

**STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL
PLANNING APPLICATIONS COMMITTEE**

11 August 2022

Application No:	SMD/2022/0164	
Location	46 High Street, Cheadle	
Proposal	First floor Extension at rear of gym and wellbeing centre.	
Applicant	Mr Peter Wilkinson	
Agent	Malcolm Sales	
Parish/ward	Cheadle	Date registered: 27/04/22
If you have a question about this report please contact: Lisa Li email: Lisa.li@highpeak.gov.uk		

REFERRAL

The application is before committee as the applicant is an elected member of Staffordshire Moorlands District Council.

1. SUMMARY OF RECOMMENDATION

APPROVE with conditions

2. DESCRIPTION OF THE SITE AND ITS SURROUNDINGS

2.1 The application relates to a gym and wellbeing centre within the Town Centre of Cheadle. The building itself was a former high street branch of the Nat West bank. The branch was purpose built in the 1960s and was used as a bank until it closed 2017 and became unoccupied. Cheadle is an historic market town and this is reflected in the character of the High Street that provides 'primary frontage' at the heart of the Conservation Area. The premises are flanked either side by traditional Victorian timber shop fronts. Whilst the former bank is a latter addition its red brick façade does present rather respectful vertical proportions that incorporate pilasters between glazing and stall risers below. The front of the building is set back from the pavement and an accessibility ramp provides access to its main double door entrance.

2.2 To the rear of the building, there is access to the first floor flat roof via stairs restricted only to the staff members. The open flat roof has been relayed with felt roofing and boarded by a low level parapet. This elevation is made up of a lean-to pitched extension that extends the full width of the building with two projecting flat roof extensions from either side of this extension in a 'C' shape formation. There is also a narrow bridge that leads onto a steep overgrown bund.

3. THE APPLICATION AND DESCRIPTION OF THE PROPOSAL

3.1 Planning permission is sought for a two storey rear extension above the existing flat roof of the gym. The extension will sit within the confines of the existing footprint of the building.

3.2 It will feature a flat roof and roof lights will provide for a legging exercise machines.

3.3 The extension will use materials that match the existing.

3.4 Details of the application can be viewed at:

<http://publicaccess.staffs Moorlands.gov.uk/portal/servlets/ApplicationSearchServlet?PKID=160204>

4. RELEVANT PLANNING HISTORY

None.

5. PLANNING POLICIES RELEVANT TO THE DECISION

Staffordshire Moorlands Local Plan (Adopted Sept 2020)

5.1 The Development Plan comprises the Local Plan Development Document (adopted September 2020).

5.2 The following Local Plan policies are relevant to the application:

- SS2 - Settlement Hierarchy
- SS7 -Cheadle Area Strategy
- DC1 - Design Considerations
- DC2 - The Historic Environment

National Planning Policy Framework (NPPF) Revised (2019)

5.3 The following sections of the NPPF (2019) are particularly relevant to this application:

- 16: Conserving and enhancing the historic environment

6. CONSULTATIONS

Neighbour letters	Expiry date for comments: 18/05/22
Site Notice Posted	11/05/22
Press Notice	1/06/22

Public response to consultation

6.1 One neighbour representative received

- The extension will cause overlooking issues
- The gym has created more noise, litter, unsavoury individuals and parking offences. The extension will increase this.

Cheadle Town Comments

6.2 No objection.

Environmental Health Comments

6.3 No objection subject to conditions (one pre-commencement condition)

7. OFFICER COMMENT AND PLANNING BALANCE

7.1 The main issues relate to:

- Principle of development
- Heritage and visual impact
- Neighbouring amenity
- Highway safety

Introduction

Principle of Development

7.2 The site is within the town settlement of Cheadle, one of the three market towns identified in the Local Plan. Here Local Plan strategy policy SS7 applies. As part of a strategy to expand the role of Cheadle as a significant service and retailing centre for the district, SS7 supports the expanding the range and diversity of educational, health, sport, cultural and community services and facilities in the town.

7.3 The proposed development is considered small-scale and will expand the footprint of the gym in a prominent location in town. Accordingly, the general principle of development is considered to be acceptable subject to other materials considerations including design, impact on residential amenity.

Heritage and visual impact

7.4 Section 16 of the NPPF sets out the government's advice on conserving and enhancing the historic environment. Paragraph 196 states that where a development proposal which will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

7.5 Policy DC1 refers to design and seeks to secure development of a high quality which is designed to add value to the area and to respect the site and its surroundings. New development should promote a positive sense of place and identity through its scale, density, layout, siting, landscaping, character and appearance.

7.6 Policy DC2 states that development affecting the significance of a designated or non-designated heritage asset and its setting will be expected to preserve or enhance its significance.

7.7 The building itself sits within the Conservation area. Given the location of the extension, to the rear of the building, and the modern character of the building, it is considered to have no impact on the character and appearance of the Conservation Area. It will accord with Policy DC2 of the Local Plan.

7.8 Referring to design of the proposal, the extension is a typical flat roof extension that will utilise the footprint above the existing flat roof element to the rear of the building. It is considered that the extension is functional in appearance that will square off the building and reflects the existing character of the building to the rear in a sympathetic way. From this, the scheme is considered visually acceptable. Therefore, the proposed development accords with Policy DC1 of the Local Plan.

7.10 In terms materials to be used, they will match the existing which will be in keeping the existing building and immediate neighbours.

7.11 This application is therefore considered to be in accordance with Policy DC1 of the Local plan.

Impact to neighbouring amenity

7.12 Paragraph 127(f) of the NPPF (2019) and policy DC1 seeks to secure development that protects amenity, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

7.13 The main neighbouring property that this proposal would impact upon are 44 and 48 High Street, adjacent properties and 50 A High Street which sits opposite the proposed extension.

7.14 The proposed extension is to be located to the rear of the building. It is considered that the neighbours' amenities on either side of the extension, which appears to be used as upper flats, will be maintained as the extension will have not breach the 45 degree line when assessing loss of light and does not feature any side facing windows. It is also worth noting that both commercial/ residential properties sit within a prominent location within the town centre and therefore, on-street and noise and activity throughout the day and in the evening, from existing uses is inevitable. Against this background it is not considered that the proposed gym extension will result in a noticeable increase in disturbance to residential amenity.

7.15 Opposite the building, the neighbour at No.50 A High Street sits on a higher terrain and will have direct views from its dormer window and rear garden. It is considered that while the extension will sit closer to the border fencing of this neighbour and as a result they may notice more noise disturbance from amplified music, loud coaching and air conditioning for instance. However, as noted above, on balance, this neighbour sits within a prominent location in the town centre where such noise is already inevitable from both the existing gym and other commercial uses, including those associated with the night time economy such as pubs or restaurants. . In addition, there is sufficient distance of approx. 25m from elevation to elevation that noise travel will be dissipate, more so due to its above terrain, soft landscaping and border fencing. As per the response from Environmental Health, the noise and disturbance can be controlled by restricting operational hours of use and conditions to limit the potential impacts from this proposal to neighbouring amenity.

7.16 A neighbour raised concerns with noise and overlooking from their property. This has been addressed in the earlier paragraph to which the extension does not infringe on the neighbour's amenity and any views will be of the border fence and mature landscaping above window height.

7.17 Taking the above into account, this application is therefore considered to be in accordance with Policy DC1 of the Local plan.

Highway Safety

7.18 Policy T1 of the Local Plan states that permission will only be granted for development incorporating adequate and satisfactory parking provisions.

7.19 The property does not have any off-street parking, instead on-street parking is available from nearby car parks and side streets. Whilst the extension could lead to extra demand for parking in the vicinity of the property, the site is located within the centre of town and therefore, a sustainable location with regular public modes of transport for users. It is for these reasons that it is not considered that the proposed extension will have a detrimental effect on highway safety. This application is therefore considered to be in accordance with Section 9 of the NPPF and Policy T1 of the Local Plan.

Other Matters

7.20 A neighbour raised concerns with litter and introduction of unsavoury individuals / antisocial behaviour. However, such matters are not material planning considerations given that they can be controlled via other agencies.

Planning Balance & Conclusions

7.21 The proposal would respect the scale and character of the existing building and would not adversely affect the amenities of the neighbouring properties. Accordingly, the application is to be considered to be in accordance with the NPPF and the Local Plan. It is therefore recommended for approval subject to conditions.

8. RECOMMENDATION

That planning permission be APPROVED with the following conditions:

CONDITION 1: The development to which this permission relates must not be begun later than the expiration of three years from the date of this permission.

REASON: To comply with Section 91 of the Town & Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act, 2004.

CONDITION 2: Unless non-material variations are agreed in writing with the Local Planning Authority the development shall be carried out in accordance with the plans and documents detailed below:

- Drawing no: 2203/12/02 As proposed
- Drawing no: 2203/12/03 Site Plans and Location Plan

REASON: For the avoidance of doubt and to ensure that the details of the development are acceptable to the Local Planning Authority.

CONDITION 3: The facing materials to be used on the external walls and roof shall be of the same type, colour and texture as those used on the existing building.

REASON: To ensure a satisfactory external appearance and for the avoidance of doubt.

CONDITION 4: Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

REASON: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

CONDITION 5:

- I. During construction/demolition phases amplified music and/or radios shall not be audible beyond the site boundary;
- II. Any waste material associated with the demolition or construction shall not be burnt on site but shall be kept securely for removal to prevent escape into the environment. All waste transfer records should be retained for inspection by officers of the Local Planning Authority;
- III. No activity hereby permitted shall cause dust to be emitted beyond the site boundary so as to adversely affect adjacent residential properties and/or other sensitive uses and/or

the local environment. In the event dust is caused to escape the site boundary the activity shall be stopped until sufficient dust suppression has been undertaken to prevent further escape. There shall always be the appropriate means and sufficient water resources on site for dust suppression. These should be made available for inspection when required by officers of the Local Planning Authority

REASON: To protect the amenities of the area during construction

CONDITION 6: The rating level of sound emitted from [any fixed plant and/or machinery associated with the development and the industrial activities at the use hereby approved shall not exceed background sound levels by more than 5 dB(A) between the hours of 07.00–23.00 (taken as a 15 minute LA90 at the nearest sound-sensitive premises) and shall not exceed the background sound level between 23.00–07.00 (taken as a 15 minute LA90 at the nearest/any sound-sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014 + A1:2019) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments.

Where access to the nearest sound-sensitive property is not possible, measurements shall be undertaken at an appropriate location and corrected to establish the noise levels at the nearest sound-sensitive property.

Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority.

REASON: To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

CONDITION 7: All weightlifting activities, weight lifting machines and bench press equipment should take place or be mounted on anti-vibration matting or flooring in a way which will minimise transmission of structure-borne sound and vibration.

REASON: To safeguard the amenity of local residents and that of the surrounding area from noise and vibration disturbance.

CONDITION 8: No amplified sound shall be audible within or at the boundary of any noise sensitive (occupied) premises either attached to or in the vicinity of the premises to which this application refers.

REASON: To ensure that the reasonable residential amenities of adjoining properties are adequately protected from noise pollution

CONDITION 9: All doors and windows to the premises shall be kept closed at all times except for the explicit purpose of access to or exit from the building.

REASON: To avoid unnecessary noise from open doors and windows, in order to protect the amenity of the locality.

CONDITION 10: In the event that contamination, including any suspected asbestos containing materials (e.g. bonded cement), is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority. Development should not commence further until an initial investigation and risk assessment has been completed in accordance with a scheme to be agreed by the Local Planning Authority to assess the nature and extent of any contamination on the site. If the initial site

risk assessment indicates that potential risks exist to any identified receptors, development shall not commence until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been prepared, and is subject to the approval in writing of the Local Planning Authority.

REASON: To ensure that the proposed development meets the requirements of the National Planning Policy Framework in that all potential risks to human health, controlled waters and wider environment are known and where necessary dealt with via remediation and or management of those risks.

CONDITION 11: Details of all external of the site shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the development. The artificial lighting incorporated into this site in connection to this application shall not increase the pre-existing illuminance at the adjoining light sensitive locations (residential) when the light (s) is (are) in operation.

REASON: To protect the local amenities of the local residents by reason of excess of luminance.

Informative

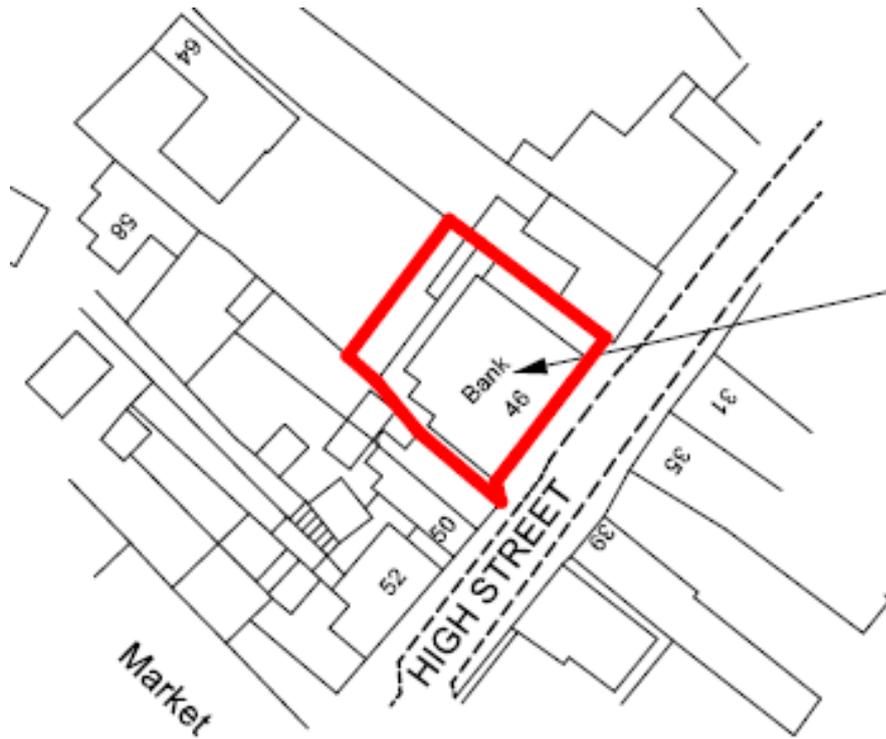
This is considered to be a sustainable form of development and so complies with the provisions of the National Planning Policy Framework.

1. Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

- The granting of planning permission does not in any way indemnify against statutory nuisance action being taken should substantiated complaints within the remit of part III of the Environmental Protection Act 1990 be received.
- A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you contact them directly to discuss their requirements: <http://www.hse.gov.uk/>
- If required, Contamination risk assessments shall be carried out in accordance with UK policy the Land contamination risk management framework (LCRM), published by the Environment Agency <https://www.gov.uk/government/publications/land-contamination-risk-management-lcrm>
- Submission of reports should also be made to the Environment Agency for comment with regard to their remit to protect ground and surface waters from pollution and their obligations relating to contaminated land.
- The Local Planning Authority will determine the acceptability of reports on the basis of the information made available to it. Please be aware that should a risk of harm from contamination remain post development, where the applicant had prior knowledge of the contamination, the applicant is likely to be liable under Part II (a) of the Environmental Protection Act 1990 and as such become an "appropriate person". In this event the applicant will be lawfully responsible to remove the risk posed by the contamination.

- Equally if during any site works a pathway for any contaminant on site is created and humans, waters, property or ecological systems are exposed to this, the applicant or those acting on behalf of the applicant will be liable under part II (a) of the Environmental Protection Act 1990 if the risks are not adequately addressed during the site redevelopment.
- During investigation and remediation works the applicant and those acting on behalf of the applicant must ensure that site workers, public property and the environment are protected against noise, dust, odour and fumes.
- The applicant is advised that should there be a requirement as part of the Remediation Strategy to treat, reuse or remove contaminated material on the site, the Environment Agency must be consulted, as these activities may need to be licensed or permitted. Contaminated materials identified for removal off site must be disposed of in an appropriately licensed landfill site.
- Staffordshire Moorlands District Council is keen to liaise with all stakeholders involved in this application. As such, we recommend that a proposed scope of works is forwarded to the Environmental Protection Department and agreed in principle prior to site investigation works being undertaken. The Environmental Protection Department is also prepared to review draft copies of reports prior to final submission to the Planning Department in order to ensure that works undertaken are sufficient to discharge the contaminated land conditions.

B. In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Head of Development Services has delegated authority to do so in consultation with the Chairman of the Planning Applications Committee, provided that the changes do not exceed the substantive nature of the Committee's Decision.



Site