan.

Environmental health matters (noise, air quality, and contaminated land)

The Environmental Protection Team note the noise impact assessment report submitted with the application (Dynamic Response, dated March 2015). The report recommends that a noise mitigation scheme is designed into the conversion / construction including the provision of effective glazing, and ventilation scheme to the apartments and acoustic fencing to the roof top garden. The scheme is designed to ensure that the future occupants of the proposed flats are provided with an adequate level of protection from traffic noise on Churchill Way and Union Street. Colleagues in Environmental Health have been consulted and recommend that the noise mitigation measures, which are recommended in the above named report are implemented prior to the use of the development / first occupation. The noise mitigation measures should be maintained throughout the use of the development and this will be conditioned accordingly, in the event that planning permission is approved.

Air Quality

The development is located in close proximity to Churchill Way which is a relatively busy road through the centre of Macclesfield. Due to this an Air Quality Assessment is required and the applicant was notified at pre application stage of this requirement. However, the applicant has failed to submit an Air Quality Assessment Report and as such it is not possible to determine if the neighbouring highway network and the associated vehicles would have a detrimental impact on the health of the occupants of the proposed development and this will form a third reason for refusal.

Greenspace

As noted above, formal comments are awaited from the Open Space Officer. However, it is anticipated that some commuted sums will be required for Public Open Space and Recreation Outdoor Space due to the number of units and bedrooms. The proposal accords with policy DC40 of the Local Plan.

ECONOMIC SUSTAINABILITY

The development will provide economic benefits in respect of a) employment during the construction phase, b) use of local services by employees during the construction phase and c) future incumbents of the apartments will contribute to the local economy as a result of using the services and facilities in the area.

PLANNING BALANCE, CONCLUSION & RECOMMENDATION

The proposed development would be sited within the settlement boundary of Macclesfield, which is acceptable in principle. It is not considered that the proposal will have a detrimental impact on residential amenity or highway safety. Nevertheless, it is considered that the design, scale and massing of the proposal will have a detrimental impact on the character and appearance of the streetscene and the wider environ. Furthermore, no information has been submitted in regards to affordable housing or air quality and as such the proposed development is contrary to policies, BE1 (Design guidance), H2 (Environmental quality in housing developments), H8 and H9 (Affordable Housing), H13 (Protecting residential areas), DC1 (High quality design for new build), DC2 (Extensions and alterations), of the Macclesfield Borough Local Plan and advice advocated within the National Planning Policy Framework.

REFUSE

Insufficient information has been submitted with the application relating to the proposed conversion and erection of the upper floors into self-contained flats, in order to assess adequately the impact of the proposed development having regard to air quality from the adjacent highway network. In the absence of this information, it has not been possible to demonstrate that the proposal would comply with material planning considerations contrary to policy DC3 of the Macclesfield Borough Local Plan.

The proposed building by reason of its scale, size, design, massing and location is unduly prominent and dominant and will represent an intrusive and alien feature within the streetscene. In so doing the proposal is contrary to policies DC1 and DC2 of the Macclesfield Borough Local Plan

No affordable housing has been provided as part of the scheme. As a result it is not considered that the proposal would create a sustainable, inclusive, mixed and balanced community and would be contrary to the Interim Planning Policy on Affordable Housing and Policy H8 (Provision of Affordable Housing) of the Macclesfield Borough Local Plan and paragraph 50 of the National Planning Policy Framework in respect of the provision of inclusive and mixed communities.

Application for Full Planning

RECOMMENDATION: Refuse for the following reasons

1. Insufficient information has been submitted with the application relating to the proposed conversion and erection of the upper floors into self-contained flats, to assess adequately the impact of the proposed development having regard to air quality

2. The proposed building by reason of its scale, size, design, massing and location is unduly prominent and dominant and will represent an intrusive and alien feature within the streetscene.
3. Lack of affordable housing

