

Application No: 14/5281C

Location: LAND ADJACENT 6, HEATH END ROAD, ALSAGER, CHESHIRE

Proposal: Proposal for a Garage, Greenhouse, Kitchen Garden and Access  
(Resubmission of 14/4462C)

Applicant: Mr Adrian Girvin

Expiry Date: 12-Jan-2015

#### **SUMMARY:**

The site lies within the Settlement Zone Line of Alsager, where there is a presumption in favour of development and the principle of allowing a garage, greenhouse and kitchen garden on the site has already been established under application number 14/3152C.

Subject to conditions, the proposal is considered to be acceptable in terms of its impact upon highway safety, amenity and ecology.

The scheme represents a sustainable form of development and the planning balance weighs in favour of supporting the development subject to conditions.

#### **RECOMMENDATION:**

**Approve subject to conditions**

#### **CALL IN**

The application has been called in by Cllr Derek Hough on the following grounds:

- "1. The size/mass of the proposed garage will cause a loss of amenity to No.6 Heath End Road.*
- 2. It is still a stand alone Garage not associated with any dwelling. If it is part of the applicants house it should be included.*
- 3. Application 14/3152 which was the precursor of this application states that the garage (A single storey garage) was subordinate to No. 6 and only had windows in the roof. The current application is equal in height to No.6 and the windows are now normal windows in the first floor games room."*

#### **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.

## **SITE DESCRIPTION**

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 similar proposal was approved in August 2014. (14/3152N) An application for an identical scheme was withdrawn on 20<sup>th</sup> November 2014; this application seeks to address the issues raised with this application, namely privacy due to the proposed balcony.

## **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.
14/4462C	2014	Withdrawn application for a garage, greenhouse, kitchen garden and access

## **NATIONAL & LOCAL POLICY**

### **National Policy:**

The National Planning Policy Framework establishes a presumption in favour of sustainable development.

Of particular relevance is paragraphs 17.

### **Development Plan:**

The Development Plan for this area is the adopted Congleton Borough Local Plan First Review 2005, which allocates the site as being within the Settlement Zone Line of Alsager.

The relevant Saved Policies 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

The saved Local Plan policies are consistent with the NPPF and should be given full weight.

### **Cheshire East Local Plan Strategy – Submission Version (CELP)**

The following are considered relevant material considerations as indications of the emerging strategy:

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  
EG1 Economic Prosperity

### **Other Considerations:**

SPD14 Trees and Development  
BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations  
The Conservation of Habitats and Species Regulations 2010 (as amended)

### **CONSULTATIONS:**

#### **Highways:**

None received at the time of report writing.

#### **Environmental Health:**

None received at the time of report writing.

**Alsager Town Council:**

Objects to this application. The mass and size of the building is of concern. The screen is not robust enough to sustain a long term solution to satisfy the privacy issue. A site visit is requested.

**REPRESENTATIONS:**

Neighbour notification letters were sent to adjoining occupants and objectors to previous applications.

At the time of report writing 19 representations have been received which can be viewed on the Council website. They express several concerns including the following:

- loss of outlook and amenity
- overlooking and privacy
- need for the development
- 'creeping' development
- Intrusion and loss of privacy
- overbearing mass
- inappropriate development
- poor design
- grading of the site
- noise pollution

**APPRAISAL**

The key issues to be considered in the determination of this application are set out below.

**Principle of Development**

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.

## **Sustainability**

There are three dimensions to sustainable development:- economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

***an environmental role** – contributing to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity, use natural resources prudently, minimise waste and pollution, and mitigate and adapt to climate change including moving to a low carbon economy*

***an economic role** – contributing to building a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation; and by identifying and coordinating development requirements, including the provision of infrastructure;*

***a social role** – supporting strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations; and by creating a high quality built environment, with accessible local services that reflect the community's needs and support its health, social and cultural well-being; and*

*These roles should not be undertaken in isolation, because they are mutually dependent.*

## **Environmental role**

The site is within the settlement zone line of Alsager and the construction of a garage, greenhouse and kitchen garden would have a very limited environmental impact.

## **Economic Role**

The Framework includes a strong presumption in favour of economic growth.

Paragraph 19 states that:

‘The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth’

The proposal would generate economic benefits by virtue of employment created during construction.

**Social Role**

The proposal will provide additional accommodation and garden area for the applicant and would not have a significant adverse impact on the amenities of neighbouring residential properties.

**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 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.

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. A previous application (14/4462C), was withdrawn due to the concerns of Officers regarding overlooking the garden

of number 6 Heath End Road. In response to these concerns a 2 metre high privacy screen is now proposed on the side of the balcony adjacent to the garden of number 6. It is considered that the proposed privacy screen would protect the privacy of the neighbouring property and this should be secured by a condition requiring its submission, approval of full details and retention permanently of the screen.

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

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 enhancement 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 recommended that the condition specifies a trigger for when the habitat restoration and enhancement works should be completed such as prior to commencement, prior to first



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 be 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 advice sought from an appropriately licensed ecologist or Natural England.

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.

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

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.

## **Trees and Landscape**

The Principal Forestry and Arboricultural Officer has no objection to the application

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.

### **Response to Objections**

The representations of the members of the public have been given careful consideration in the assessment of this application and the issues raised are addressed within the individual sections of the report. As discussed in the amenity section of the report, it is not considered that there would be significant adverse impact on the residential amenity of neighbouring properties, subject to the imposition of a condition relating to the privacy screen.

### **Conclusion – The Planning Balance**

Taking account of Paragraphs 49 and 14 of the NPPF there is a presumption in favour of the development provided that it represents sustainable development unless there are any adverse impacts that *significantly and demonstrably* outweigh the benefits.

The development site is within the Settlement Zone Line of Alsager where there is a presumption in favour of development.

The proposal would have some economic benefits in terms of jobs in construction and spending within the construction industry supply chain.

The impact on protected species and trees is considered to be acceptable subject to conditions.

On the basis of the above, it is considered that the application should be approved subject to the imposition of appropriate conditions.

### **RECOMMENDATION**

**Approve subject to the following conditions:**

- 1. Commencement**
- 2. Approved plans**
- 3. Submission of landscaping scheme**

- 4. Implementation of landscaping scheme**
- 5. Tree retention**
- 6. Tree protection**
- 7. Submission of materials for approval**
- 8. Submission of full details of the balcony privacy screen and its retention permanently**
- 9. Submission of samples/details of obscure glazing and fixed (non-opening) windows in the side elevation facing 6 Heath End Road**
- 10. Protection for breeding birds**
- 11. Construction method statement for the driveway**
- 12. Submission of an Arboricultural Method Statement**
- 13. Development to be carried out in accordance with the Great Crested Newt Reasonable Avoidance Measures submitted with the application**
- 14. Pond restoration proposals implemented**
- 15. Submission of a Habitat Management Plan for a period of 10 years**
- 16. Details of bat and bird boxes to be incorporated into the scheme**
- 17. Development carried out in accordance with Great Crested Newt Mitigation Strategy**
- 18. The site shall become part of the domestic curtilage of 4A Pikemere Road, Alsager**

**In the event of any changes being needed to the wording of the Committee's decision (such as to delete, vary or add conditions/informatives/planning obligations or reasons for approval/refusal) prior to the decision being issued, the Principal Planning Manager has delegated authority to do so in consultation with the Chairman of the Southern Planning Committee, provided that the changes do not exceed the substantive nature of the Committee's decision.**

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