

Planning Reference No:	09/0930C
Application Address:	38 Pikemere Road, Alsager.
Proposal:	Two residential units to rear of 38 Pikemere Road, on existing rear garden land
Applicant:	Mr Andrew Chatterton
Application Type:	Full Planning Permission
Ward:	Alsager
Registration Date:	25 th June 2009
Earliest Determination Date:	11 th August 2009
Expiry Date:	19 th August 2009
Date report Prepared	3 rd February 2010

SUMMARY RECOMMENDATION:

Approve with conditions.

MAIN ISSUES:

- Principle of the development
- Impact on trees
- Layout and design

1. REASON FOR REFERRAL

Called in by Councillor S Jones for reasons of overdevelopment of the site and adverse impact on neighbouring properties.

PREVIOUS MEETING

At the Planning Committee meeting held on 9th December 2009, members resolved to defer this application in order to undertake a site visit. The application was again deferred on 6th January 2010 in order to allow for the submission of amendments to the scheme.

A revised plan has been submitted for consideration, which sites the proposed dwellings further from the trees and the removal of the Elm tree (203). This is explained below in the Officer Appraisal section of this report.

Further information has been submitted relating to Great Crested Newts and the Nature Conservation Officer considers that they are not 'reasonably likely' to be present for the purposes of the advice given in Planning Policy Statement 9: Biodiversity and Geological Conservation. As such this addresses the previous recommendation for refusal on the grounds of insufficient information.

2. DESCRIPTION AND SITE CONTEXT

The application relates to a site, which is currently part of the large rear garden of 38 Pikemere Road, Alsager. The land is designated in the local plan as being within the settlement zone line of Alsager.

3. DETAILS OF PROPOSAL

The proposal is for the erection of two residential units in the rear garden of 38 Pikemere Road, Alsager. They would consist of two large detached dwellings with detached double garages. Access would be taken adjacent to the boundary with number 36 Pikemere Road, which was granted consent by Committee, for 2 dwellings in the rear garden in January of this year.

4. RELEVANT HISTORY

07/0111/FUL Approval for porch 2007
22388/3 Approval for garage extension 1990
18584/3 Approval for extensions 1987
13783/3 Approval for garage 1981
9914/3 Approval for extension 1979
8097/1 Refusal of outline application for dwelling and garage 1978

5. POLICIES

National Guidance

PPS1 – Delivering Sustainable Development
PPS3 – Housing
PPS9 – Biodiversity and Geological Conservation

Congleton Local Plan 2005

PS4 – Plan strategy
GR1 - General criteria for new development
GR2 - Design
GR6 – Amenity & health
GR9 - Highways safety & car parking
H1 – Provision of new housing development
H2 – Housing supply
H4 – Residential development in towns

6. CONSIDERATIONS (External to Planning)

Environmental Health:

The desk top assessment concluded that there were no issues relating to contaminated land, having studied this it is not envisaged that any further issues would arise in relation to the potential for contaminated land within this application, based upon the applicant's submitted information.

Conditions are recommended relating to the hours of construction and piling.

Highways

Initially recommended refusal of this application, as the access would not meet the desired standards, subsequently a revised plan was submitted and the Strategic Highways Manager has agreed the proposed access subject to informatives relating to the vehicular crossing and entering into a S278 agreement.

Senior Landscape and Tree Officer

Biodiversity

The submission includes an Ecological Scoping survey by Apex Ecology dated June 2009. The survey included a habitat assessment and inspection of a garage and a pond for their potential to support protected species. The site is assessed as having potential for bats, breeding birds, Great Crested Newts, hedgehog and invertebrates.

Bats - No evidence found in the garage of roosting bats but some potential for access identified. The local area is considered to provide good foraging. A precautionary approach is recommended for demolition of the garage.

Breeding birds - It is recommended that any clearance works be timed to avoid the breeding season.

Originally a report was submitted relating to Great Crested Newts, however this was not considered to be adequate. Further information has been submitted relating to Great Crested Newts and the Nature Conservation Officer considers that they are not 'reasonably likely' to be present for the purposes of the advice given in Planning Policy Statement 9: Biodiversity and Geological Conservation. As such this addresses the previous recommendation for refusal on the grounds of insufficient information.

Trees

The amendments provide some improvement to the levels of residential amenity for the rear gardens of the proposed new plots. The layout has been altered, and this in addition to the proposed reduction in height of the conifer hedge to the south, would allow more natural light to enter Plot 1. The proposed removal of the Elm tree on the south east corner of the site would remove a dominating feature to Plot 2. Whilst the loss of this tree would be regrettable, the view has been taken previously that none of the trees on the site are considered to be sufficiently prominent to have significant public amenity value as to merit the protection afforded by a Tree Protection Order.

The proposed garage block would encroach partly within the root protection area of a retained Elm tree located off site close to the southern boundary. It could be argued that the encroachment is within the tolerances cited in British Standard 5837:2005 Trees in relation to construction. The issue remains that although the house would be outside the tree crown spread, due to its orientation in relation to Plot 2, this tree will result in shading of the garden and rear elevation.

In the event that the proposals are deemed acceptable, appropriately worded conditions would be required to ensure measures are taken to protect retained trees, with details of tree works, protective fencing, special engineering measures for the sections of the driveway which fall within tree root protection areas and appropriate

supervision. A landscape condition would be appropriate to ensure replacement tree planting is achieved.

Spatial Planning

The Regional Spatial Strategy, 5 year supply figures appear to be exceeded, however, the RSS requests an average only and it is considered, that in this case, approval of this application would not materially affect the housing land supply figures.

7. VIEWS OF TOWN/PARISH COUNCIL

The Town Council has concerns regarding over intensification of the site and possible un-neighbourliness from the proposed development overlooking bungalow properties in College Road. The Town Council has also ask for site inspection before any decision is made.

8. OTHER REPRESENTATIONS

One letter objection has been received in relation to this application raising the following issues:

- Proximity of large building adjacent to the boundary
- Loss of privacy
- Damage to trees
- Proximity of the properties resulting in loss of privacy
- Overdevelopment of the site

9. APPLLICANT'S SUPPORTING INFORMATION

- Contaminated land survey
- Ecological scoping survey
- Arboricultural survey and constraints report
- Design and Access Statement

10. OFFICER APPRAISAL

Principle of Development

This application seeks a development of 2 detached dwelling houses in the rear garden of 38 Pikemere Road. The site is designated as being within the settlement zone line of Alsager and as such the presumption is in favour of development, provided that the development complies with the relevant policies in the adopted Local Plan. Policies H1 and H2 relate to housing land supply and distribution. There has been for some years an over supply of housing within the borough when compared with Structure Plan targets. Local Plan policy H1 sought to limit housing development to 200 units per annum. However with the introduction of Planning Policy Statement 3 the Council now has to ensure that it has a deliverable five year supply of land for housing and if this is not the case the Council should consider favourably suitable applications for housing. In the absence of any objection from the Spatial Planning Section on housing land supply grounds; it is considered that the development is acceptable in principle.

Highways

Initially the Strategic Highways Manger recommended refusal of this application on the grounds that the access would not meet the required standards. Subsequently amended plans have been submitted that address the issues raised and it is now considered that the proposal would not have an adverse impact on highway safety and would be in compliance with Policy GR9. The proposed scheme can co-exist with the outline approval at No.36.

Ecology - Protected Species & Nature Conservation

An objection is raised on the grounds that insufficient information has been submitted in support of this application. An ecological scoping survey was submitted that concludes that there was no evidence of bats in the garage, but a precautionary approach is recommended during demolition of the garage. It is also recommended that any clearance works take account of the breeding bird season.

Having regard to the issue of Great Crested Newts, the initial report states that the pond is capable of supporting the species and recommends a search of the local biological records is undertaken and dependant on the results a targeted survey for Great Crested Newts may have to be undertaken. There was no record of a search being undertaken and no comprehensive survey had been submitted, therefore it was not possible to assess potential impacts on the species. Subsequently a new report was submitted and the Nature Conservation Officer has stated that this shows that Great Crested Newts are not likely to be present and as such the development should not have an adverse impact on this protected species.

Landscape

The site contains several trees, none of which are protected and in addition there are trees subject to protection orders on land to the west and east. The arboricultural assessment rates several of the trees as highly desirable or desirable to retain and recommends that development should be located not to impact on root protection zones. In the original proposal the house on Plot 2 would have been within the crown spread of an Elm tree and the garage would be within the crown spread and root protection zone of a second mature Elm tree off site. As such it was considered that two mature Elm trees would dominate and cause significant shading to the rear gardens and rear elevations of both plots to the detriment of the amenities of the occupiers.

The amended plan submitted proposes the removal of the Elm tree (203) and replacement planting with more suitable species and siting. The garage would now be a shared double unit and has been removed from the root protection zone of the off site Elm tree and only encroaches marginally into the crown spread. It is considered that the removal of this tree would render this plot as acceptable in terms of useable private amenity space as the garden would not now be completely overshadowed. As previously stated, the loss of this tree would be regrettable, however as it is not considered to merit being the subject of a Tree Preservation Order, a refusal on these grounds is not considered to be sustainable.

Layout

The proposal is for two detached dwellings, with a shared double garage, all to the rear of the existing dwelling. Plot 1 would be just over 10m from the rear boundary of the site and Plot 2 within 6.5m and the shared double garage would be site between the two plots.. Access would be taken from one of the existing accesses adjacent to number 36, which has now been granted consent for two dwellings in the rear garden. The original proposal, due to its

size, layout and the impact of trees was considered to comprise a cramped form of development, however it is considered that the amendments have addressed this issue and the proposal is now considered to be acceptable in terms of its layout.

Appearance

Both dwellings would be two storeys with half-hipped roofs. Plot 1 would have two gables to the front elevation, with a single gable and two dormer windows to the rear elevation. Plot 2 would have a single gable and single dormer to the front elevation with the same to the rear. In terms of design they would not be out of keeping with the area as there is such a large variety of property types in the vicinity, the proposal is therefore considered to be in compliance with Policy GR2 in terms of appearance.

Impact on the Amenity of Neighbouring Properties

Policy GR6 requires that proposals should not result in loss of privacy, sunlight/daylight, visual intrusion, environmental disturbance or pollution or traffic generation, access and parking. The proposed dwellings would maintain the recommended separation distances between dwellings, laid down in PPG2 and it is considered that there would be no significant adverse impact on the amenities of neighbouring dwellings and is therefore considered to be in compliance with Policy GR6. To the east is number 36 Pikemere Road, which has a conservatory to the rear and concerns have been expressed regarding loss of privacy to this part of the property. The nearest window in Plot 2 would only be approximately 18m away from the proposed conservatory, however it is considered that that given the angles of view involved there would not be a significant loss of privacy to the property.

11. CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, it is considered that the amendments to the proposal have adequately addressed the reasons for the previous recommendation for refusal of the scheme, and as such approval of this application is recommended.

12. RECOMMENDATION

Approve subject to the following conditions:

- 1. Standard time limit.**
- 2. Development in accordance with the approved plans.**
- 3. Submission of tree protection scheme.**
- 4. Submission of landscaping scheme.**
- 5. Implementation of landscaping scheme.**
- 6. No tree or hedgerow works during the breeding season.**
- 7. Construction hours limited to 7.30hrs to 18.00hrs Monday to Friday, 7.30hrs to 14.00hrs Saturday with no working on Sundays and Bank Holidays.**
- 8. Submission of details of any piling to be undertaken.**

[illegible]