

Application No: 10/3666M

Location: KAMIROS, MACCLESFIELD ROAD, ALDERLEY EDGE, SK9 7BN
Proposal: DEMOLITION OF EXISTING DWELLING HOUSE AND
CONSTRUCTION OF REPLACEMENT DWELLING HOUSE-
RESUBMISSION OF 10/0053M

For MR & MRS J BANKS

Registered 16-Sep-2010
Policy Item No
Grid Reference 385325 377918

Date Report Prepared: 19th November 2010

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

The key issues to be considered are the visual impact of the development and impact on the Conservation Area, the impact on trees of amenity value, nature conservation implications, highway safety considerations and the impact on residential amenity.

REASON FOR REPORT

This application has been brought to Committee at the discretion of the Head of Planning and Housing. The associated Conservation Area Consent is also on the agenda due to the applications being intrinsically connected.

DESCRIPTION OF SITE AND CONTEXT

The site consists of a 1960's brick built 'L shaped' detached house which is considered to be of little architectural merit. It is single storey at the front and two storeys at the rear, due to the fall in the land levels.

The property is situated off Macclesfield Road which descends steeply towards the village of Alderley Edge. Hence 'Edgecroft' (the dwelling situated to the east of the application site) is situated at a higher level than the application site; similarly, 'The Skerries' to the west is situated on a significantly lower ground level than 'Kamiros' (the application site).

The site lies within the Alderley Edge Conservation Area, characterised by large detached dwellings set in spacious plots that are set back from the road frontage and are largely screened by mature trees/vegetation. All the trees on site are protected by virtue of their siting within a Conservation Area.

DETAILS OF PROPOSAL

The proposed replacement four bed dwelling would be split level (as per the existing scenario) appearing as two storeys to the front and three to the rear to utilise the topography of the site, with an increased ridge line to accommodate the additional floor of accommodation. The dwelling would provide accommodation over three floors including the provision of an attached triple garage with games room, located at 90 degrees to the front elevation of the dwelling.

The proposal would be centralised within the plot and would occupy a smaller footprint than the existing scenario.

An application for Conservation Area Consent accompanied the application, reference: 10/3672M.

RELEVANT HISTORY

10/0051M - Proposed demolition of dwelling (Conservation Area Consent) - Withdrawn 19-Mar-2010

10/0053M - Demolition of existing dwelling house and construction of replacement dwelling house - Withdrawn 19-Mar-2010

23716PB Conversion of basement to additional accommodation - Approved with conditions 27.08.1980

POLICIES

Regional Spatial Strategy

DP1, DP7 & EM1

Local Plan Policy

NE11, BE1, BE3, BE4, BE12, H12, DC1, DC3, DC6, DC8, DC9, DC38 & DC41

Other Material Considerations

Planning Policy Statement 5: Planning for the Historic Environment

Planning Policy Statement 9: Biodiversity and Geological Conservation

CONSULTATIONS (External to Planning)

Highways: No highway objections are raised

ESU Landscape: formal comments awaited

ESU Nature Conservation Officer: no objection subject to conditions

Conservation Officer: formal comments awaited

Forestry: formal comments awaited

Environmental Health: no objections subject to conditions

VIEWS OF THE PARISH / TOWN COUNCIL

Alderley Edge Parish Council: recommend refusal because of the unacceptable impact this development will have on the neighbouring property (The Skerries). The scale and mass of the proposal and in particular the shadow created by its height will have an unneighbourly impact.

OTHER REPRESENTATIONS

An Objection has been received from the occupants of the adjoining property – ‘The Skerries’. The main points raised in objection are as follows: -

- The owners of ‘Kamiro’s’ have not made any significant alteration to their original plans. The house and height remain exactly the same as the previous scheme - previous objections are repeated.
- The planning committee should visit the site and view the full impact this new rebuild would have on ‘The Skerries’.
- no attempt has been made for the development to fall in sympathy with the land, i.e. roof height sloping down in conjunction with the level of the slope of the hill.
- The visual impact on ‘The Skerries’ still remains the same and visual amenity will be substantially reduced. Previously enjoyed unobstructed right to light and air.
- the proposed development is totally out of character with the rest of the immediate environment and would visually impact on all the surrounding area at the top of the hill.
- no montage or drawing of the West elevation showing the relationship between ‘Kamiro’s’ and ‘The Skerries’ has been provided.
- Other points raised are considered not to be material planning considerations

The Wilmslow Trust supported the previous application stating that it was “a very refreshing design to be encouraged – definitely no objection”.

APPLICANT'S SUPPORTING INFORMATION

The application was accompanied by a Design and Access Statement, PPS3 North West Sustainability Checklist, a landscape report and tree survey, streetscene elevations, photo montages & photos, structural comments and a bat survey, the full details can be viewed on the application file/online.

Further details have been submitted during the application period due to the LPA's prevailing concerns about accurately assessing the impact on the neighbouring property (The Skerries).

OFFICER APPRAISAL

Policy & Principle of Development

Policies BE1 and DC1 seek to ensure a high standard of design for new development and that new development is compatible with the character of the immediate locality of the site. Policies DC3, DC38 and DC41 seek to protect the residential amenities of adjoining properties and ensure adequate space, light and privacy between buildings.

Policy DC8 seeks appropriate landscaping of new development and policy DC9 ensures the long-term welfare of trees of amenity value. Policies BE3 and BE12 seek to ensure that development preserves or enhances the character or appearance of the Alderley Edge Conservation Area.

Policy H12 seeks to ensure that new housing developments should be sympathetic to the character of, and should be commensurate with, the established residential area in terms of plot size, layout and amenity. Existing tree and ground cover of public amenity value should be retained.

Highways

It is proposed that the existing vehicular access to the site will remain unchanged other than to replace, in the same location, the existing hinged gates with a single sliding gate.

Previously, it was noted that the proposed gate was not set back sufficiently to allow a family car to pull up to the gate when it is closed without it over hanging the running carriageway of Macclesfield Road.

The Strategic Highways Manager has assessed this revised application and notes there is adequate turning and parking facilities within the curtilage of the site.

There are no changes proposed to the existing access to the property and the driveway position will not be changed. As such no highway objections are

raised subject to a condition ensuring the gates are constructed in accordance with the submitted plan.

Design and visual impact on the conservation area

The site lies within the Alderley Edge Conservation Area and as such policy BE3 applies. This policy states that within a Conservation Area, development will only be permitted which preserves or enhances the character and appearance of the Conservation Area.

The existing house is an undistinguished property and following verbal discussions with the Borough Council's Conservation Officer no objection is raised to its demolition, subject to an appropriate replacement.

The proposed dwelling would consist of 3 steeply pitched tile and zinc roofs, with a combination of masonry and timbered gables, with timber doors and aluminium framed fenestration. It is considered that there are a variety of house types/designs along Macclesfield Road and as such the proposed dwelling, would generally respect the characteristics of the Conservation Area. The most dominant viewpoint would be from Macclesfield Road.

Due to the set back from Macclesfield Road and the enormity and variety of different architectural styles within the immediate area it is understood from verbal discussions that the Conservation Officer does not consider that the proposed replacement building will cause any further harm to the character and appearance of the Conservation Area. Once formal comments have been received Members will be updated, it is likely, that the comments will include recommended conditions in terms of appropriate materials.

Amenity

The proposal would occupy a smaller footprint, within an increased ridge height and would be situated more centrally within the plot. It is acknowledged that the eastern elevation (with 'The Skerries') would be set in from the existing boundary by 6m.

Currently, the side elevation of 'Kamiro's' is located circa 1.2m from the shared boundary with 'The Skerries' and spans a depth of approx 7.7m and incorporates two windows and a door; the side elevation of the garage is set back approx 1.8m from this elevation and has a depth of around 4.4m. A raised deck lies between the side elevation of the dwelling and the shared boundary.

The same side elevation as proposed would have a depth of approx 9.4m (excluding timber detailing) and would incorporate tall narrow windows, although the dwelling would be 3.4m higher at the ridge line than the existing scenario, this elevation would be set 6m back from the boundary line and the roof would pitch away from 'The Skerries'.

The proposed lower ground floor will be screened in the majority by the existing boundary treatment (fence and planting) as such the fenestration arrangements in the proposed North West elevation are not considered to raise significant amenity concerns.

Following concerns about the impact on 'The Skerries' given the topography of the area further information has been submitted, including: a solar plan - illustrating the shadowing from the property as it currently stands and as it would occur from the new proposal, a perspective from 'The Skerries' of the new proposal, (with the existing house superimposed) and a section (existing and proposed) through 'The Skerries' and 'Kamiro's', ultimately these details show an improvement in terms of amenity in comparison to the current situation.

'The Skerries' has windows facing the application site, which serve a habitable kitchen/diner (as defined by DC38) and obscure glazed windows to other habitable rooms. Part of the amenity area of 'The Skerries' lies between these windows and the shared boundary.

Conditions preventing any further insertion of windows are recommended, as is an obscure glazing condition for the side facing windows to the ground and first floor of the main dwelling house (not including the games room, given these windows would be located in excess of 17m from the shared boundary). It is also recommended that the small first floor side facing window in the games room facing towards 'Edgecroft' is obscurely glazed noting the existing side facing windows at the neighbouring property.

No significant amenity concerns are raised in terms of 'Edgecroft' given the existing situation and the boundary treatment.

Whilst the concerns of the neighbour are noted, it is considered in light of the supplementary information that no significant amenity issues are raised.

The Environmental Health Department recommend conditions controlling the hours of working during construction and a method statement as there is the potential for the need to remove bedrock using quarrying methods to achieve the desired design.

Landscaping and tree implications

The preservation of trees and landscaping of the site are crucial to the setting of the building within the Conservation Area. A tree survey and landscaping proposal have been submitted. The scheme would include the removal of two existing silver birch trees. The trees on site are protected by virtue of their siting within a Conservation Area.

The Council's Arboricultural Officer has requested further information regarding how the large Beech on Macclesfield Road will be protected from potential root disturbance during the construction of the proposed dwelling. Further information was received prior to the preparation of this report and

has been forwarded to the Arboricultural Officer for comment. Members will be updated once formal comments have been received.

The recently received information also relates to revised landscaping detailing and Members will again be updated once the formal response from the Landscape Officer has been received.

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, if there is:

- no satisfactory alternative
- no detriment to the maintenance of the species population at favourable conservation status in their natural range
- a specified reason such as imperative, overriding public interest.

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 which repeats the above tests
- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements.

Circular 6/2005 advises LPAs to give due weight to the presence of a European protected species on a development site to reflect.. [EC] ...requirements ... and this may potentially justify a refusal of planning permission."

In PPS9 (2005) the Government explains that LPAs "should adhere to the following key principles to ensure that the potential impacts of planning decisions on biodiversity are fully considered..... In taking decisions, [LPAs] should ensure that appropriate weight is attached to protected species... ... Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm..... If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

With particular regard to protected species, PPS9 encourages the use of planning conditions or obligations where appropriate and advises, "[LPAs] should refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of species detriment, development alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

A bat survey was submitted with the application, it identified evidence of a bat roost. No further evidence of bats was recorded during the latest survey. Based on the survey effort undertaken at this site it is likely that the building supports a small number of bats of a common bat species. In the absence of mitigation the loss of this roost would have a minor impact upon the species of bat concerned. The demolition would however pose a significant risk of killing or injuring any bats present when the works were undertaken.

The submitted report recommends the installation of features suitable for roosting bats on the replacement building as a means of compensating for the loss of the roost and also recommends the timing and supervision of the works to reduce the risk posed to any bats that may be present.

Having regard to the above it is considered that the proposed replacement roosting facilities is an appropriate form of mitigation and is likely to reduce the potential adverse impacts of the development to a low level. It is considered that that the mitigation/compensation put forward is a material consideration which if implemented would conserve and enhance the existing protected species in line with LP Policy NE11 and is therefore, on balance considered to be acceptable.

The Councils Ecologist has been consulted on this application and raises no objections subject to conditions ensuring the work is carried out in accordance with the submitted details.

The alternative to a replacement dwelling would be of course to retain the existing dwelling, it is likely that at some point in time this property could be subject to major renovation works (especially given the submitted structural assessment) and possible additional extension work in the future which could be carried out under permitted development rights, this of which, would and could have an equally significant impact upon any present bats.

In the absence of mitigation the proposed development is likely to result in a significant impact on the small number of bats present and a minor impact upon the conservation status of the species as a whole. Impacts would result through both the loss of the roost site and also through the risk of bats being killed or injured during the construction phase.

The mitigation proposes bat tubes and boxes which are to be incorporated within the new outbuilding and existing trees will provide a new roost for the bats which will be adjacent to existing fairly mature trees which offers a high foraging value. The proposed mitigation will provide a new habitat which will allow the future protection of the bats in perpetuity.

The proposed scheme to demolish the existing dwelling could have a substantial impact upon the presence of bats however, in this particular case the number of bats on site is considered to be low.

It is very difficult to argue that this particular development is in the overriding public interest and that there are no alternatives. For example the existing building could be underpinned and renovated (although noting this would have financial implications for the applicant). However, it could be argued that for such developments where they comply with Local Plan policy and that ensure an appropriate safeguard to nature conservation interests, to withhold planning permission in these situations would not be in the public interest.

It is considered that due to the low presence of bats at this property the impact of the replacement dwelling on any existing habitat would be minimal and any harm would be sufficiently outweighed by the mitigation put forward by the applicant. The view is taken that the mitigation put forward is a material consideration which if implemented will further conserve and enhance the existing protected species in line with Local Plan policy NE11 and is therefore on balance, considered to be acceptable.

CONCLUSIONS AND REASON(S) FOR THE DECISION

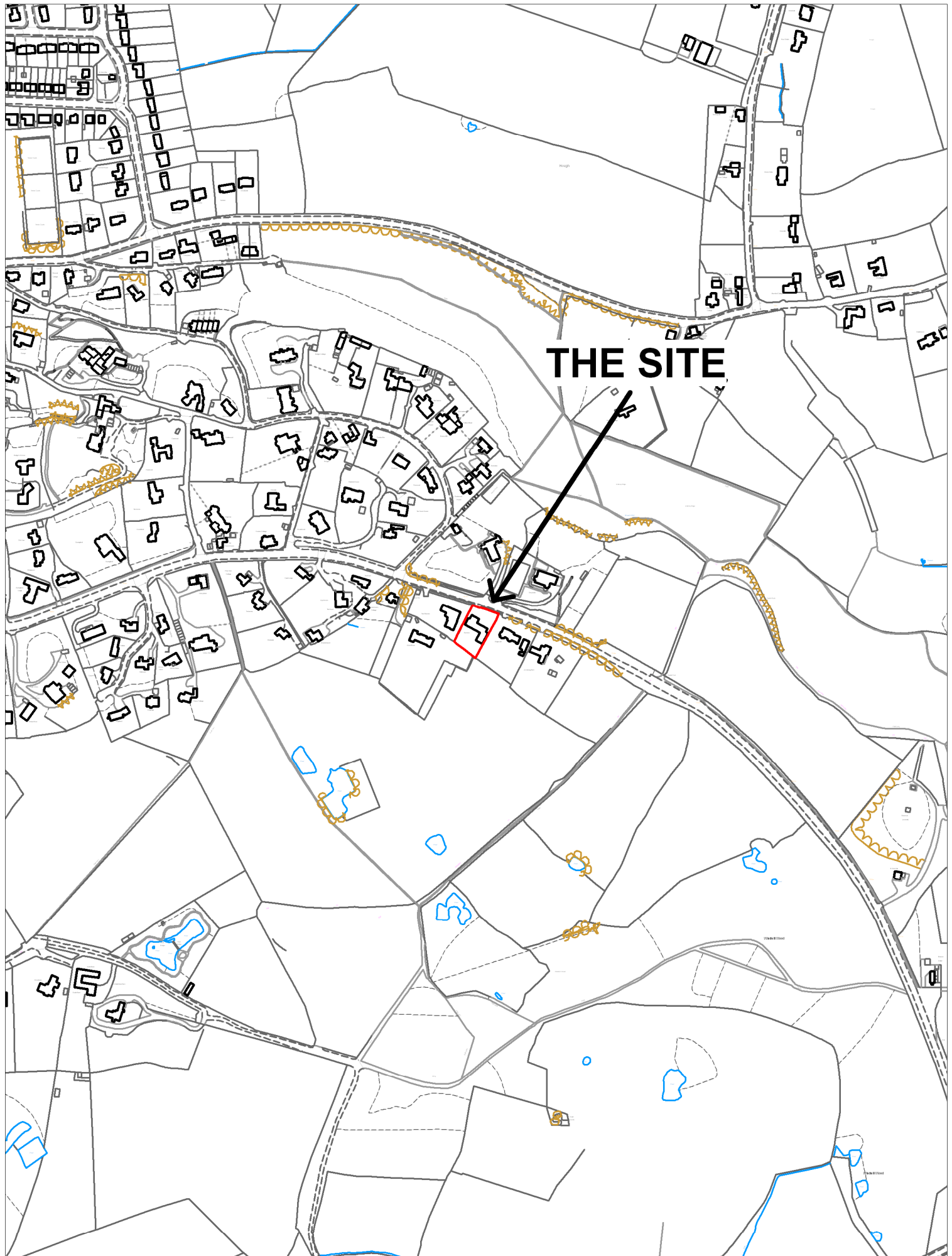
The proposed replacement dwelling is considered to be a high quality residential development that respects the wider character of the Alderley Edge Conservation Area. It is considered that the proposal will enhance the Conservation Area, especially compared to the existing scenario, thereby meeting the objectives of Local Plan policies BE3 & BE12 and national planning policy guidance PPS5. Despite the objections received, it is also considered that the impact on the living standards of adjoining residential properties would be acceptable. Therefore, an initial recommendation of approval subject to conditions is made, pending formal consultee responses.

Application for **Full Planning**

RECOMMENDATION : Approve Subject to Conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A06GR - No windows to be inserted
4. A25GR - Obscure glazing requirement
5. A04AP - Development in accord with revised plans (numbered)
6. A22GR - Protection from noise during construction (hours of construction)

7. Gates - To be in accordance with submitted plans
8. Bats - To comply with the mitigation proposals
9. Method Statement - for building construction works in relation to potential extraction of bedrock



THE SITE

10/3666M KAMIROS, MACCLESFIELD ROAD, ALDERLEY EDGE, SK9 7BN

NGR- 385,320:377,920

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