

Application No: 09/2028M

Location: 17- 23, LONDON ROAD, ALDERLEY EDGE, CHESHIRE
Proposal: ERECTION OF BUILDING INCLUDING RETAIL ON GROUND FLOOR, OFFICES ON FIRST FLOOR AND BASEMENT PARKING (RETROSPECTIVE)

For MIDDLEMEDE PROPERTIES LTD

Registered 22-Jul-2009

Policy Item No

Grid Reference 384377 378423

Date Report Prepared: 1 October 2009

SUMMARY RECOMMENDATION

Approve with conditions

MAIN ISSUES

- Impact of the alterations to the previous planning permission on the site
- Design
- Residential Amenity

DESCRIPTION OF SITE AND CONTEXT

The site lies within the Shopping Area of Alderley Edge as designated by the Macclesfield Borough Local Plan. The site is located on the corner of London Road and Clifton Street. London Road is the main shopping street through Alderley Edge and Clifton Street is predominantly a residential street characterised by traditional two storey housing that extends towards the Trafford Road Conservation Area. The site itself does not adjoin the Conservation Area.

DETAILS OF PROPOSAL

The proposal is retrospective as the building is nearly complete. The development is a two storey building with a maximum height of 13 metres, including a mezzanine floor, with a retail use on the ground floor and offices at

first floor. The proposal also includes basement car parking with the access taken from Clifton Street. Parking is provided for 17 cars and 10 cycle spaces. The net tradable retail area on the ground floor is 416 sq m, not including storage space. Office space of approximately 650 sq m is provided on the first floor. The mezzanine level provides for staff facilities including an office, canteen and toilets. Deliveries to the site are proposed from London Road.

RELEVANT HISTORY

Planning permission 03/3207P is very relevant to this application and is a material consideration that should be afforded significant weight by Members in reaching a decision on this proposal.

Planning permission for a retail and office development with basement car parking was granted on 7 June 2005. That permission was recently commenced. Towards the completion of the build it became apparent that the building was not being built in accordance with the approved plans. Officers therefore declared that the development should be built in accordance with the approved plans or alternatively a new planning application would be required to attempt to regularise the breach of control. Hence this application has been submitted and is now before Members. It is important to outline the material differences and similarities between this proposal and the scheme that has previously been approved:

Key differences

- The rear section of the building where it faces residential properties on Clifton Street (adjacent to No.1 Clifton Street) has been built with an eaves height of approximately 5 metres, which is 0.5 metres higher than approved.
- The position and design of windows on the rear elevation and the elevation facing Clifton Street has altered.
- The eaves height of the rear section of the building where it faces Clifton Street has been increased by approximately 1 metre, with alteration to the proportion, design and positioning of fenestration. The splayed gable on this elevation has also been widened.
- The eaves height of the main building has been increased by approximately 300mm.
- The roof design has altered. False chimneys have not been built. The development also includes air conditioning plant inset within the roof.
- The service bay from Clifton Street has been removed. This is a false bay door shown on the drawings. It has been negotiated with officers that deliveries will take place from a new delivery bay to be created on London Road, with no HGVs to use Clifton Street. This allows more parking bays to be retained on Clifton Street and prevents servicing from Clifton Street.
- Shop front accesses have been added to the London Road elevation.
- The size of the internal mezzanine floor providing staff facilities has been enlarged by approximately 40 sq m.
- The proposal also includes an ATM on the London Road frontage (not yet installed).

Key Similarities

- The overall maximum height of the building is unchanged at 13 metres – this was measured during construction by officers.
- The basement car park access remains in the same position from Clifton Street.
- The footprint of the building has not changed.
- The materials are those approved during the previous application (brick, slate, stone surround and aluminium frames). The brick samples were approved previously.
- The retail and office floorspace within the building remain very similar. The previous planning permission had gross floor areas of: basement 691 sq m; ground floor 691 sq m; first floor 634 sq m; and mezzanine 84 sq m. With this proposal the gross areas are as follows: basement 691 sq m; ground floor 691 sq m; first floor 663 sq m; and mezzanine 120 sq m.

POLICIES

Regional Spatial Strategy

DP1 (Spatial principles applicable to development management)
DP2 (Criteria to promote sustainable communities)
DP3 (Promotion of sustainable economic development)
DP4 (Sequential approach to make the best use of existing resources)
DP6 (Linking economic opportunity with areas in greatest need)
DP5 (Objectives to reduce the need to travel and improve accessibility)
DP7 (Criteria to promote environmental quality)
DP9 (Objectives to reduce greenhouse gas emissions and adapt to climate change)
EM18 (Securing decentralised energy supply in new development)
EM16 (Energy conservation and efficiency)
RT2 (Strategies for managing travel demand and regional parking standards)
RT9 (Provision of high quality pedestrian and cycle facilities)
W5 (Retail Development)

Local Plan Policy

BE1 (Design principles for new developments)
DC1 (High quality design for new build)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
AEC1 (Protection of the vitality of the shopping area)
AEC3 (Use of upper floors in shopping areas)
AEC5 (Control over the scale of office development in Alderley Edge)
S1 (Proposals for new shopping developments)

Other Material Considerations

Relevant national planning guidance includes PPS1: Delivering Sustainable Development and PPS6: Planning for Town Centres.

CONSULTATIONS (External to Planning)

Highways: No objection subject to conditions and a financial contribution via legal agreement to deal with requirements to accommodate the loading bay on London Road

Environmental Health: Comments awaited.

Cheshire Constabulary planning liaison officer: Comments awaited.

VIEWS OF THE PARISH / TOWN COUNCIL

No objection subject to a condition requiring obscure glazing to be installed in the office windows opposite the residential unit above Weinholt's Bakery.

OTHER REPRESENTATIONS

13 letters of representation have been received. 11 of these are of objection to the proposal. 1 supports the proposal and another supports the proposal subject to conditions requiring the installation of frosted glass and subject to the loading bay on London Road having a more limited delivery time to allow cars to park there up to 4 pm.

The points of objection are summarised as follows:

- Loss of light and amenity to No.1 Clifton Street and adjoining residential property.
- The building is out of proportion and out of character with its surroundings.
- The proposal is contrary to local plan policies H13, DC3, S1, BE1 (design standards for new development), DC6, DC13, AEC5 and DC48.
- Noise, traffic generation, access and parking will all affect the amenity of the residential area.
- It will negatively impact on other retailers in the village.
- Insufficient parking is provided.
- The process has been undemocratic.
- Does not preserve the appearance of the adjoining conservation area.
- Amount of office space exceeds limits allowed by policy.
- Lack of information regarding opening hours
- Noise and light pollution
- Poor design with no chimneys and contrived window positions.
- Roof line is higher than in the application.
- 24 hours impact from cash machine.
- Increase in anti-social behaviour.
- The design and access statement is incorrect and mis-leading.
- It extends the shopping area into the adjacent residential street contrary to the objective of the Local Plan.

The points of support state that it is a good looking building, will add amenity to the village and helps to resolve parking problems.

APPLICANT'S SUPPORTING INFORMATION

A design and access statement has been submitted with the application which can be viewed online as background information.

It is stated that the elevational treatment conforms to the traditional properties along London Road with prominent gables, facing brick walls with stone window cills and heads, corniced shop windows and ashlar stone plinths. Entrance to the retail and office units is from London Road. Access to the car parking in the basement is from Clifton Street as it was previously. Retail loading is to be from London Road with a 25m Loading Bay as discussed with the Cheshire East Traffic Engineer. The loading will be restricted from 7am – 10am and 3pm-7pm. No HGVs will use Clifton Street. Additional parking bays are to be provided along Clifton Street.

OFFICER APPRAISAL

Principle of Development

The application follows an approval by the Local Planning Authority for a retail and office development that was substantially the same as this proposal. There is therefore no objection in principle to this development. Policy W5 of the Regional Spatial Strategy seeks to encourage investment, of an appropriate scale, in centres such as Alderley Edge in order to maintain and enhance their vitality and viability. Similarly, shopping policies of the Macclesfield Borough Local Plan aim to secure the viability of shopping centres through development of an appropriate scale to ensure the provision of important day to day shopping facilities.

Policy

Objections have been raised in respect of the scale of the retail and office development in terms of how it will impact upon Alderley Edge and adjoining residents. The extent of retail and office space has previously been accepted, which replaced 6 smaller shop units and offices that previously existed on the site. The site is located in the Alderley Edge Shopping Area and therefore these uses are appropriate to the site. Given that the scale of the use has already been accepted a policy objection cannot be raised in terms of floorspace. The key issues for Members to consider with this development relate to the changes in the built form of the development that have resulted from the developer deviating from the approved plans. In particular the pertinent issues are of design, access, massing and impact on the residential amenity of the occupiers of adjoining property.

Policies DC1 and BE1 of the Local Plan require new development to be of a high standard and sympathetic to its surroundings. Particular attention is given to height, scale and materials of new buildings. Policy DC3 seeks to ensure that development does not significantly injure the living conditions of adjoining residential property through issues such as loss of light, privacy, overbearing impact, overshadowing and noise. Policy DC6 seeks to ensure safe and convenient access for vehicles, pedestrians and special needs groups.

Highways

The basement provides 17 car parking spaces (3 disabled) and 10 cycle spaces. The previous application provided 18 spaces, but better cycle provision is made in this proposal. The highway officer response concludes with no objection subject to conditions. In the previous application the developer made a contribution in lieu of parking provision. Access is taken from Clifton Street as with the previous planning permission.

In terms of delivery, the Council has had prolonged discussion with the applicant to provide a delivery bay on London Road. The previous planning permission included delivery and servicing from Clifton Street. During a residents' meeting at the Parish Council it became apparent that this was not a very satisfactory situation for local residents. Bearing in mind that the previous approval has delivery arrangements from Clifton Street, the Council would have little ground for resisting the same arrangement with this proposal. However it has been negotiated that deliveries will be made from London Road with no HGV delivery vehicles using Clifton Street. The internal service bay from Clifton Street has been removed from the plans and the large bay door is a false door that retains the design of the previous permission.

Design

The overall design of the building remains substantially the same as the previous permission. The materials used are as approved and the overall bulk of the development is relatively unchanged with minor alterations at the rear of the building and to the eaves level. The key differences have been noted above. In terms of appearance of the building, the main change is on the Clifton Street elevation where the building drops down to a lower level. The first floor windows are at a lower level and the bay has been narrowed. The eaves level does not drop down at this section as with the previous approval. Despite these changes the appearance of the building is of a satisfactory standard with a good finish of traditional materials.

The alterations to the roof relate to the flat roof section inset behind the pitched roof that is visible from the public realm and these alterations have no impact on the appearance of the building. The loss of the false chimneys is regrettable but this is not considered to significantly harm the design of the building. It also would have been preferable to retain the cills of first floor windows closer to the fascia above the shop windows. However the building as constructed is considered to have an acceptable relationship to the scale and design of the adjoining and nearby buildings.

In summary the changes to the design of the building are relatively modest and have not significantly altered the appearance of the building within the street scene when compared to the previously approved design. Other minor alterations to the fenestration of the building have little impact, such as the creation of new doors onto London Road. It is considered that the development complies with policies DC1 and BE1 (design standards for new development) of the Local Plan.

Amenity

The key issue in terms of residential amenity is the impact on the occupier of No.1 Clifton Street. This property is located to the rear of the new development and is separated by a pedestrian walkway. The rear elevation of the development is located at 90 degrees to the rear elevation of No.1 Clifton Street, which has habitable room windows in close proximity to rear wall of the building. The development evidently has some impact on the light and outlook of this property, but this is not considered to be materially different from the previous planning permission. The eaves level of the rear wall in question is approximately 0.5 metres higher than previously approved and it is not considered that this additional height has a material impact on the living conditions of the occupier of No.1 Clifton Street in terms of loss of light, privacy or overshadowing. Similarly any noise impacts on surrounding properties would be unchanged.

An objection has also been raised regarding the first floor office windows that face a residential flat on the opposite side of Clifton Street, it has been requested by the Parish Council and the adjoining property that these windows be obscure glazed. However, given that this was not a condition of the previous permission and the windows are in the same position it is considered unreasonable to now impose such a condition.

Concerns have been raised regarding the proposed ATM machine on London Road. ATM machines are to be expected in a shopping area and it is not considered that this proposal would have an unduly harmful impact on living conditions. It is not considered that there would be a security issue with this proposal; however comments from the police planning liaison officer are awaited.

The proposed delivery arrangements would have an improved impact on surrounding residential properties, as this will no longer take place on Clifton Street.

Concern has been raised regarding opening hours. No restriction was placed on the opening hours of the previous permission by conditions and therefore it is considered unreasonable to impose a restrictive condition on this application if it is approved. The operating hours of the prospective tenant of the site are believed to be 7am to 11pm.

Other matters

It has been noted that the submitted plans do not fully reflect what has been built on the site. Revised plans have been requested so that there is no discrepancy. Representations have been made on the basis of the development as built on the site and therefore these objections are valid and are not considered to have been prejudiced by any error on the plans.

HEADS OF TERMS

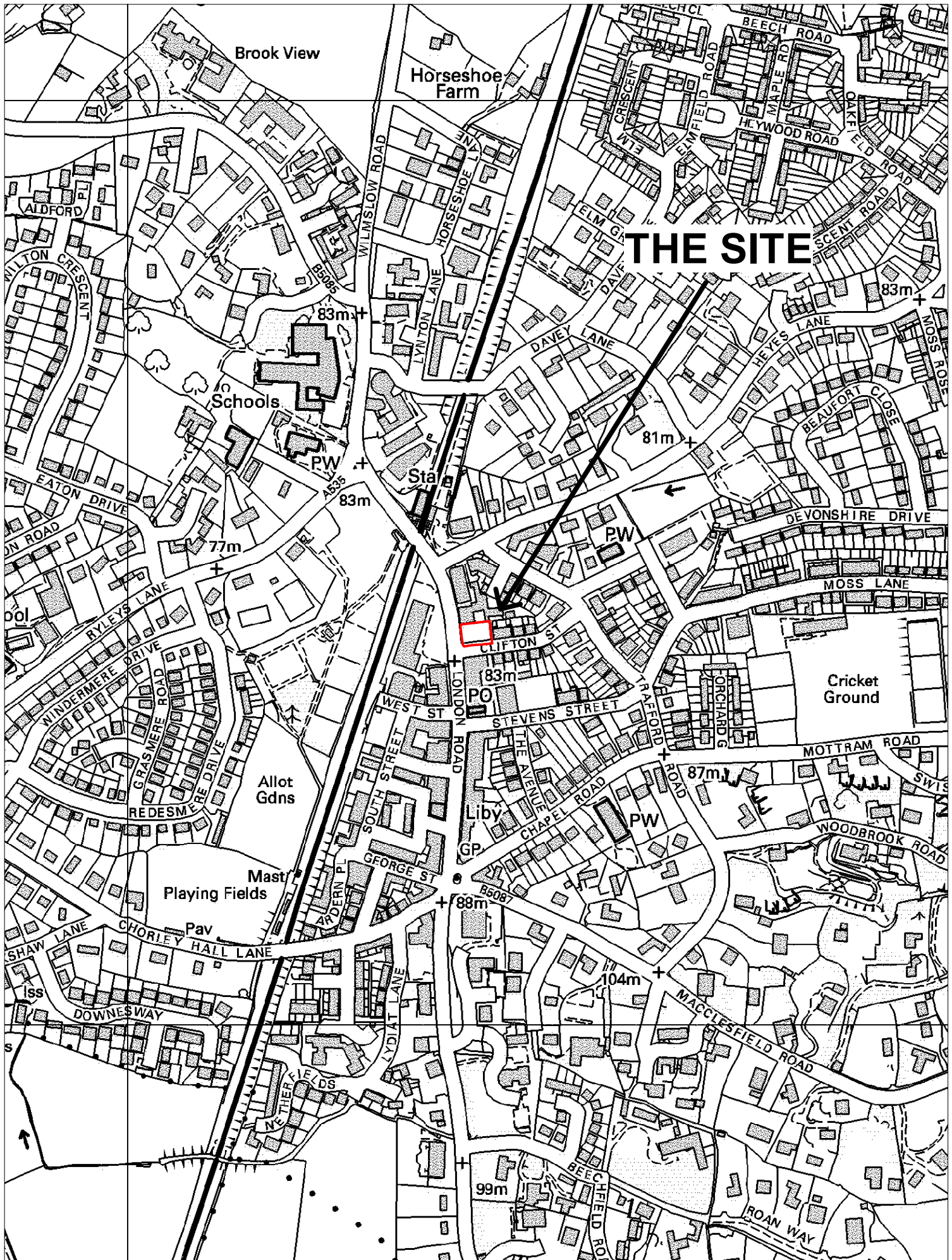
A unilateral undertaking has been requested from the applicant in respect of financial contributions required for the amendments to the traffic regulation orders on London Road and Clifton Street. The applicant has agreed to this, but in the absence of a completed undertaking before the committee meeting a legal agreement will be required.

SUBJECT TO

S106 legal agreement for traffic regulation order amendments.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The proposed development represents a relatively minor alteration to a recent planning permission and the circumstances are substantially unchanged. The proposed development complies with relevant Development Policy and in the light of s38(6) of the Planning and Compulsory Purchase Act the application is recommended for approval subject to conditions.



09/2208M - 17- 23, LONDON ROAD, ALDERLEY EDGE

N.G.R. - 384,380 - 378,420

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Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A01AP - Development in accord with approved plans
2. AGRG1 - Details of deliveries
3. ALP71 - limitation on use
4. AGR91 - Ground floor window display
5. Access in accordance with approved plans
6. No obstruction of footway
7. Parking
8. Cycle Parking
9. Access Drive
10. Changing Facilities