

Application No: 14/4462C

Location: LAND ADJACENT 6, HEATH END ROAD, ALSAGER, ST7 2SQ

Proposal: Proposal for a garage, greenhouse, kitchen garden and access (resubmission of 14/3152C)

Applicant: Mr Adrian Girvin

Expiry Date: 24-Nov-2014

SUMMARY RECOMMENDATION: Refuse.

MAIN ISSUES:

- Principle of the development
- Layout and Scale
- Appearance
- Amenity
- Highways
- Ecology
- Trees and Landscape

REASON FOR REFERRAL

The application has been called in to Southern Planning Committee by Cllr Derek Hough on the following grounds:

“Application 14/3152 has been approved. This cannot be revoked. Cllr. Rod Fletcher’s request for a call-in was refused.

Application 14/4462 raises concerns. In spite of 14/3152 having been granted some issues are the same.

On 14/3152 the officers report stated that the applicant indicated that the garage etc. were part of the applicant’s existing house, 21 Pikemere Road, although this was not part of the application. The relationship between the existing house and the site of the garage was not assessed. The site of the existing House was not shown on any maps. The existing house has access from Pikemere Road. Application no 14/3152, green house and garage, has access from Heath End road. i.e. The house, 21 Pikemere and garage in 14/3152 appear to have different accesses. I am unaware of parking facilities of the existing House.

Between the existing house and the proposed garage is a plot with permission for a large single house and garage.(application number 11/0217). This has parking for 4 cars and access is from Heath End Road. The site of this development is not shown on any of the maps. The application form for site 14/3152 suggest 2 parking spaces with no existing parking. If that application starts with no car parking then which house or proposed house does the two parking spaces relate to?

14/4462, the current proposal is basically to increase the size of the Garage to the height of the immediate neighbours ridge level. 14/3152 made a point that the garage was subordinate to the neighbouring house. The current application includes a games room with windows upstairs.

This increase in size adversely affects the amenity of No6 and leads to the possibility of converting the garage to a dwelling in the future.

The site is already being marketed for commercial or domestic use. What commercial use is intended?

My call-in is in response to concerns expressed by residents. Those concerns relate to the loss of amenity and the possibility of conversion of the garage to a house. It also includes intrusion into a Greenfield site.

If the call-in is accepted then these matters can be discussed and resolved in an open and informed manner.”

DESCRIPTION AND SITE CONTEXT

The application relates to an area of garden land, situated between 6 Heath End Road and a site to the north that has planning permission for a new dwelling (see history). The site is adjacent to a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The site also contains two mature Oak trees that are the subject of a Tree Preservation Order. The land is designated in the local plan as being within the settlement zone line of Alsager.

A very similar proposal was approved in August 2014. (14/3152N)

DETAILS OF PROPOSAL

This application proposes a garage, greenhouse and kitchen garden and would take vehicular access from the access approved for the new dwelling approved on the adjacent plot of land.

RELEVANT HISTORY

27679/3 1996 Refusal for the erection of 7 dwellings

28018/3 1996 Refusal for the erection of 5 dwellings

31940/3 2000 Refusal for the erection of 5 dwellings

33264/3 2001 Refusal for the erection of 5 dwellings, appeal dismissed 2002
36593/3 2003 Refusal for the erection of 3 dwellings
08/1687/FUL 2009 Withdrawn application for the erection of 3 dwellings
10/0815C 2010 Withdrawn application for the erection of 2 dwellings
11/0217C 2011 Approval subject to s106 for bungalow and detached garage
11/3349C 2014 Approved application for detached dwelling
14/2269C 2014 Approved application for detached dwelling
14/3152N 2014 Approved application for a garage, greenhouse, kitchen garden and access.

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

SD 1 Sustainable Development in Cheshire East
SD 2 Sustainable Development Principles
SE 1 Design
SE 2 Efficient Use of Land
SE 3 Biodiversity and Geodiversity
SE 4 The Landscape
SE 5 Trees, Hedgerows and Woodland
SE 9 Energy Efficient Development
SE 12 Pollution, Land Contamination and Land Instability
PG 1 Overall Development Strategy
PG 2 Settlement Hierarchy
PG5 Open Countryside
EG1 Economic Prosperity

The relevant policies saved in the **Congleton Borough Local Plan First Review 2005** are:

PS4 Towns
GR1 New Development
GR2 & GR3 Design
GR6 Amenity and Health
GR9 Parking and Access
NR1 Trees and Woodlands
NR2 Wildlife and Nature Conservation
NR3 Habitats

SPD14 Trees and Development

Other Material Considerations

BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations

The Conservation of Habitats and Species Regulations 2010 (as amended)

CONSULTATIONS (External to Planning)

Environmental Health:

None received at the time of report writing.

Highways:

None received at the time of report writing.

VIEWS OF TOWN/PARISH COUNCIL

Alsager Town Council objects to the size of this application and considers it to be imposing, un-neighbourly and an intrusion into open countryside.

OTHER REPRESENTATIONS

At the time of report writing, two objections have been received expressing concerns over, loss of outlook, overlooking, privacy, inappropriate development and creeping development.

OFFICER APPRAISAL

Principle of Development

National Planning Policy Framework

The National Planning Policy Framework states the following:

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision taking.*

For **decision taking** this means:

- *Approving development proposals that accord with the development plan without delay; and*
- *Where the development plan is absent, silent or relevant policies are out-of-date, granting planning permission unless:*
 - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against policies in this Framework taken as a whole;*
 - or*

- *specific policies in this framework indicate development should be restricted*

The site is designated as being within Settlement Zone Line of Alsager and as such there is a general presumption in favour of development provided it is in keeping with the town's scale and character and does not conflict with other policies of the local plan.

This proposal is for a detached garage and greenhouse and whilst the plans do not link it to any particular property the applicant has indicated that it will be included in the domestic curtilage of his own property, 4A Pikemere Road, Alsager, which is adjacent to the site, this could be controlled by condition.

The proposal is therefore considered to be acceptable in principle.

Layout and Scale

The proposal is for a garage, greenhouse, kitchen garden and access from the approved access to application number 14/2269C.

The garage as originally approved (14/3152C), would have been approximately 6.4m in height with a pitched roof and would be 6.6m wide and 10.6m long. The proposal subject of this application would include rooms within the roof and increase the ridge height to approximately to approximately 7.5m in order to accommodate a games room and hobby room.

The greenhouse would be sited adjacent to the boundary with the site that has approval for a new dwelling (11/3349C, 11/0217C and 14/2269C). It would be 'T' shaped with a roof height of approximately 3.5m and would be 6.5m wide and 3.8m deep in the central part.

Given the nature of the surrounding development and the fact that the site is within the settlement zone line of Alsager, it is considered that the proposed development would not be out of keeping with the character and appearance of the area. It is therefore considered that the layout and scale would be acceptable.

Appearance

A garage and greenhouse have already been approved on this site. This proposal is of an amended design of the garage, which is larger and more ornate than that which was previously approved; however it is not unusual to have garage structures such as this in the borough. As such a reason for refusal on design grounds could not be sustained.

The greenhouse would also be a traditional design for this type of building, which again is considered to be acceptable in this residential area.

The proposal is therefore considered to be acceptable in design terms and in accordance with Policy GR2 of the adopted local plan.

Amenity

The property most affected by the proposal would be number 6 Heath End Road. The occupiers of this property have objected on the grounds that the building would be

overbearing and loss of privacy, in particular from the balcony. They also had concerns about changes in levels, however these have now been clarified by Officers.

The balcony would directly face the garden of 21 Rydal Way; in this case there is a distance in excess of 25m between the balcony and the boundary of this property, therefore there would be no significant loss of privacy to this property. The side of the balcony would, however directly over look the garden of 6 Heath End Road, resulting in an unacceptable loss of privacy to this property.

There is currently a planning application at 6 Heath End Road, under consideration, for a two-storey extension and alterations (14/4268C). Due to the siting of the proposed garage and the obscure glazing of windows and the proposed extension to 6 Heath End Road, it is not considered that there would be any significant adverse impact on residential amenity, should the extension be approved.

Having regard to loss of light, there may be a small impact to a small part of the garden of number 6; however this is not considered to be so significant as to warrant refusal of the application.

The owners of number 21 Rydal Way have expressed concerns about loss of outlook. It should be noted that in planning terms there is no right of a view over someone else's land. It is considered that the height and massing of the building would not create an outlook that would be overbearing to this or the neighbouring property.

The proposal is therefore considered to be in compliance with Policy GR6 of the adopted local plan and acceptable in terms of residential amenity.

Highways

The Strategic Highways Manager has not commented on this proposal. However the access used would be the same as for the dwelling on the adjacent site. Given that the proposal is for a garage to serve a domestic property, it is not considered that there would be any significant adverse impact on highway safety. Whilst a previous appeal decision on the site (33264/3), cited highway safety as an issue, that proposal was for 5 dwellings and given that this proposal would mean that the access would serve 2 dwellings, it is not considered that a refusal on these grounds could be sustained.

The proposal is therefore considered to be acceptable in highway safety terms and in accordance with Policy GR9 of the adopted local plan.

Ecology - Protected Species & Nature Conservation

Great Crested Newts

Numerous ponds, many of which are garden ponds, are located within 250m of the proposed development. A number of Great Crested Newt surveys have been undertaken of these ponds over an extended time period, with the most recent surveys being undertaken in 2014. These surveys have recorded Great Crested Newts as being present at a number of the ponds.

One nearby garden pond which had previously been identified as supporting Great Crested Newts during an earlier survey currently holds no water and does not now function as a pond. This particular pond therefore now offers no opportunities for breeding Great Crested Newts.

A further garden pond has recently been identified by a local resident. This pond has been subject to a preliminary survey undertaken on behalf of a local resident, which did not result in any evidence of great crested newts being present, however the survey was a single visit only and so is insufficient to robustly establish presence or likely absence of breeding great crested newts. The Council's Ecologist advises that, on balance, based on the small size of this particular pond and the level of survey work undertaken to date it is not reasonable likely that this pond supports a breeding population of Great Crested Newts and so no further surveys of this particular pond is required.

The Council has sufficient information to conclude that the various ponds surrounding the development support a MEDIUM sized metapopulation of Great Crested Newts.

The application site itself consists of very closely mown grassland which provides no opportunities for Great Crested Newts to shelter or hibernate. The grassland offers opportunities for foraging newts. However there is abundant similar habitat located around the development site and this minor loss would be compensated for through the proposed enhancements to the existing pond area discussed below.

In the absence of mitigation the proposed development does pose the risk of disturbing, killing or injuring any great crested newts that ventured onto the site during the construction phase. To mitigate this impact the applicant is proposing that the development be undertaken in accordance with a method statement of 'Reasonable Avoidance Measures' designed to address this risk. These measures include completing the works over the winter period when amphibians are hibernating.

Provided the proposed mitigation measures are implemented, the proposed development would be highly unlikely to result in a breach of the Habitat Regulations. Consequently, it is not necessary for the Council to have regard to the requirements of the Habitat Regulations during the determination of this application.

As part of the application a package of ecological enhancements are proposed which centre around the restoration and enhancement of the pond area adjacent to the proposed development. It is considered that the proposed restoration of the pond has the potential to deliver significant ecological benefits. This should be secured by condition.

As Great Crested Newts may be present in the vicinity of the pond proposed for enhancement there is a risk that Great Crested Newts could be disturbed, killed or injured during the implementation of the enhancement works. To address this risk the applicant has proposed that the enhancements be undertaken under a method statement which includes the timing and supervision of the works. It is considered that if the enhancements works are undertaken in accordance with the submitted method statement the works would not be likely to result in an offence under the Habitat Regulations.

If planning consent is granted a condition must be attached to ensure the pond enhancement works proceed in strict accordance with the submitted Great Crested Newt (GCN) Method Statement for Pond Enhancement Works produced by UES dated July 2014.

It is also recommend that the condition specifies a trigger for when the habitat restoration and enhancement works should be completed such as prior to commencement, prior to fist occupation etc. It may also be beneficial if the condition required the works on site to be signed off by the LPA once they have been completed satisfactorily. As with the recent permission at this locality the Council's Ecologist recommends that a condition be added to ensure that a hand search for GCN is undertaken of the ground where material will posted prior to the deposition of any material excavated during pond enhancement works.

In order to secure the long term viability of the enhanced pond it is recommended that if planning consent is granted a planning condition or obligation be attached to secure the submission and implementation of a long term habitat management plan for the enhanced pond and the retained and enhanced areas of habitat around the development site.

In accordance with Natural England's standing advice it is recommended that if planning consent is granted an informative should be attached advising the applicant that in the event that Great Crested Newts are unexpectedly encountered during works, that works should cease immediately and further advise sought from an appropriately licensed ecologist or Natural England.

Reptiles and Common Toad

Grass snakes have previously been recorded on site. Whilst detailed reptile surveys undertaken on land to the north of the application site did not record any evidence of reptiles it is considered that there remains the possibility that grass snakes may still occur within the broader locality of the application site. Similarly, considering the number of ponds in the broad locality there is also the possibility that common toad may occur.

The footprint of the proposed development however offers negligible habitat for reptile species and minimal opportunities for common toad.

It is considered that the proposed development poses a minimal risk to reptiles and common toad and the submitted Great Crested Newt mitigation would also further reduce the risk posed to these species.

Breeding Birds

If planning consent is granted it is recommended that standard conditions will be required to safeguard breeding birds.

Bats

Two mature oak trees on site will be subject to crown lifting works as part of the proposed development. These trees have potential to support roosting bats. However, based on discussions with the Council's Tree Officer it is confirmed that the level of works anticipated to the trees would not be reasonably likely to result in any significant risk to roosting bats. No offence in respect of roosting bat is therefore likely to occur.

If planning consent is granted additional provision for bats could be provided as part of the proposed development. This matter may be dealt with by means of a planning condition if consent is granted.

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Trees and Landscape

The Principal Forestry and Arboricultural Officer has not commented on this application. However the issue of the neighbouring development and in particular the access were covered extensively in relation to application number 14/2269C.

There is an area of woodland and two trees subject to Tree Preservation Orders on the site and therefore an important issue relating to this application is the impact of the access road on these protected trees. The public inquiry that was held into a previous application (33264/3), concluded that a satisfactory method of construction could be achieved that would not adversely impact on the health of these trees.

This application provides the same private driveway configuration as the three previously approved applications 14/2269C, 11/0217C and 11/3349C. The submission is for a garage, greenhouse and access from the driveway on the approved applications.

A Tree Survey Report has been submitted in support of 14/3152C which is broadly in line with the current *British Standard BS5837:2012 Trees in Relation to Design, Demolition and Construction – Recommendations*.

The application proposes the same access route as the previously approved applications and in respect of the two protected Oak trees, (T2 and T3) officers are satisfied that there would be no greater impact taking into account the requirements of BS5837:2012.

The driveway and other aspects of tree protection/landscaping can satisfactorily be dealt with by the imposition of conditions.

CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, the site is within the settlement zone line of Alsager in the adopted local plan and the proposed development complies with the relevant policies contained within that document. It also complies with the requirements of policies contained within the Cheshire East Development Strategy – Submission Version and the NPPF. The proposal is of an appropriate scale and design and includes measures to ensure the continued viability of the habitat of Great Crested Newts. However the development would have a detrimental impact upon residential amenity and is recommended for refusal.

RECOMMENDATION:

Refuse for the following reason:

1. The proposed development would result in an unacceptable loss of privacy to the occupiers of 6 Heath End Road, Alsager. This is due to the position of the balcony on the proposed garage. The development is therefore contrary to Policy GR6 of the adopted Congleton Borough Local Plan First Review 2005.

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