

**Application No:** 10/3091M  
**Location:** 41, BULKELEY ROAD, HANDFORTH, SK9 3DS  
**Proposal:** DEMOLITION OF EXISTING BUNGALOW, ERECTION OF 3 TWO STOREY HOUSES AND FORMATION OF ACCESS FROM CLARE AVE.

**For** DRUMMONDS CONSTRUCTION

**Registered** 25-Aug-2010  
**Policy Item** No  
**Grid Reference** 385335 383367

#### **SUMMARY RECOMMENDATION**

Approve subject to conditions

#### **MAIN ISSUES**

Impact of the proposed development on the character and appearance of the surrounding area, the existing trees, protected species, highway safety and implications for the residential amenity of neighbouring properties.

#### **Date Report Prepared:**

1<sup>st</sup> November 2010

#### **REASON FOR REPORT**

The application was called-in to committee by Ward Councillor Paul Whiteley on the grounds of conservation/ecology issues (policy NE11) and size, style and design issues (policies BE1 and DC1).

#### **DESCRIPTION OF SITE AND CONTEXT**

The site is a rectangular plot that measures 0.16 hectares and contains an existing dormer bungalow. The site lies in a residential area close to the centre of Handforth and has boundaries that adjoin other residential properties on Bulkeley Road, Clare Avenue, and Valley Drive. The property is currently accessed by an unmade section of road that merges with the end of Bulkeley Road. A protected tree exists in the centre of the site but has recently died due to waterlogging. The site formerly included a pond, which has been infilled.

#### **DETAILS OF PROPOSAL**

Full planning permission is sought for the demolition of the existing bungalow and the erection of 3no. two-storey detached dwellinghouses and the formation of an access from Clare Avenue.

#### **RELEVANT HISTORY**

08/1336P Demolition of existing dwelling and erection of 4no. two-storey dwellings (outline)  
Withdrawn 19/09/2008

09/0087P Demolition of existing dwelling and construction of 3 dwellings  
Approved with conditions 07/05/2009

## **POLICIES**

### **Local Plan Policy**

NE11	Nature Conservation
BE1	Design Guidance
DC1	New Build
DC3	Amenity
DC6	Circulation & Access
DC8	Landscaping
DC9	Tree Protection
DC38	Space, Light and Privacy
DC41	Infill Housing Development or Redevelopment
H1	Phasing Policy

### **Other Material Considerations**

PPS1	Delivering Sustainable Development
PPS3	Housing
PPS9	Biodiversity and Geological Conservation

## **CONSIDERATIONS (External to Planning)**

**Highways:** No objection subject to conditions

**Environmental Health:** No objection subject to conditions

## **OTHER REPRESENTATIONS**

Seven letters/e-mails have been received and a petition containing 16 signatures was received by the Local Planning Authority that raised the following concerns regarding the proposed development:

- Overdevelopment of the site;
- The loss of the TPO protected Ash tree;
- The unauthorised ground works that previously took place on the site and the associated infilling of a pond that has led to localised flooding;
- It would have a detrimental effect on the character and appearance of Clare Avenue;
- Interrupting an open aspect at the end of Clare Avenue;
- The properties do not follow the general arrangement of the existing properties along Clare Avenue as they are forward of the building line;
- Issues regarding cars parking along Clare Avenue due to an increase in the number of households and associated noise nuisance from additional vehicles;
- The application should be scrutinised to ensure the environmental and ecological aspects are carefully assessed and monitored;
- Permitted development rights should be removed to ensure any further extensions do not impact on neighbouring amenity;
- That all conditions and directives that were attached to the previously approved outline application are imposed on this application;
- That the hours of construction are restricted to normal working hours with no work taking place on a weekend;
- The scale of the property on plot 3 would be out-of-keeping with the properties on Clare Avenue and is of an inappropriate design;
- Impact on neighbouring amenity due to a loss of light, privacy, noise, pollution and dust;
- Impact on neighbouring amenity during construction due to the parking of construction/delivery vehicles, noise etc;
- The tree protection measures around the tree annotated as G1 on the site plan would block access to No's 43-49 Bulkeley Road and would prevent construction traffic from entering the site;
- Request that wheel washing facilities are imposed by condition;
- Queries regarding the land in the ownership of the applicant and shown edged in red on the submitted site location plan;

- The size of the proposed houses are much larger than those shown on the outline application;
- The replacement pond appears smaller than the minimum of 100m<sup>2</sup>;
- Concern over who will have ownership of the proposed pond; who will maintain it during the first 10 years and who will maintain it after this time period has expired; will the pond be able to be built on when this time frame has expired?

Other concerns that have been raised are not material planning considerations.

## **APPLICANT'S SUPPORTING INFORMATION**

A Bat & Bird Survey Report, a Design & Access Statement, and an Arboricultural Statement were submitted with the planning application. An additional Great Crested Newt Survey and Bat Species Survey Report were submitted during the course of the application at the request of the Nature Conservation Officer.

## **OFFICER APPRAISAL**

### **Principle of Development**

The application site is located within a residential area, close to Handforth District Centre. Extant outline planning permission currently exists for the demolition of the existing bungalow and the erection of 3no. detached two-storey dwellinghouses and therefore the principle of the site for 3no. dwellinghouses is already considered acceptable and would not represent an overdevelopment of the site.

### **Design**

The layout of the proposed houses and pond is similar to that which was approved under the application for outline permission. Whilst the footprint of each property differs slightly from that which was previously approved, they are of a similar size. Each house comprises a two-storey detached property with a hipped roof. Plot 1 would be sited adjacent to No. 12 Clare Avenue and would comprise a 4-bedroomed house with a single storey attached to the eastern elevation. Plot 2 would be sited between plot 1 and No. 43 Bulkeley Road in a similar location as the existing detached bungalow. It would comprise a 4-bedroom double-fronted property with an integral garage. Plot 3 would be sited adjacent to No. 11 Clare Avenue and would comprise a 5-bedroomed detached house with an integral garage. Each dwellinghouse would face towards a newly formed cul-de-sac at the end of Clare Avenue.

The properties on Clare Avenue were constructed as one development. The predominant house type is a detached property with an attached flat-roofed garage, however three have an integral garage, some have been extended and one is double fronted. The properties are constructed of similar materials and have pitched roofs.

Concern has been raised that the proposed dwellinghouses do not follow the existing building line along Clare Avenue as they would be sited forward of No. 12. The dwellinghouses follow a similar footprint/layout as those previously approved by the outline application and therefore no objection is raised to the layout of the three dwellinghouses.

Whilst the design and scale of the proposed dwellinghouses on plots 1 and 2 are considered to complement the character and appearance of the properties along Clare Avenue, the Case Officer has raised concern regarding the scale and design of the dwellinghouse on plot 3. This concern has also been echoed by residents who consider the scale of the property on plot 3 to be out-of-keeping with the other properties along Clare Avenue. Revised plans have therefore been requested to reduce the scale of the proposed dwellinghouse on plot 3 and these are currently awaited.

Whilst details of the type of building materials have been annotated on each of the drawings, it is recommended that materials samples be submitted for approval and that they should be of a similar appearance to those on the other properties along Clare Avenue to ensure the proposed dwellings complement the other properties within the street scene.

## **Amenity**

The houses approved under the previous outline application were considered to comply with the separation distances outlined in policy DC38 and the 45-degree rule in respect of the adjacent houses. The proposed dwellinghouses would occupy a similar footprint to those approved under the outline application and therefore it is considered that they would not have a significantly detrimental effect on neighbouring amenity.

Concern has been raised by neighbouring residents that the construction work would have a detrimental effect on their amenity and have requested that the works be restricted to Monday to Friday. The Environmental Health Division has assessed the application and has recommended that due to the proximity of neighbouring dwellings site working hours should be conditioned to specific times between Monday and Saturday with no working on Sunday and Bank Holidays, and that vehicle movements to and from the site should be restricted to 30 minutes outside the above hours. The proposed working hours is a standard condition with standard working hours and it is not considered that special circumstances exist at this site to merit a reduction in these hours. Furthermore, the extant application was approved with no such conditions attached. Whilst it would not normally be prudent to attach additional conditions to an identical scheme it is considered that due to the differences in the two applications that in this instance such conditions could be attached.

Neighbours have requested that permitted development rights are removed from the properties in order to protect their amenity from any future extensions/outbuildings. Permitted development rights are only removed in very exceptional circumstances. The previously approved outline application has its permitted development rights intact and is extant, and the proposed dwellings are sited in a similar location. It is therefore not considered expedient to removed permitted development rights on this application.

## **Highways**

The existing bungalow is accessed from Bulkeley Road where-as the proposed development would effectively be built as an extension to Clare Drive with access being taken from the existing turning head to form a cul-de-sac. Concern has been raised by residents regarding the use of Clare Avenue for access; the associated noise and disturbance from additional vehicles using the road; concern over the parking of contractor's vehicles; and a lack of parking provision. The proposed access and number of dwellings is identical to the previously approved outline application in which the Highway Engineer raised no objection subject to conditions. The current application has been assessed by the Strategic Highway's Manager and he has not raised an objection on highways grounds.

Plots 2 and 3 include a garage as well as a driveway with space for the parking of 2/3 vehicles whilst plot 1's driveway would accommodated 3 vehicles. Revised plans have been requested to increase the size of the proposed garages as these do not currently meet the required dimensions. These are currently awaited. Providing these amendments are made, it is considered that a sufficient level of off-road parking would be available for each dwellinghouse.

Conditions were imposed on the outline permission in respect of the construction of the new access, visibility splays, prevention of mud on the highway, a method statement for construction vehicles and deliveries, and garages to be retained for the parking of vehicles. Providing these conditions are re-attached it is considered that the proposed development would comply with policy DC6 of the Local Plan.

## **Trees**

The Forestry Officer has assessed the planning application and the submitted Arboricultural Statement and it is accepted that the protected Ash (T1 of the Order) is dead. A replacement tree has been agreed and established as part of the previous submissions and the position of the proposed replacement on the submitted drawing (T3) provides for the long-term establishment of a similar 'high forest' species.

The submitted layout plan shows proposed tree protective fencing of a group of two off-site Oak trees (G1) across the existing access road, which will effectively cut off access to neighbouring properties. As the existing access is a compacted surface over the rooting zone of these two trees, it is unnecessary to protect this area within the hard standing area. Protective fencing will however need to be positioned along the edge of the root protection area (RPA) of both trees where roots occupy areas other than the existing compacted hard standing areas.

The Forestry therefore raises no objections to the scheme as proposed subject to a number of conditions. It is therefore considered that the proposed development would comply with policy DC9 of the Local Plan.

### **Ecology**

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places, in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment and provided that there is:

- No satisfactory alternative; and
- No detriment to the maintenance of the species population at favourable conservation status in their natural range.

The UK implemented the EC Directive in The Conservation (Natural Habitats etc) Regulations 1994 which contain two layers of protection:

- A licensing system administered by Natural England; and
- A requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Local Plan Policy NE11 of the Macclesfield Borough Local Plan 2004 states that the Borough Council will seek to conserve, enhance and interpret nature conservation interests and that development that would adversely affect nature conservation interests will not normally be permitted.

The applicant submitted a Bat & Bird Survey Report, a Great Crested Newt Survey with the planning application. The Borough Council's Nature Conservation Officer assessed the application and made the following comments:

#### Bats

An updated survey was submitted during the course of the application that recorded no evidence of bats therefore this species does not present a constraint upon the proposed development. However the Nature Conservation Officer recommends that a condition be attached to provide features for roosting bats.

#### Great Crested Newts

This protected species was recorded at this site subsequent to the removal of a large pond within the garden of this property. As a consequence mitigation proposals in respect of this species and the provision of a 100m square pond was made a condition of outline permission 09/0087P granted in respect of this site. The application as submitted proposed a pond of only 66m square. Following receipt of the Nature Conservation Officer's comments the applicant has submitted an up-to-date Report on Great Crested Newts and a revised site plan that has increased the size of the proposed pond to 100m square.

Further surveys undertaken by the applicant's ecologist have not recorded any evidence of Great Crested Newts on site during 2010. Following the loss of the pond at this site it is possible that Great Crested Newts may have now dispersed into the surrounding land. The passage of time means that Great Crested Newts are now less likely to be present on site than they were when the previous outline consent was granted. Despite this there remains the possibility that newts may

still be present at least infrequently on the site. The construction of the houses will result in the loss of some terrestrial habitat for newts and could also pose the risk of killing or injuring any animals present when the works were undertaken. In the absence of mitigation the proposed development is likely to have a minor adverse impact upon the favourable conservation status of Great Crested Newts. To mitigate the adverse impacts of the development the applicant's ecologist has made recommendations for methods of working and the timing and supervision of the works to reduce the adverse impacts of the development. Considering the likely low level of potential newt activity at the site these recommendations are considered acceptable.

The proposed development includes proposals for a 100m square pond. The pond will enhance the site by providing a breeding resource that was formally lost from the site. In addition, a newt hibernacula will also be provided as part of the development. The proposed pond is considered adequate to compensate for the loss of terrestrial habitat associated with the proposed development. To ensure the pond is successful a condition is required to ensure that no fish or other animals and plants are introduced to the pond without the consent of the Local Planning Authority. A management/monitoring plan has also been submitted in support of this application. A condition is required to secure the implementation of this plan.

### Conclusion

The Nature Conservation Officer advises that overall the proposed development will lead to an enhancement of the site's ecological interest and that the impacts of the development on protected species will be neutral or positive. The proposed development is therefore considered to comply with policy NE11 of the Local Plan, subject to a number of conditions.

### **Environmental Conditions**

The application site is located on a suspected former pond which may have been in-filled and therefore the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, the Environmental Health Division recommends that the standard contamination condition and informative be attached should permission be granted.

### **Other Considerations**

Concern was raised that the site edged in red includes some land that it not within the ownership of the applicant, in particular a verge between the pavement of Clare Avenue and the application site. The applicant has confirmed to the Local Planning Authority that the land as shown on the site location plan is within his ownership. Therefore any further disputes over land ownership would be a civil matter that cannot be taken into consideration.

### **CONCLUSIONS AND REASON(S) FOR THE DECISION**

The proposed dwellinghouses are considered to have an acceptable impact on the character and appearance of the surrounding area, the existing trees, protected species, highway safety or the residential amenity of neighbouring properties. The application follows a recent outline permission which established the principle of development for 3 detached dwellings of a very similar scale and layout on the site. Subject to the minor revisions requested and the proposed conditions it is considered that all the site planning issues have been resolved and that the proposal complies with the relevant policies of the Development Plan.

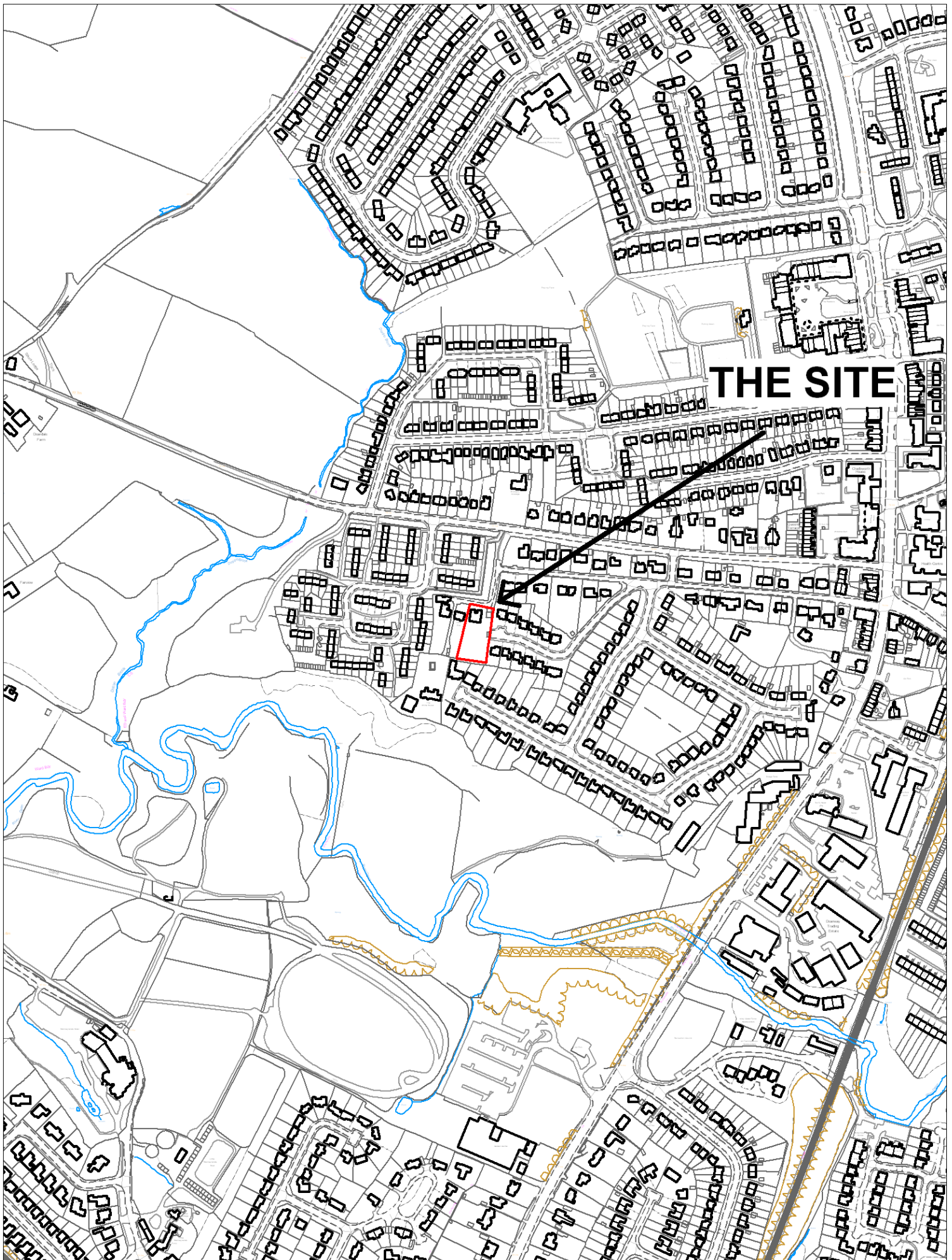
### **SUBJECT TO**

Revised plans being received that amend the proposed dwellinghouse on plot 3 to an acceptable scale and design and increase the size of the proposed garages.

Application for **Full Planning**

**RECOMMENDATION : Approve subject to following conditions**

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A02HA - Construction of access
4. A06HA - Pedestrian visibility at access in accordance plans to be approved
5. A07HA - No gates - new access
6. A26HA - Prevention of surface water flowing onto highways
7. A30HA - Protection of highway from mud and debris
8. A32HA - Submission of construction method statement
9. A08OP - Ground levels to be submitted
10. A17MC - Decontamination of land
11. A01LS - Landscaping - submission of details
12. A04LS - Landscaping (implementation)
13. A02TR - Tree protection
14. A04NC - Details of drainage
15. A06HP - Use of garage / carport
16. A23GR - Pile Driving
17. A20GR - Hours of deliveries
18. A01AP - Development in accord with approved plans
19. No fish in pond
20. Bat enhancement
21. Development to be undertaken in accordance with Great Crested Newt Mitigation Strategy
22. Retention of pond
23. Implementation of monitoring/management plan in respect of the pond
24. No vehicle movements to and from site more than 30 mins outside the working hours



10/3091M - 41 BUCKELEY ROAD HANDFORTH  
N.G.R: 385.335 - 383.369

Reproduced from the Ordnance Survey map with the permission of HMSO.

© Crown Copyright. Unauthorised reproduction infringes Crown Copyright and may lead to legal or civil proceedings. Cheshire East Council, licence no. 100049045 2009..



Scale 1:50000