

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

#### **SUMMARY:**

The proposed development seeks the addition of two storeys to the existing building and the addition of 14 apartments. The existing A1 use (currently Topps Tiles) would remain on the ground floor. 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. Following the receipt of revised plans, it is now considered that the design, scale and massing of the proposal are acceptable.

#### **RECOMMENDATION:**

Minded to Approve (Subject to submission of a satisfactory air quality assessment and possible Section 106 Agreement in lieu of open space)

#### **REASON FOR REPORT**

The application is for 14 residential units and is therefore, classed as a major application.

#### **DETAILS OF PROPOSAL**

The application seeks Full Planning Permission for conversion of the existing first floor office space to residential and construction of an additional one floor of residential accommodation.

#### **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/retail 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 – 12<sup>th</sup> July 1984

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

46329P – Illuminated Shop Sign – Refused – 28<sup>th</sup> August 1986

46796P – Illuminated Shop Sign – Approved – 13<sup>th</sup> November 1986

98/1618P – Non-Illuminated Fascia Sign – Approved – 9<sup>th</sup> 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 6<sup>th</sup> 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)
- 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:** Objected originally, as the proposals included no detail of affordable housing, however the proposals have now been reduced to 14 units, which is below the threshold where there is a requirement for affordable housing.

**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, Arboriculture 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 street scene 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 storey. The proposed development will retain the existing commercial/retail uses at ground floor level.

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 site 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 would now appear acceptable as a more conventional design solution is now proposed that accords with the local context. Overall, it is considered that the design of the proposed development now complies with policies DC1, DC2 of the Local Plan and advice enunciated within the NPPF.

### **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.

### **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, and 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 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 has commissioned a survey. The application is recommended as minded to approve subject to satisfactory details being submitted.

### **Greenspace**

As noted above, formal comments are awaited from the Open Space Officer. However, it is anticipated that some commuted sum may be required for Public Open Space and Recreation Outdoor Space due to the number of units and bedrooms but any request would be reported. 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.

### **COMMUNITY INFRASTRUCTURE LEVY (CIL) REGULATIONS**

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the Agreement satisfy the following:

- (a) Are necessary to make the development acceptable in planning terms;
- (b) Are directly related to the development; and
- (c) Are fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of public open space and recreation / outdoor sport is necessary, fair and reasonable, as the proposed development is to provide 14no. dwellings, the occupiers of which will use local outdoor space facilities, as there is no open space provision on site. As such, there may be a need to upgrade/enhance existing facilities and thus contribution is in accordance with the Council's Supplementary Planning Guidance.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of the development proposed.

### **PLANNING BALANCE, CONCLUSION & RECOMMENDATION**

The proposed development would be sited within the settlement boundary of Macclesfield, and is acceptable in principle subject to satisfactory submitted information on air quality. It is considered that the proposal would have a positive impact on this area of the town centre and complies with the Macclesfield Borough Local Plan and advice advocated within the National Planning Policy Framework.

**RECOMMENDATION      Minded to Approve**



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.

#### Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22GR - Protection from noise during construction (hours of construction)
5. NPPF
6. Noise
7. Bin
8. Floor Floating
9. Dust



