

Marple Area Committee

19th August 2020

DEVELOPMENT APPLICATIONS

Report of the Corporate Director for Place Management and Regeneration

ITEM 1

DC076359

SITE ADDRESS

15-17 Market Street, Marple, Stockport, SK6 7AB

PROPOSAL

Conversion of ground floor from Bank (Use Class A2) to Restaurant/Bar (Use Class A3/A4), together with demolition of existing first floor and replacement with new extension to provide 4 no. apartments at first floor and second floor level.

INFORMATION

These applications need to be considered against the provisions of the Human Rights Act 1998. Under Article 6, the applicants [and those third parties, including local residents, who have made representations] have the right to a fair hearing and to this end the Committee must give full consideration to their comments.

Article 8 and Protocol 1 Article 1 confer(s) a right of respect for a person's home, other land and business assets. In taking account of all material considerations, including Council policy as set out in the Unitary Development Plan, the Head of Development and Control has concluded that some rights conferred by these Articles on the applicant(s)/objectors/residents and other occupiers and owners of nearby land that might be affected may be interfered with but that that interference is in accordance with the law and justified by being in the public interest and on the basis of the planning merits of the development proposal. He believes that any restriction on these rights posed by approval of the application is proportionate to the wider

benefits of approval and that such a decision falls within the margin of discretion afforded to the Council under the Town and Country Planning Acts.

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ITEM 1

Application Reference	DC076359
Location:	15-17 Market Street Marple Stockport SK6 7AB
PROPOSAL:	Conversion of ground floor from Bank (Use Class A2) to Restaurant/Bar (Use Class A3/A4), together with demolition of existing first floor and replacement with new extension to provide 4 no. apartments at first floor and second floor level.
Type Of Application:	Full Application
Registration Date:	18/03/2020
Expiry Date:	13/05/2020
Case Officer:	Mark Burgess
Applicant:	Epstein FIC Property 2 Ltd
Agent:	Alistair Flatman Planning

DELEGATION/COMMITTEE STATUS

Marple Area Committee – Application called-up by Councillor Allan.

DESCRIPTION OF DEVELOPMENT

Full planning permission is sought for the conversion of the ground floor of Number 15-17 Market Street, Marple from a vacant bank premises (Use Class A2) to a restaurant/bar premises (Use Class A3/A4), together with the demolition of the existing first floor and the erection of a replacement extension to provide 4 no. residential apartments at first floor and second floor level.

The resulting proposed development would have a maximum width of 14.7 metres, a maximum length of 13.8 metres and a maximum height of 9.4 metres. The proposed development would be of predominantly gable roof design, with four pitched roofed dormers to the front elevation and three pitched roofed dormers to the rear elevation. The materials of external construction are specified as red brick for the external walls and slate for the roof.

Internally, the proposed development would comprise 175 square metres of restaurant/bar (A3/A4) floorspace at ground floor level; 2 no. one bedroomed residential apartments with external terrace areas to the rear at first floor level; and 2 no. one bedroomed apartments at second floor level. Bin storage and cycle storage areas would be provided within the yard area to the rear of the building.

The application is accompanied by the following supporting documents :-

- Design and Access Statement.
- Residential Noise Survey Assessment.
- Energy Statement.

The proposal has been amended since its original submission, in order to address Officer concerns raised.

Details of the design and siting of the proposed development are appended to the report.

SITE AND SURROUNDINGS

The application site at Number 15-17 Market Street, Marple comprises a currently vacant former bank premises within a part two storey, part single storey building. The building is of red brick construction and is single storey with a flat roof to the front portion and two storey with a hipped slate roof to the rear portion.

The site is adjoined to the North side by a retail/shop premises at Number 13 Market Street within a conventional two storey building. Beyond an access passage to the Southern side is the Bulls Head Public House and associated proprietors living accommodation within a two storey building with accommodation in the roof space. To the East (rear) of the site is Trinity Street with a car park beyond and to the West (front) of the site is Market Street with a variety of commercial premises beyond.

POLICY BACKGROUND

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires planning applications and appeals to be determined in accordance with the Statutory Development Plan unless material considerations indicate otherwise.

The Statutory Development Plan for Stockport comprises :-

- Policies set out in the Stockport Unitary Development Plan Review (saved UDP) adopted on the 31st May 2006 which have been saved by direction under paragraph 1(3) of Schedule 8 to the Planning and Compulsory Purchase Act 2004; and
- Policies set out in the Stockport Local Development Framework Core Strategy Development Plan Document (Core Strategy DPD) adopted on the 17th March 2011.

The application site is allocated within the Marple District Shopping Centre, as defined on the UDP Proposals Map. The following policies are therefore relevant in consideration of the proposal :-

Saved UDP policies

- L1.1 : LAND FOR ACTIVE RECREATION

- L1.2 : CHILDRENS PLAY
- HP1.5 : LIVING OVER THE SHOP
- PSD2.2 : SERVICE USES IN THE TOWN CENTRE, DISTRICT AND LARGE LOCAL CENTRES
- PSD2.3 : USE OF UPPER FLOORS IN SHOPPING CENTRES
- PSD2.5 : OTHER DEVELOPMENT IN DISTRICT CENTRES

Core Strategy DPD policies

- CS1 : OVERARCHING PRINCIPLES : SUSTAINABLE DEVELOPMENT - ADDRESSING INEQUALITIES AND CLIMATE CHANGES
- SD-1 : CREATING SUSTAINABLE COMMUNITIES
- SD-3 : DELIVERING THE ENERGY OPPORTUNITIES PLAN – NEW DEVELOPMENT
- SD-6 : ADAPTING TO THE IMPACTS OF CLIMATE CHANGE
- CS2 : HOUSING PROVISION
- CS3 : MIX OF HOUSING
- CS4 : DISTRIBUTION OF HOUSING
- H-1 : DESIGN OF RESIDENTIAL DEVELOPMENT
- H-2 : HOUSING PHASING
- H-3 : AFFORDABLE HOUSING
- CS5 : ACCESS TO SERVICES
- CS6 : SAFEGUARDING AND STRENGTHENING THE SERVICE CENTRE HIERARCHY
- AS-1 : THE VITALITY AND VIABILITY OF STOCKPORTS SERVICE CENTRES
- CS8 : SAFEGUARDING AND IMPROVING THE ENVIRONMENT
- SIE-1 : QUALITY PLACES
- SIE-2 : PROVISION OF RECREATION AND AMENITY OPEN SPACE IN NEW DEVELOPMENTS
- SIE-3 : PROTECTING, SAFEGUARDING AND ENHANCING THE ENVIRONMENT
- CS9 : TRANSPORT AND DEVELOPMENT
- T-1 : TRANSPORT AND DEVELOPMENT
- T-2 : PARKING IN DEVELOPMENTS
- T-3 : SAFETY AND CAPACITY ON THE HIGHWAY NETWORK

Supplementary Planning Guidance and Documents

Supplementary Planning Guidance and Documents (SPG's and SPD's) do not form part of the Statutory Development Plan. Nevertheless, they do provide non-statutory Council approved guidance that is a material consideration when determining planning applications. Relevant SPG's and SPD's include :-

- DESIGN OF RESIDENTIAL DEVELOPMENT SPD
- OPEN SPACE PROVISION AND COMMUTED PAYMENTS SPD
- PROVISION OF AFFORDABLE HOUSING SPG
- SUSTAINABLE TRANSPORT SPD

National Planning Policy Framework (NPPF)

The NPPF, initially published on 27th March 2012 and subsequently revised and published on 19th February 2019 by the Ministry of Housing, Communities and Local Government, sets out the Government's planning policies for England and how these are expected to be applied. The NPPF will be a vital tool in ensuring that we get planning for the right homes built in the right places of the right quality at the same time as protecting our environment.

In respect of decision-taking, the revised NPPF constitutes a 'material consideration'.

Paragraph 1 states *'The National Planning Policy Framework sets out the Government's planning policies for England and how these should be applied'*.

Paragraph 2 states *'Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise'*.

Paragraph 7 states *'The purpose of the planning system is to contribute to the achievement of sustainable development'*.

Paragraph 8 states *'Achieving sustainable development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives) :-*

- a) An economic objective*
- b) A social objective*
- c) An environmental objective'*

Paragraph 11 states *'Plans and decisions should apply a presumption in favour of sustainable development. For decision-taking this means :-*

c) Approving development proposals that accord with an up-to-date development plan without delay; or

d) Where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless :-

i. the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or

ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole'.

Paragraph 12 states ‘.....Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local Planning Authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed’.

Paragraph 38 states ‘Local Planning Authorities should approach decisions on proposed development in a positive and creative way..... Decision-makers at every level should seek to approve applications for sustainable development where possible’.

Paragraph 47 states ‘Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing’.

Paragraph 213 states ‘existing policies should not be considered out-of-date simply because they were adopted or made prior to the publication of this Framework. Due weight should be given to them, according to their degree of consistency with this Framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given)’.

National Planning Practice Guidance (NPPG)

NPPG is a web-based resource which brings together planning guidance on various topics into one place (launched in March 2014) and coincided with the cancelling of the majority of Government Circulars which had previously given guidance on many aspects of planning.

RELEVANT PLANNING HISTORY

- DC060788 : 2 internally illuminated fascia signs, 1 illuminated projecting sign and 1 non-illuminated fascia sign : Granted – 03/03/16.
- DC049519 : Removal of existing signage and installation of replacement, converting the current Royal Bank of Scotland to Santander : Granted – 21/05/12.
- DC017403 : Lowering Of ATM Machine To Improve Access For The Disabled : Granted – 16/12/04.
- DC014216 : External alterations to entrance to improve disabled persons access : Granted – 21/04/04.
- J.68553 : Satellite dish (Retrospective) : Granted – 22/10/97.
- J.39413 : Installation of Automated Teller Machine : Granted – 23/07/87.

- J.17866 : Rear extension : Granted – 04/12/79.

NEIGHBOUR'S VIEWS

The owners/occupiers of surrounding properties were notified in writing of the original proposal and following receipt of amended plans and additional information.

3 letters of objection have been received to the proposal, the main causes for concerns raised are summarised below :-

- No account has been properly taken of noise after the lockdown when windows are open in the summer. The report openly states that the survey way undertaken during lockdown.
- The report seems to show that the noise level is high, even at quiet times.
- There have been numerous reports to the Police and the Council of vastly excessive noise from boy racers and the pub next door to the proposed development. They attend regularly.
- The area is already noisy ay night-time with the bar and the Italian and this will only make things worse.
- There is already lots of noise generated from the Bulls Head Public House and residents have to occasionally complain. The noise levels will increase, especially into the evenings.
- Bearing in mind there is already a licensed premises in virtually the same place, do we need another?
- The majority of residences directly behind the site and in close proximity are either inhabited by younger families or elderly people. The noise levels would have a direct impact, especially later in the evening when participants get more lively and noisy.
- There is yet another application for a bar at Number 24 Market Street. There are many empty premises on Stockport Road which could be converted without extra unwanted nuisance for neighbouring properties and the environment.
- Marple is a quiet, peaceful town and does not need any further noise in the evenings.
- No parking provision has been made. The free car parking spaces on Trinity Street are taken all day and night by Post Office staff. Residents of the flats will have to pay all day/night, seven days per week for parking in the car park.
- There is a unanimity of the above views from other residents in the area.

One letter of support has been received to the proposal, which asserts the following :-

- This is exactly the sort of development needed in Marple. High Streets are changing from retail to experiences and town centres that do not adapt will die.
- There is a need to concentrate new housing more in the urban area to avoid future Green Belt development and potentially for more 'living above the shop'. In Marple, this is hampered by the low-rise nature of most town centre buildings and the difficulty in converting Victorian premises. The proposal seems to overcome this problem.
- Whilst the application does not propose any additional parking, this is not an issue as new occupiers will be aware and may not need a car given the central location with good access to local amenities and public transport. We need to get away from automatic provision of a sea of car parking with all new developments.
- It should be explicitly shown where residents can securely store cycles within the properties.

The following comments were received to the original proposal from Marple Civic Society :-

- The applicant seems concerned to retain the existing building, which is an idiosyncratic structure that does not relate in form or detail to anything else in the centre of Marple.
- The proposed mansard roof is unfortunate and if the building was raised instead with a traditional pitched roof, it would be possible to make the second floor flats two bedroomed, simplify the construction and create a better looking building.
- There is little merit trying to make the upper floors exactly like the ground floor, with its narrow, small paned windows. These typify a secure inward looking bank building, whereas what is needed on Market Street is an outward looking shop or restaurant with display windows where people and goods can be seen from and interact with the pedestrianised street.
- To one side of the site is the modern block with the chemists, solicitors office and charity shop and on the other side, beyond the gap leading to the rear, is the Public House. Both these blocks have two storey facades standing right on the street with substantial pitched roofs above. The proposed development should follow this scale to reinforce the enclosure and presence of this section of Market Street. The set-back of the first floor and the mansard roof would waste this opportunity. There is no precedence for either of these features on Market Street and no justification for the retention of the single storey elevation.

- The submitted Design and Access Statement does not inspire confidence. Its language expression is poor and there is no analysis of what constitutes the 'vernacular' context which the proposals claim to emulate. It is difficult to see in what way a mansard roof would follow the 'natural flow of the roofline on Market Street'.
- Marple Civic Society would not be opposed to the demolition of the existing bank building and redevelopment of the site to achieve a worthwhile replacement.

Further to the submission of amended plans, the following additional comments have been received from Marple Civic Society :-

- The amended plans are considered as satisfactory as possible.
- The dilemma is recognised, between the characteristic ground floor façade of the existing bank building as part of the long-standing scene of this part of Market Street; and the potential for a completely different, and possibly radical, design for this important site. However, in the present economic circumstances faced by high street shops, the new plans represent perhaps the most realistic and deliverable option.

The following comments have been received to the proposal from Marple Neighbourhood Forum. Members are advised that these comments are on the basis of the originally submitted scheme as opposed to the amended scheme :-

- Support is offered to the proposed development in principle, although with reservations about its design.
- The development of the site would make a major contribution to the regeneration of the town centre and the location of a restaurant on this part of Market Street would bring greater life to the town centre, as well as supporting its economy.
- The provision of living units within the town centre is welcomed, in the interests of sustainability, the reduction of travel and support of local shops.
- The applicant should not be discouraged from consideration of a more fundamental redevelopment of the site, which did not necessarily retain any part of the existing bank building and did not limit itself to only two storeys in height.
- The possibility of environmental improvements of the existing pedestrian way on the flank frontage to the site should be explored. The paving and planting of this way would make a more attractive link between Market Street and the Chadwick Street car park.

CONSULTEE RESPONSES

Highway Engineer

Comments of 30/04/20

I raise no objection to this application, in principle, noting that:

- 1) The proposal should not result in a material increase in vehicle movements or change in character of traffic on the local highway network in the vicinity of the site
- 2) The site is fairly accessible, being located within Marple District Centre and within reasonable walking distance of a primary school, a high school, bus route, Marple and Rose Hill Train Stations, a large food store, GP and dental practices and various shops and services
- 3) Whilst no car parking is proposed to be provided (or could be provided), this is no different to the current situation, there are public car parks within the vicinity of the site, parking demand during the day is unlikely to be significantly different to current demand and, whilst parking demand during the evening may be greater than at present, there is sufficient capacity in nearby car parks during the evening. Whilst there are no public EV charging points in the vicinity of the site at present, which occupiers could use in lieu of on-site provision, any approval granted could be subject to a condition requiring off-site provision.

I do not, however, consider the scheme acceptable in its present form. This is on the basis that:

- 1) The submitted plans do not show any proposals to provide cycle parking (as required by Policy T-1 'Transport and Development'). Cycle parking is required for both occupiers of the apartments, staff of the commercial use and customers.
- 2) No details have been provided to outline where refuse / recycling (for both the commercial and residential uses) will be stored, how this will be accessed or where bins will be left on collection day.
- 3) The site layout plan does not outline how the exterior of the site will be laid out so it is not clear exactly how the apartments will be accessed and whether any changes are proposed to the current large access gates at the access to the rear yard.

It is therefore considered that a revised plan / further information is required. I would therefore recommend that the application is deferred and the applicant is requested to amend the scheme / submit additional information with the aim of addressing these issues.

- Recommendation : Defer

Further comments of 18/06/20, following submission of amended plans :-

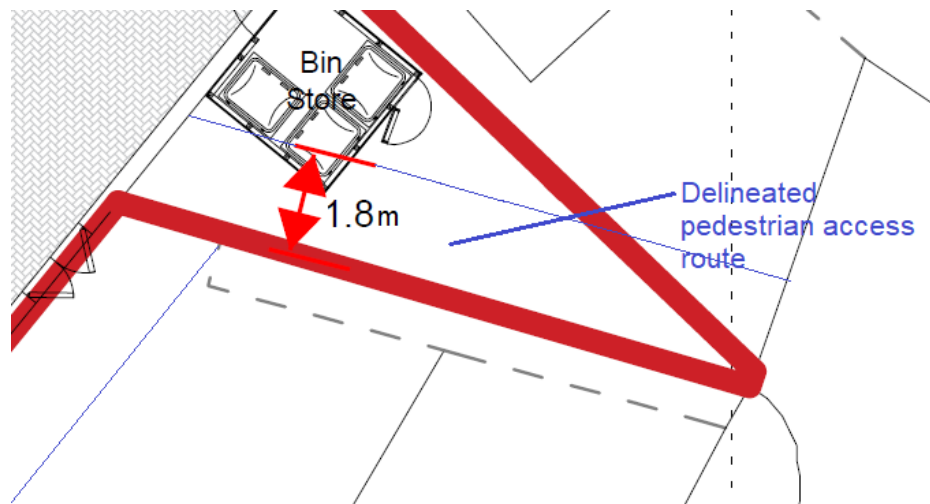
I write with reference to the revised plans submitted on the 28th May 2020 in response to my comments of the 30th April 2020. I note that the revised plans show:

- 1) A 1.6m by 1.7m cycle store located to the rear of the building

- 2) A bin store located within the rear access passageway to the rear of the site
- 3) The closure or the existing double gate access into the rear yard and the formation of a new pedestrian access to the south

Consideration of these amendments concludes that they do not address the issues I previously raised. This is on the basis that:

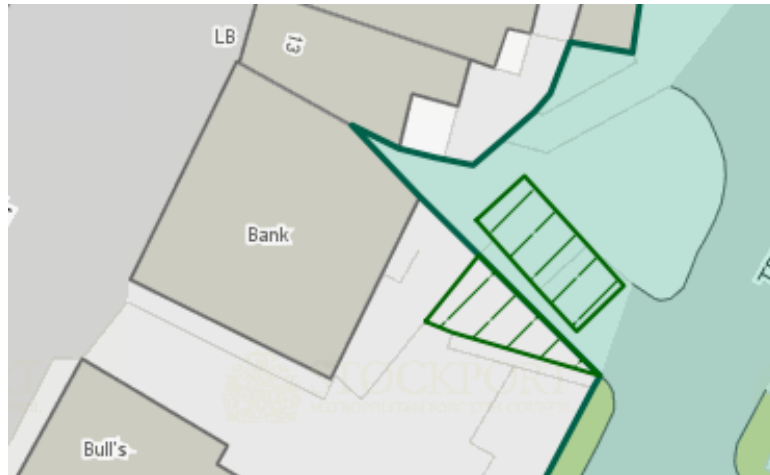
- 1) The cycle store is not quite large enough to accommodate cycles for 4 apartments (a store of internal dimensions of at least 2m by 2m would be required to accommodate 4 bikes).
- 2) The cycle store would not be able to accommodate cycle parking for staff of the commercial use and cycle parking for customers of the commercial unit is also required. It is recommended that a cycle locker is provided in the passageway to the side of the building for staff and that the applicant agrees to fund the provision of a cycle stand on Market Street to the front of the premises for use by customers.
- 3) The bin store would not be of sufficient size to accommodate refuse and recycling for 4 flats and a commercial unit (4 flats without gardens would require 3 no. 770l bins and 1 no. 140l food waste bin, and the commercial unit would require at least 2 separate bins). In addition, it is clear from the submitted drawing that the door into the bin store is too small to enable bins to be moved in and out of the store and that insufficient bin manoeuvring space would be available.
- 4) The bin store would obstruct part of the pedestrian route that runs between Market Street and Trinity Street as indicated on the plan below (the extent of this is delineated with metal studs), thus compromising pedestrian access to the development, as well as pedestrian access in the area in general



- 5) Gates at the proposed new pedestrian access are shown opening into the adjacent pedestrian access route, which could compromise pedestrian safety (they should open into the site).
- 6) The steps up to the apartments (as shown on drawing 0136_MAR_105) are not shown on the site layout plan (drawing 0136_MAR_002 Rev A).

As such, it is considered that the application needs to be deferred for a further period of time to allow the applicant to address the issues raised.

Finally, I note that the Council's records indicate that the Council may have an interest in the land where the bin store is proposed to be located (as shown on the plan below). As such, I would recommend that the Council's Estates Department are consulted on the application.



- Recommendation : Defer

Further Comments of 30/06/20, following submission of further amended plans

I write with reference to the revised plan (drawing 0126_MAR_002 Rev B) submitted on the 25th June 2020 in response to my comments of the 18th June 2020. I note that the revised plans show:

- 1) A 2m by 2m cycle store located to the rear of the building
- 2) A cycle locker to the end of the side passageway
- 3) A bin store located within the rear access passageway to the rear of the site, positioned so it is clear of the pedestrian route between Market Street and Trinity Street and large enough to accommodate 3 no. 770l bins and a 140l food waste bin
- 4) A second bin store in the rear yard for two bins
- 5) The closure of the existing double gate access into the rear yard and the formation of a new pedestrian access to the south
- 6) Gates at the proposed new pedestrian access opening into the site

As such, it is considered that the issues I previously raised have been addressed. I therefore raise no objection to this application, subject to conditions.

Notwithstanding this, as previously outlined, the Council's records indicate that the Council may have an interest in the land where the bin store is proposed to be located. As such, I would recommend that the Council's Estates Department are consulted on the application if they have not been so already.

- Recommendation: No objection, subject to conditions.

No work shall take place in respect to the provision of cycle parking within the site until full details of the cycle parking facilities indicated drawing 0126_MAR_002 Rev B have been submitted to and approved in writing by the Local Planning Authority. Details shall include:

- 1) Details of the cycle store to be provided in the rear yard for occupiers of the apartments, including details of the store building and cycle stands / racks to be provided inside (which shall accommodate 4 cycles)
- 2) Details of the cycle locker to be provided in side passageway for staff of the commercial unit

The development shall not be occupied until the cycle parking facilities have been provided in accordance with the approved details. The cycle parking facilities shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraphs 10.9-10.12 'Bicycle Long and Short Stay Parking', of the SMBC Sustainable Transport SPD.

Details of proposals to provide a Sheffield cycle stand (or similar) on the Market Street in the vicinity of the site for visitors and customers of the approved development shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location and specification of the stand. The development shall not be occupied until the cycle stand has been provided in accordance with the approved details.

Reason: To ensure that safe and practical cycle parking facilities are provided so as to ensure that the site is fully accessible by all modes of transport in accordance with Policies CS9 'Transport and Development', T-1 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and the cycle parking facilities are appropriately designed and located in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD, supported by paragraphs 10.9-10.12 'Bicycle Long and Short Stay Parking', of the SMBC Sustainable Transport SPD.

Full details of the bin stores indicated drawing 0126_MAR_002 Rev B shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the bin stores have been provided in accordance with the approved details. The bin stores shall then be retained and shall remain available for use at all times thereafter.

Reason: To ensure that the development will have adequate bin storage facilities, having regard to Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

All new / replacement ground floor doors and windows on the side of the building fronting Market Street shall be constructed to open into the building only and not out into the highway.

Reason: To ensure that the development does not adversely affect use of the adjacent highway, notably by pedestrians, in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

The pedestrian gates to be erected at the new pedestrian access to the rear yard, as indicated drawing 0126_MAR_002 Rev B, shall be constructed so that they only open into the site and not out into the adjacent footpath.

Reason: In order to ensure that any gates do not impinge on the adjacent footpath when open in terms of Policies SIE-1 'Quality Places', CS9 'Transport and Development' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

Details of a scheme to relocate the existing SMBC sign that is located where the pedestrian access to the rear yard will be situated, together with a timetable for the sign to be relocated, shall be submitted to and approved in writing by the Local Planning Authority. The sign shall then be relocated / replaced in accordance with the approved details and timetable.

Reason: To ensure that existing pedestrian signage that will be affected by the development will be relocated to a suitable new position, in accordance with Policies SIE-1 'Quality Places' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD.

A detailed scheme outlining proposals to provide within Marple District Centre 2 charging points for the charging of electric vehicles shall be submitted to and approved in writing by the Local Planning Authority. Details shall include where the charging points will be located, details of the charging points and associated parking spaces (including details of the equipment, signage and carriageway markings), how they will be provided (including details of any required traffic regulation order) and a timescale for their provision. The charging points shall then be provided in accordance with the approved scheme and timescale. Once provided, they shall then be retained and shall remain available for use at all times thereafter (unless they are replaced with an alternative charging points in which case they should be retained).

Reason: To ensure that adequate parking with facilities for the charging of electric vehicles are provided in accordance with Policies SD-6 'Adapting to the impacts of climate change', SIE-3: Protecting, Safeguarding and enhancing the Environment, T-1 Transport and Development', T-2 'Parking in Developments' and T-3 'Safety and Capacity on the Highway Network' of the Stockport Core Strategy DPD and Paragraphs 110, 170 and 181 of the National Planning Policy Framework.

- Informatives.

Customer / visitor cycle parking required to be provided as a condition of this approval can be provided within the public highway subject to the agreement of the Highway Authority (Stockport Council). Once provided, this would be maintained by the Highway Authority and available to the general public, as well as customers, visitors and staff of the approved development. For further information, the applicant / developer should contact the Highways Section of Planning Services (0161 474 4905/6).

The electric vehicle charging points that are required to be provided as a condition of this approval could be provided within the public highway subject to the agreement of the Highway Authority (Stockport Council) or within public car parks owned and managed by the Stockport Council. Once provided, these would be maintained by or on behalf of the Highway Authority / Council and would be available to the general public, as well as occupiers of the approved development and their visitors. The cost of providing the electric vehicle charging points, including the cost of any Traffic Regulation Orders that may be required and any compensation for the loss of car parking income that will result from the loss of existing "Pay and Display" parking spaces, would need to be met by the applicant / developer. For further information, the applicant / developer should contact the Highways Section of Planning Services (0161 474 4905/6).

An existing Stockport Council sign that is located where the pedestrian access to the rear yard will be situated will need to be relocated as part of the development. This will need to be carried out by Stockport Council at the applicant's / developer's expense. The applicant / developer should contact the Highways Section of Planning Services (0161 474 4905/6) with respect to this matter.

Environment Team

Comments of 07/05/20

I have assessed the application and I do not object to the development in principle. However, within the application I cannot find any details where the applicant has assessed the potential for amenity issues caused by noise/odour from the operation of the commercial element or external noise from its high street location and the public house directly next door.

We would need some guide as to the maximum opening hours for the business element, without this how can we assess the suitability for the residential usage above.

A3 usage would require some form of extraction system, whilst I don't need to know the full specification of the system at this stage, we would need to know the position of the ducting that will need to be fitted to remove fume and odour from the kitchen. Ducting of this kind would need to terminate 1 meter above the eaves of the building. We would generally not want this to pass by bedroom windows to prevent noise and odour issues causing sleep disturbance. Low level extraction could be an option however there would need to be a high level form of odour abatement within

the system e.g. carbon filters, ozone (can cause odour complaints due to dispersion). Noise would also need to be addressed.

A4 usage I would be concerned with noise from hubbub of patrons and live/recorded music from flanking through the building impacting the proposed residential above. Maximum noise levels should be provided and will depend upon the level of insulation placed within the shared ceiling/floor for the 1st floor. Hubbub from patrons externally could also cause noise issues.

Condition

Prior to the commencement of the development a noise assessment shall be undertaken. The report shall be prepared by a suitably qualified person and shall be submitted to and approved by the Local Planning Authority. The noise assessment shall consider noise generated from the proposed development, including noise generated from air and road traffic and any nearby fixed plant. The report, should be undertaken in line with BS 8233:2014 and BS4142:2014 and should demonstrate how the development will achieve the following internal noise levels at the following times:

- Living rooms 35dB LAeq between 07.00 hours and 23.00 hours
- Dining rooms 40dB LAeq between 07.00 hours and 23.00 hours
- Bedrooms 30dB LAeq between 23.00 hours and 07.00 hours and 35dB LAeq between 07.00 hours and 23.00 hours
- Gardens 50dB LAeq between 07.00 hours and 23.00 hours

Should mitigation measures be required no development shall be brought into use until the approved noise mitigation measures for the development have been fully incorporated.

Condition

No development shall commence until the details of all cooking/ food production activities and associated equipment to be utilised at the premises have been submitted to and approved in writing by the Local Planning Authority. All cooking and food production at the premises shall be undertaken in accordance with and limited to the approved details unless otherwise agreed in writing with the Local Planning Authority. Details that will need to be submitted are;

- (i) the means of ventilation and the removal of cooking odours and fumes from the premises, internal and external scaled drawings showing the internal arrangement of the system and the external ducting and its relationship to neighbouring properties
- (ii) type of wall fixings to be used for any ducting.
- (iii) If low level extraction the odour abatement techniques to be implemented
- (iv) the sound attenuation measures associated with the ventilation system and fume extraction and any mitigation measures
- (v) the finish of external flues including the extract point and the extract rate expressed in m/s at the exit point of the system

- (vi) unimpeded extract point (high velocity cowl with integral drain or something similar)
- (vii) a programme of maintenance of the equipment, has been submitted to and approved in writing by the local planning authority.

The use hereby approved shall not be brought into operation until the means of ventilation and removal of cooking odours and fumes from the premises have been installed in accordance with the approved plans or at any time when the approved ventilation and extraction measures are not operating in accordance with the approved scheme

Or

We could just condition the ducting with the above information to be provided at a later date.

Condition

Hours of use to be provided.

Further comments of 28/07/20, following submission of Noise Survey Assessment

I have assessed the above application, I do not object to the development.

A noise report has been submitted to assess the impact of the business and environment upon the residential element of the application.

The report advises that mitigation measures will be needed within the development. Roof, glazing, ventilation, party ceiling and music noise limiter limiting music to 87dB max.

If all mitigation measures are incorporated within the build internal noise levels for the residential will be within recommended internal noise levels.

The application does not provide any operation hours. We will need some confirmation on the hours of use for the ground floor.

Nature Development Officer

The site has no nature conservation designations, legal or otherwise.

Many buildings have the potential to support roosting bats and nesting birds. All species of bats and their roosts are protected under UK (Wildlife and Countryside Act 1981 (as amended)) and European legislation (The Conservation of Habitats and Species Regulations, 2017). All breeding birds and their nests are protected by the Wildlife and Countryside Act 1981 (as amended). Having reviewed online mapping systems it is considered that the building proposed for renovation is likely to offer limited potential to support roosting bats. Paragraph 016 of the Natural Environment

Planning Practice Guidance (<https://www.gov.uk/guidance/natural-environment#biodiversity-and-ecosystems>) states that the local authority should only request a survey if they consider there is a reasonable likelihood of a protected species being present and affected by development. In this instance I do not consider it reasonable to request a bat survey as part of the current application as the risk to roosting bats is considered to be low.

I would not consider it reasonable to require a bat survey as part of the current application for the site. However, there is still some potential (albeit low) that bats could be roosting within the building. I would therefore recommend that an informative is attached to any planning permission granted so that the applicant is aware of the potential for buildings to support roosting bats. It should also include information stating that the granting of planning permission does not negate the need to abide by the laws which are in place to protect biodiversity. Should at any time bats, or any other protected species be discovered on site, work should cease immediately and a suitably experienced ecologist/Natural England should be contacted.

Similarly, the following informative should also be used if any works are proposed during the nesting bird season (which is typically March-August, inclusive) [BS42020 D.3.2.2]: Trees, scrub and structures are likely to contain nesting birds between 1st March and 31st August inclusive. Structures are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and it is absolutely certain that nesting birds are not present.

Biodiversity enhancements are expected as part of developments in line with local (paragraph 3.345 of the LDF) and national planning policy (NPPF). Suitable measures include the provision of bat roosting and/or bird nesting facilities within the roof/on the building. Additionally, any landscape planting should comprise wildlife-friendly species (nectar-rich, berry/fruit producing) and where possible these should be locally native species to maximise benefits to biodiversity. Details of any proposed landscape planting should be submitted to the LPA for review.

Any proposed lighting should be sensitively designed so as to minimise impacts on wildlife associated with light disturbance (following principles outlined in Bat Conservation Trust guidance: <https://www.bats.org.uk/news/2018/09/new-guidance-on-bats-and-lighting>)

ANALYSIS

Policy Principle – A3/A4 Use

The application site is located within the Marple District Shopping Centre (Primary Shopping Frontage Block B) where saved UDP policies PSD2.2, PSD2.3 and PSD2.5 and Core Strategy DPD policies CS5, CS6 and AS-1 effectively seek to

safeguard, maintain and enhance the vitality and viability of such centres and their core essential retail characteristics.

Notwithstanding the above policy objectives, consideration must be had of the fact that the proposal would result in the loss of A2 (Financial and Professional Services) use rather than A1 (Retail) use, therefore the proposal would not result in the loss of existing A1 floorspace within the District Shopping Centre. The proposed A3/A4 floorspace comprises an appropriate main town centre use, would encourage the occupation of a currently vacant unit and has scope to contribute to the vitality and viability of the Centre by way of strengthening the evening economy of the Centre.

In view of the above, the principle of the loss of the existing vacant A2 floorspace at the site and the provision of proposed A3/A4 floorspace is considered acceptable within the Primary Shopping Frontage of Marple District Shopping Centre, in accordance with saved UDP policies PSD2.2, PSD2.3 and PSD2.5, Core Strategy DPD policies CS5, CS6 and AS-1 and the advice contained within the NPPF.

Policy Principle – Residential Use

The site is located within the Marple District Shopping Centre, which is one of the two main spatial priority areas for residential development, as defined by Core Strategy DPD policy CS4. It is also noted that Stockport is currently in a position of housing under-supply, with 2.8 years of supply against the minimum requirement of 5 years + 20%, as set out in Paragraph 73 of the NPPF. The site comprises previously developed, brownfield land, in an accessible and sustainable location. The provision of flats within such an area is consistent with Core Strategy DPD policy CS3 and would add to the housing supply, in line with Core Strategy DPD policy CS2. On this basis, the principle of much needed residential development in an accessible and sustainable location, within a District Shopping Centre is considered acceptable, in accordance with Core Strategy DPD policies CS2, CS3, CS4 and H-2.

Developer Contributions

With regard to affordable housing, notwithstanding the requirements of Core Strategy DPD policy H-3 and the Provision of Affordable Housing SPG, the NPPF states that the provision of affordable housing should not be sought for residential developments that are not major developments (10 residential units or more). As such, on the basis of the proposal for 4 no. apartments, there is no requirement for affordable housing provision within the development.

In accordance with saved UDP policy L1.2, Core Strategy DPD policy SIE-2, the Open Space Provision and Commuted Payments SPD and the NPPG, there is a requirement to ensure the provision and maintenance of formal recreation and children's play space and facilities within the Borough to meet the needs of the residents of the development. On the basis of the population capacity of the proposed development (4 no. one bedroomed/two person units = 8), this would require a commuted sum payment of £11,968.00p, which would be secured by way of a Section 106 Agreement.

Design and Siting

The Market Street street scene within which the application site is located is relatively mixed, with a variety of design and age of buildings and buildings with varied roof height. Whilst it is acknowledged that the height of the proposed development would exceed that of the adjoining property at Number 13 Market Street, it would be of a similar ridge height to the Bulls Head Public House to the South. On this basis, it is considered that the height and scale of the proposal would respect the character of the area and would not result in the introduction of a visually incongruous feature within the street scene.

The design of the proposed development has been subject to extensive discussions and the proposal has been amended in order to address Officer concerns raised to the original scheme. In its amended form, the proposed development would be of gable roof design to reflect the predominant roof design along Market Street. The proposed development would incorporate appropriately sized pitched roofed dormers to the front and rear elevations, which would be set into the proposed roof slopes and would vertically align with the window and door openings below. The scheme would include the retention of the attractive existing ground floor bank premises frontage which is considered to be a positive aspect of the scheme. Appropriate materials of external construction would be secured by way of suitably worded planning condition.

The proposed density of residential development of 200 units per hectare is considered appropriate for the form of development proposed within a District Shopping Centre. Whilst the proposed second floor apartments would not be served by any private or communal amenity space, it is noted that such an arrangement is a common feature of residential developments within District Shopping Centre. The proposed first floor apartments would however be served by a private external terrace area which is considered to be a positive aspect of the scheme.

In view of the above, in its amended form, it is considered that the siting, design, scale and height of the proposed development could be successfully accommodated on the site without causing harm to the character of the street scene or the visual amenity of the area, in accordance with Core Strategy DPD policies H-1 and SIE-1 and the Design of Residential Development SPD.

Impact on Residential Amenity

The application site is adjoined to the Northern side by a retail/shop premises and to the Southern side by the Bulls Head Public House, with further commercial properties on the opposite side of Market Street to the front (West). In view of the commercial nature of the immediate surroundings, no residential amenity concerns are raised to these properties.

It is noted that residential properties exist at Chapel Court and Walmesley Court to the East of the site, however these residential properties are well separated from the site with Trinity Street and a car park in between. The required separation distance of 28.0 metres, as defined by the Design of Residential Development SPD, from the

rear windows and external terrace of the proposed first floor and second floor residential uses to these surrounding properties would be comfortably complied with.

In view of the above, it is considered that the proposed residential use would not result in undue loss of amenity to surrounding residential properties, by reason of overshadowing, over-dominance, visual intrusion, loss of outlook, overlooking or loss of privacy. On this basis, the proposal complies with saved UDP policies HP1.5 and PSD2.3, Core Strategy DPD policies H-1, CS5, CS8 and SIE-1 and the Design of Residential Development SPD.

In terms of the proposed restaurant/bar (Use Class A3/A4) uses, neighbour objections raised to this element of the proposal on the grounds of noise and disturbance are noted. However, the application site is allocated within the Marple District Shopping Centre, as defined on the UDP Proposals Map. Material weight must be given to this site allocation and residents living within and adjacent to such allocated areas would not reasonably expect to enjoy the same level of amenity that residents living within a wholly residential area would. As such, there must be an acceptance that there will be a degree of noise and disturbance arising from the operation of businesses in the locality, where such restaurant/bar (Use Class A3/A4) uses are commonly located. Consideration should also be had of the fact that there are a variety of other late night uses in the immediate area, including Public Houses and restaurants, which have a similar juxtaposition with residential properties. Some of these premises are long established and uncontrolled in planning terms with regard to hours of opening.

Notwithstanding this site allocation, it is acknowledged that a reasonable balance continues to be needed to be struck between the demands of businesses and the protection of amenity enjoyed by surrounding residents. The existence of residential uses at first floor level within the wider District Shopping Area and beyond Trinity Street and the car park to the East of the site are noted.

A Residential Noise Survey Assessment has been submitted in support of the application and the detailed comments received to the proposal from the Council Environment Team are contained within the Consultee Responses section above. In raising no objections to the proposal, the Environment Team notes that subject to recommended mitigation measures being incorporated within the development, in terms of roof, glazing, ventilation, party ceiling and a noise limiter to limit music to 87dB maximum, the noise levels in relation to surrounding residential properties would be within recommendations. It is recommended that the hours of opening/operation of the proposed restaurant/bar (Use Class A3/A4) are restricted to between 08:00 and 00:00 (midnight), which would be secured by condition. In addition, should any cooking extraction facility be required in the future, details of any such facility could be controlled by a suitably worded planning condition.

In view of the above, in the absence of objections from the Council Environment Team and subject to conditional control, it is considered that the proposed restaurant/bar (Use Class A3/A4) element of the scheme would not unduly impact on the amenity of surrounding residential properties by reason of noise, disturbance or odour. On this basis, the proposal is considered to comply with saved UDP policies HP1.5 and PSD2.3 and Core Strategy DPD policies CS5, CS8, SIE-1 and SIE-3.

Highways Considerations

The detailed comments received to the proposal from the Council Highway Engineer are contained within the Consultee Responses section above.

No objections are raised to the principle of the proposed development from the Highway Engineer, who notes that the proposal should not result in a material increase in vehicle movements or change in character of traffic on the local highway network in the vicinity of the site; the site is fairly accessible, being located within Marple District Centre and within reasonable walking distance of a primary and secondary school, bus route, train stations, a large food store, GP and dental practices and various shops and services. Whilst no car parking is proposed to be provided, this is not different to the current situation, there are public car parks within the vicinity of the site, parking demand during the day is unlikely to be significantly different to current demand and, whilst parking demand during the evening may be greater than at present, there is sufficient capacity in nearby car parks during the evening. Whilst there are no Electric Vehicle (EV) charging points in the vicinity of the site at present which occupiers could use in lieu of on-site provision, off-site provision could be secured by condition.

In order to address issues raised by the Highway Engineer, amended plans have been submitted in respect of cycle parking provision, refuse/recycling facilities and access to the proposed apartments. On the basis of the submitted amended plans, the Highway Engineer has confirmed that the cycle parking provision, refuse/recycling facilities and access to the proposed apartments are acceptable, subject to the imposition of suitably worded conditions in relation to matters of detail.

With regard to the potential land ownership issue raised by the Highway Engineer, the Council Estates and Assets Team have confirmed that the area of site referred to has been sold and therefore no Council land is included within the application, however there is a pedestrian route/right of way crossing the site. The applicant will be advised of this by way of informative, in order to ensure that the proposed bin store does not block the route/right of way.

In view of the above, on the basis of the submitted amended scheme, in the absence of objections from the Highway Engineer and subject to conditional control, the proposal is considered acceptable from an accessibility, traffic generation, parking and highway safety perspective. As such, the proposal complies with Core Strategy DPD policies SD-6, SIE-1, CS9, T-1, T-2 and T-3 and the Sustainable Transport SPD.

Impact on Protected Species and Ecology

The detailed comments received to the application from the Council Nature Development Officer are contained within the Consultee Responses section above.

The Nature Development Officer notes that the site has no nature conservation designations, legal or otherwise. In terms of bats, although there is still some low potential that bats could be roosting within the building, the submission of a bat

survey is not considered to be reasonable in this particular case. Nevertheless, the applicant will be advised of the potential for buildings to support roosting bats, legislation in place to protect biodiversity and procedures to follow should bats or other protected be discovered during development by way of informative. The applicant will also be advised of procedures to follow should works be proposed during the bird nesting season by way of informative. It is also recommended that biodiversity enhancements and wildlife sensitive lighting are sought within the proposed development.

In view of the above, in the absence of objections from the Nature Development Officer, the proposal is considered acceptable in terms of its impact on protected species and the ecological interest of the site, in accordance with Core Strategy DPD policies CS8 and SIE-3.

Energy Efficiency

As the proposed development would not exceed 10 residential units or 1000 square metres of non-residential floorspace, the proposed development does not trigger the Council's carbon reduction targets, as defined by Core Strategy DPD policy SD-3. Nevertheless, an Energy Statement has been submitted in support of the application, to confirm that energy efficiency measures would be incorporated within the fabric of the building, in order to comply with current Building Regulations. With regard to low and zero carbon technologies, these have been discounted on the grounds of technical feasibility or financial viability. On this basis, the submitted Energy Statement is compliant with the requirements of Core Strategy DPD policy SD-3.

SUMMARY

At the heart of the NPPF is a presumption in favour of sustainable development. Paragraph 8 of the NPPF establishes three dimensions to sustainable development – economic, social and environmental and indicates that these should be sought jointly and simultaneously through the planning system.

The principle of the loss of the existing vacant A2 use at the site and the proposed A3/A4 is considered acceptable within the Marple District Shopping Area. The proposed residential use, within an accessible and sustainable location, within one of the two main spatial priority areas for residential development, on a previously developed/brownfield site, is considered acceptable and would provide much needed additional residential units at a time of housing under-supply within the Borough.

On the basis of the submitted amended scheme, it is considered that the proposed development could be successfully accommodated on the site without causing undue harm to the visual amenity of the area or the amenity of surrounding residential properties. In the absence of objections from relevant consultees and subject to conditional control, the proposal is considered acceptable with regard to the issues of traffic generation, access, parking and highway safety; impact on protected species and ecology; and energy efficiency.

In view of the above, the proposal is considered to comply with relevant saved UDP and Core Strategy DPD policies and relevant SPG's and SPD's. In considering the

planning merits of the proposal against the requirements of the NPPF, the proposal is considered to represent sustainable development. On this basis, notwithstanding the objections raised to the proposal, in accordance with the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004, the application is recommended for approval.

RECOMMENDATION

Grant – Should Members of Marple Area Committee agree the Officer recommendation and resolve to grant planning permission, the decision should be deferred and delegated to the Head of Planning, pending the applicant entering into a Section 106 Agreement to secure the relevant contribution towards open space.