

Application No: 11/3349C

Location: PLOT 1, LAND ADJACENT TO, 6, HEATHEND ROAD, ALSAGER, ST7 2SQ

Proposal: SINGLE DETACHED DWELLING ON LAND ADJACENT TO NO. 6 HEATH END ROAD

Applicant: MR ADRIAN GIRVIN

Expiry Date: 28-Oct-2011

SUMMARY RECOMMENDATION: Approve subject to conditions.

MAIN ISSUES:

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

REASON FOR REFERRAL

This application was originally called in to Committee by Councillor D Hough on the following grounds:

- “1. The effect on removal of rubble from the site on the Oak Tree. The Oak tree has a TPO.*
- 2. The effect of the drain going down the drive and the effect on the Oak Tree. The alternative drain may not be available due to land ownership issues.*
- 3. The newt mitigation issue is incomplete with other local ponds not being surveyed.”*

The application was put before committee on 29th May 2013 and it was resolved that the application be approved subject to a Section 106 Agreement to secure the Great Crested Newt Mitigation Strategy. This is no longer considered to be necessary and the reasoning behind this is explained in the Ecology – Protected Species & Nature Conservation Section of this report.

DESCRIPTION AND SITE CONTEXT

The application relates to an area of land approximately 0.23ha in size, situated between two residential properties on Heath End Road. The site contains a wooded area with a pond, which has been identified as being a habitat containing Great Crested Newts. The eastern side of the site is a grassed area with open countryside to the north and residential properties to the east. 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.

There have been several unsuccessful applications for residential development on this site, details of which are listed in the report. However Southern Planning Committee approved an application in March 2011, for a detached bungalow with a detached double garage. This was subject to a Section 106 Agreement to ensure the protection of Great Crested Newts, which has now been completed. This permission is extant.

DETAILS OF PROPOSAL

The proposal is for the erection of one split level dwelling with a detached triple garage, sited within the grassed area of the site, with access being taken from Heath End Road. The dwelling would provide five bedrooms, two with en-suite and a separate bathroom in the roof space. On the ground floor there would be a large kitchen with living area and conservatory, a lounge, dining room, play room, music room, utility and hallway. There would also be an underground basement level which would house a swimming pool, gym and games room, leading on to a sunken terrace. The external finishes of the building would consist of rendered wall with stonework details to the doors and windows and the roof would be clad in Staffordshire blue/black roof tiles.

The ground floor footprint of the proposed dwelling would be just under 27 metres wide, 16 metres deep at the widest point, with a roof height (measured from ground level) of 7.1 metres at the highest point. The garage would be sited in the southeastern corner of the plot and would be 8.5 metres wide, 6 metres deep, with a roof height of just less than 6m when measured from ground level. It would have accommodation in the roof space for a hobby/study room which would get natural light from two dormer windows that would face on to the driveway and wooded area.

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 5 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
14/2269C		Application for detached two-storey dwelling – under consideration

POLICIES

National Guidance

National Planning Policy Framework

Local Policy

Paragraph 216 of the National Planning Policy Framework (NPPF) states that, unless other material considerations indicate otherwise, decision-takers may give weight to relevant policies in emerging plans according to:

the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);

the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and

the degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

In view of the level of consultation already afforded to the plan-making process, together with the degree of consistency with national planning guidance, it is appropriate to attach enhanced weight to the Cheshire East Local Plan Strategy - Submission Version in the decision-making process.

At its meeting on the 28th February 2014, the Council resolved to approve the *Cheshire East Local Plan Strategy – Submission Version* for publication and submission to the Secretary of State. It was also resolved that this document be given weight as a material consideration for Development Management purposes with immediate effect.

The relevant policies of the **Cheshire East Local Plan Strategy – Submission Version** are:

- 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
H1 & H2 Provision of New Housing Development
H4 Residential Development in 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

SPG2 Provision of Private Open Space in New Residential Developments
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:

Recommend that conditions be imposed relating to land contamination and hours of construction and pile driving.

Highways:

This new access will require a properly constructed vehicular crossing which complies with Cheshire East Council authority standards.

The Strategic Highways Manager recommends that any planning permission which may be granted have the following informative attached:

Informative: Prior to first development the developer will enter into and sign a Section 184 Agreement with Cheshire East Highway Authority with regard to the construction of the new vehicular crossing.

Natural England

Natural England submitted comments to the Council and to a Parish Councillor on the application. These are discussed in the Ecology – Protected Species & Nature Conservation Section of the report.

VIEWS OF TOWN/PARISH COUNCIL

The Town Council has no objections to this application. The application has a large basement that will require the removal of a large amount of soil, the Town Council ask that this is removed safely from the site with as little disruption to the residents as possible. The Town Council ask that if approval of the plan is granted that any conditions put on the application by Cheshire East are enforced, especially with regard to the protection of the Great Crested Newt population on the site.

OTHER REPRESENTATIONS

At the time of report writing 5 letters of objection have been received in relation to this application raising the following issues:

- Question the ability of the proposed surface of the driveway to carry heavy traffic without impact on trees
- Large trucks would not be able to safely access site without damage to trees due to width of drive
- Adverse impact on Great Crested Newts
- Bias within ecological surveys
- No pond survey at neighbouring property
- Inaccuracies within GCN survey data
- Access being sited on a 'dangerous' bend
- Design out of character with the area
- Excessive height of the proposal
- Previous approval removed permitted development rights for alterations to the roof
- Overbearing nature of the proposal
- Design not of a domestic scale rather a 'monster cottage'
- Overlooking of neighbouring garden
- Loss of garden land
- Excessive roof height and scale of the proposed bungalow
- The Council should not be wasting money by accepting a further application on this site
- Impact that basements have on the local water table

In addition, two petitions have been submitted, one with approximately 94 signatures and one with approximately 57 signatures.

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Supplementary Planning Statement
- Tree Survey Report
- Method Statement for Protection of Trees during Development

- Phase 1 Habitat and Ecological Survey Report
- Great Crested Newt Impact Assessment, Mitigation Strategy and Ecological Update
- Great Crested Newt Survey

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*

This proposal is for one dwelling, of a split level design with a detached garage. In 2011, Committee resolved to grant consent for a detached bungalow with detached garage on a very similar footprint and with a very similar roof height to that proposed, albeit with an increase in the eaves height. This proposal would create a dwelling with a much increased level of accommodation; however, externally the visible massing would be very similar to that approved. Given these factors, the proposal is considered to be acceptable in principle.

Layout and Scale

The proposal is for a detached split level dwelling that would be sited in the north eastern part of the site. The surrounding development has varying layout patterns including semi-detached properties in a linear form and large detached dwellings set in substantial plots. Concerns have been expressed over the size of the proposed building, however it should be noted that the ground floor footprint would be very similar to that approved and a large proportion of the rooms would be accommodated in the roof space and underground. As such it is considered that its external appearance would be in keeping with the character of the surrounding development. It is therefore 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

The proposal is for a building that would be constructed of rendered blockwork with stone plinth details and window surrounds and Staffordshire Blue/black clay roof tiles. As stated previously, the proposal would provide a much increased level of accommodation, however this would be mostly within the roof space and basement, minimising its visual impact. Overall given the variety of property designs in the vicinity of the site including bungalows and two-storey properties it is not considered that the design of the proposed dwelling would be out of keeping with the character of the area. Concerns have been raised over the height of the building; however the height would not exceed that already approved by Committee. As such in terms of appearance this is not considered to be a reasonable reason for refusal of the application.

Amenity

There are four residential properties that share a boundary with the site, numbers 6 and 8 Heath End Road, number 21 Rydal Way and number 21 Pikemere Road and the impact on the amenities of these properties must be given careful consideration in the determination of this application. Number 8 Heath End Road would be in excess of 40 metres away from the proposed dwelling and it is therefore considered that there would not be an adverse impact on the residential amenities of this property. Having regard to number 6 Heath End Road, the nearest window facing this property would be in excess of 22 metres away and as such would meet the requirements of Supplementary Planning Document 2: Private Open Space. Number 21 Rydal Way would also be in excess of 26 metres away from the proposed new dwelling and having regard to this property, it is not considered that there would be any adverse impact on the amenities of its occupiers. The dwelling would be partly sited adjacent to the rear garden of 21 Pikemere Road, however given the length of this garden and the provision of suitable boundary treatments, it is not considered that there would be any significant adverse impact on the amenities of the occupiers of this property.

Highways

The Strategic Highways Manager has submitted no objections to this proposal on highway safety grounds, subject to a properly constructed vehicle crossing. It should be noted that a previous application was subject to appeal in 2002 (33264/3). This appeal was dismissed and one of the reasons given was that there would be an adverse impact on highway safety. However that proposal was for 5 dwellings and the Inspector emphasised that the number of dwellings proposed informed her decision, as such given that this proposal is only for 1 dwelling and in the absence of objections from the Strategic Highways Manager, it is considered that a refusal on these grounds would not be sustainable.

Ecology - Protected Species & Nature Conservation

The site has been identified as containing a habitat for Great Crested Newts and reports have been submitted to inform assessment of this issue. The Nature Conservation Officer has visited the site and assessed the submitted reports. The conclusions drawn from this are that provided that the mitigation proposals are completed in full, adverse impacts on protected species will be negligible and in particular the viability of the Great Crested Newt population at the location should be sustainable.

Natural England have also commented on this application and stated that the methodologies to be employed by the applicant's ecologist would require a licence. This has been challenged by the applicant in his additional ecology report who highlights the fact that Natural England Standing Advice

When originally put before Committee, it was recommended the habitat enhancement and management plan should be secured by completion of a Section 106 Agreement. No agreement was ever entered into.

As discussed in this report, a previous application was been approved on this site for a detached bungalow. At the time that this decision was taken, the Council considered that the long term habitat management plan should be secured for a period of 80 years by Section 106 Agreement.

Since this decision was considered, an application was refused, taken to appeal and subsequently quashed (12/4872C). That site is immediately to the rear of the application site and the proposal was for a development of up to 155 houses. As with this application, Great Crested Newts are a constraint on the site. During the appeal process, it was agreed in the statement of common ground, that a long term management plan could be secured by condition for a period of 10 years. In the light of this it is considered that the Council should apply the same approach to this application. Especially as this application relates to only a single dwelling. Up to date information relating to Great Crested Newts has been used to reassess the application.

A new application for a two storey dwelling (14/2269C) also forms part of this agenda and it is considered that a similar approach can be taken as has been set out above.

Concerns have been raised about the impact of excavations for the basement on the water table and in turn on the pond. The condition would ensure that should the pond be affected adversely, steps would have to be taken to address this.

Trees and Landscape

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.

A Method Statement has been submitted with the application detailing proposed works to the trees, their protection during construction, and the specification for the driveway including special construction techniques. During the application process some changes were made to this at the request of the Landscape Officer. The measures laid down in the Method Statement (Revision E) are considered to be acceptable and will serve to protect the health of the trees. It is also considered necessary to impose conditions requiring submission of detailed landscape plans for the site.

It has been highlighted that newt fencing could damage the roots of trees on the site. The purpose of burying the fence by 20 cm is to stop Great Crested Newts from "burrowing" under

the fence. This can be achieved by careful hand digging in the outer areas of the root protection zone and where necessary turning the base of the fence outwards and burying it with locally sourced material. As such this method is considered to be acceptable.

The Principal Forestry and Arboricultural Officer of the Council has carefully assessed all the submitted information including the Tree Survey Report (Ref: MG/3717/TSR'B' dated June 2014), both from the applicant, and that commissioned by the neighbour and is satisfied that the construction of the driveway/ tree protection measures can reasonably be dealt with by condition.

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. The proposal is of an appropriate scale and design and includes measures to ensure the continued viability of the habitat of Great Crested Newts. It is therefore recommended that the application be approved subject to the following conditions:

RECOMMENDATION:

Approve subject to the following conditions:

- 1. Commence development within 3 years**
- 2. Development in accordance with agreed drawings**
- 3. Submission of details/samples of external materials**
- 4. Submission of a Phase 1 land contamination survey**
- 5. Limits on hours of piling**
- 6. Submission of detailed landscaping scheme**
- 7. Implementation of landscaping scheme**
- 8. Tree retention**
- 9. Submission and implementation of tree protection scheme**
- 10. Construction Specification/Method Statement (driveway)**
- 11. Arboricultural Method Statement**
- 12. Implementation of Great Crested Newt Reasonable Avoidance Measures during the construction phase**
- 13. Implementation and completion of pond restoration proposals to the satisfaction of the Council prior to first occupation of the dwelling**
- 14. Submission and implementation of a Habitat Management Plan for a period of 10 years**
- 15. Submission and implementation of details of bat and bird boxes**
- 16. Safeguarding of breeding birds**
- 17. Compliance with the Great Crested Newt Mitigation Strategy**
- 18. Submission and implementation of detailed drainage scheme**

In order to give proper effect to the Committee's intentions and without changing the substance of the decision, authority is delegated to the Head of Strategic & Economic Planning, in consultation with the Chair (or in his/her absence the Vice Chair) of Southern Planning Committee, to correct any technical slip or omission in the wording of the resolution, between approval of the minutes and issue of the decision notice.

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