

Item No. 10

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| APPLICATION NUMBER | CB/16/02903/FULL |
| LOCATION | Land adjoining 12 Silverbirches Lane, Aspley Heath, Milton Keynes, MK17 8TL |
| PROPOSAL | Removal of timber single garage, construction of new house and garage in place of approved proposal reference CB/15/00915/FULL |
| PARISH | Aspley Heath |
| WARD | Aspley & Woburn |
| WARD COUNCILLORS | Cllr Wells |
| CASE OFFICER | Dee Walker |
| DATE REGISTERED | 06 July 2016 |
| EXPIRY DATE | 31 August 2016 |
| APPLICANT | Mr & Mrs McQuillan |
| AGENT | Derek Walker Associates |
| REASON FOR COMMITTEE TO DETERMINE | |
| RECOMMENDED DECISION | Full Application - Granted |

Site Location:

The application site is located on the north western side of Silverbirches Lane, which is a private residential lane accessed off Church Road. It is within the Green Belt Infill Boundary and in the Aspley Heath Conservation Area. The site is the side garden area of an existing established residential property known as no. 12 Silverbirches Lane. There are mature trees on the southern and western boundaries.

The Application:

The application is for the construction of 1 no. residential dwelling and associated amenity areas. The dwelling would be of a rectangular shape with a maximum width of 11.0m and depth of 7.2m. To the front it appears as a 1½ storey but due to the topography of the site, it is 2½ storey to the rear. There would be a side/rear garden and space for 4 cars to park off street, including within the proposed detached double garage.

RELEVANT POLICIES:

National Planning Policy Framework (2012)

7 Requiring good design

Policies 2009

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| Policy DM3 | High quality development |
| Policy DM6 | Infill development within the Green Belt infill boundary |
| Policy DM13 | Heritage in development |

Development Strategy

At the meeting of Full Council on 19 November 2015 it was resolved to withdraw the Development Strategy. Preparation of the Central Bedfordshire Local Plan has begun. A substantial volume of evidence gathered over a number of years will help support this document. These technical papers are consistent with the spirit of the NPPF and therefore will remain on our website as material considerations which may inform further development management decisions.

Supplementary Planning Guidance/Other Documents

Central Bedfordshire Design Guide (March 2014)

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| 1 | New residential development |
| 3 | Town centre and infill development |
| 5 | The historic environment |

Relevant Planning History:

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| Application Number | CB/15/00915 |
| Description | FULL: Erection of new detached dwelling house |
| Decision | Granted |
| Decision Date | 01.05.2015 |

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| Application Number | MB/92/00430 |
| Description | OUTLINE: One dwelling |
| Decision | Refused |
| Decision Date | 23.04.1992 |

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| Application Number | MB/81/00180 |
| Description | OUTLINE: Erection of one detached dwelling |
| Decision | Refused |
| Decision Date | 14.06.1981 |

Consultees:

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| Parish/Town Council | Do not object but request that windows to the east facing dormer are glazed with obscured glass and that a Construction Management Plan is provided |
| CBC Conservation | No objections subject to relevant conditions |
| CBC Ecology | No objections subject to the erection of bat/bird boxes |
| CBC Highways | No objections |
| CBC Pollution | No comment |
| CBC Tree & Landscape | No objections subject to tree protection conditions |

Other Representations:

Neighbours

2 letters from Copper Beaches, Heath Lane and 5 Silverbirches Lane. Objected on the following grounds:

- Not in keeping with area;
- Grown in size significantly;
- Nearer the small country lane;
- Overlooking into bungalow opposite;
- Overbearing and not appropriate to the size of the plot;
- Sensitive trees in close proximity.

Determining Issues:

The main considerations of the application are;

1. Principle of Development
2. Size, siting and design in relation to the visual amenities of the site, area in general and Conservation Area
3. Impact on amenities of neighbours
4. Highway Considerations
5. Tree Considerations
6. Other Considerations

Considerations

1. Principle of Development

- 1.1 The site lies within the Green belt Infill Boundary of Aspley Heath, Policy DM6 of the Central Bedfordshire Core Strategy and Development Management Policies (2014) states that the principle of infill development is acceptable in the defined Green Belt Infill Boundary. Infill development can be described as small scale development utilising a vacant plot which should continue to compliment the surrounding pattern of development.
- 1.2 A recent application CB/15/00915/FULL for a detached dwelling was approved on 1 May 2015 and this fresh application is for a scheme with a different style, on a larger footprint and amended internal layout. The principle of a single dwelling on this site has therefore already been established.
- 1.3 Policy CS14 of the Core Strategy states that the Council will require development to be of the highest quality by respecting local context, spaces and building in design.... as well as focusing on the quality of buildings individually. Policy CS15 states that the Council will protect, conserve and enhance the integrity of the local built and natural environment. Policy DM13 states that planning applications for development within the Conservation Areas will be assessed against the Conservation Area appraisals and that inappropriate development will be refused.
- 1.4 The site has been assessed as a vacant plot, and would form frontage development in keeping with the basic dwelling placement in the locality. The development would not remove all the garden area from no. 12, nor would it leave them with an uncharacteristically small or awkward plot, or limit parking for that dwelling house. The plot would be in keeping with the size of the plots within

the locality. Therefore it is in accordance with policies DM3, DM6 and DM13 of the Core Strategy and Development Management Policies as well as the National Planning Policy Framework

2. Size, siting and design in relation to the visual amenities of the site, area in general and Conservation Area

2.1 The proposed dwelling would be located at the frontage of the site; it would be visible from Silverbirches Lane.

2.2 Within the Aspley Heath Conservation Area appraisal it states:

'there is little stylistic cohesion between the buildings in the conservation area, with plots being developed by individual owners, rather than as part of a comprehensive scheme ... an eclectic palette of materials contributes to the diversity of the built development, with examples of ironstone, brick work, timber framing, stucco render and plate glass, all adding texture and visual interest.'

2.3 The design of this revised scheme is to be of a 'Potton Style' oak framed dwelling with accommodation over three levels. From the frontage it would appear as a traditional 1½ storey dwelling house. Due to the site levels, the lower ground floor would not be apparent from the street scene.

2.4 A larger proportion of houses on Silverbirches Lane are substantial detached dwellings, set in large plots fronting the road frontage. It is considered that this would follow the general plot size and dwelling location of other properties within the area. It is noted that the revised dwelling has a larger footprint to accommodate the oak frame construction, however it is considered that the mass of the proposed dwelling and location on the plot does respect the character of the area.

2.5 The Conservation Officer is satisfied that this is high quality design, which would add interest to the Conservation Area. It is judged that this would not result in harm to the Conservation Area; it would add to the diversity and interest of the immediate area and it is therefore in conformity with the NPPF.

3. Impact on the amenities of neighbours

3.1 The site is between nos. 12 and 14 Silverbirches Lane and no. 5 on the opposite side of the lane. It is considered that any additional impact that the revised scheme may have on neighbouring amenity is not significant enough to warrant a refusal on those grounds alone.

3.2 Impact upon Light:

The dwelling would be sited roughly in line with no. 12 and be set well off the shared boundary with this property and some 40.0m from no. 14 main dwelling. It is considered that there would not be a significant impact upon the light to either of these dwellinghouses or any neighbouring property, including no. 5 on the opposite side of the lane. The height of the revised scheme is some 7.3m but it would not be significantly higher than the adjacent properties and thus considered that the light into the dwellings and amenity spaces would not be significantly affected by this development.

3.3 Impact upon Privacy:

The windows proposed have a traditional front and rear orientation. The proposal introduces of a front dormer facing towards Silverbirches Lane and the garden area of no. 5, however there is some 7.0m to the boundary and 20.0m to the rear conservatory of no. 5. The main patio area is located towards the front of no. 5 adjacent to the front projection. Furthermore, due to the topography of the site, the bedroom windows are not elevated significantly higher as they would be if the site was at the same level as the road and garden area for no. 5. The Central Bedfordshire Design Guide indicates that a back to back distance between dwellings should be approx. 21.0m therefore given that the proposed bedroom window will be some 20.0m from the conservatory of no. 5 it is considered that this would not cause a significantly adverse impact on the residential amenity of this neighbouring property.

3.4 Impact upon Outlook and Overbearing Impact:

Due to the height, site levels and placement of the proposed dwelling, it is considered that it would not cause any overbearing impact upon the adjacent residential properties.

3.5 Two letter of objection have been received from neighbouring properties. The Parish Council has not objected but requested the dormer window be obscurely glazed and a Construction Management Plan be submitted. The concerns are addressed below:

- Not in keeping with area;
This issue is considered in Sections 1 and 2.
- Grown in size significantly;
It is considered that the design is attractive and as stated in the submission, an oak framed timber construction requires more floorspace for external walls. It is judged that from the street scene it will appear too bulky or large; there are some 10.0m between the proposed dwelling and no. 12, which is not an untypical relationship for dwellings in this area.
- Nearer the small country lane;
The Highways Officer raises no concerns on this matter as at its closest point, the proposed dwelling will be some 1.75m from the lane.
- Overlooking into bungalow opposite;
This matter is considered in Section 3.
- Overbearing and not appropriate to the size of the plot;
This matter is considered in Sections 2 and 3.
- Sensitive trees in close proximity.
The Tree and Landscape Officer raises no concerns to the trees within this location.

4. **Highway Considerations**

- 4.1 The site would be accessed from the existing driveway used for no. 12; this is from a private road, which is maintained by residents. It is considered that this development would not have a significant impact upon the public highway.
- 4.2 This revised scheme has the provision for 4 no. parking spaces and therefore in compliance with the Council's parking standards.

5. Tree Considerations

- 5.1 The Tree Officer has raised no objection to the development. A condition is recommended which would ensure tree protection formed part of the construction of the new dwelling. It is considered that the root protection areas of the existing trees on the site have been taken into account when designing the property, and providing the conditions are adhered to, the development would not have a significant or negative impact upon the existing trees on the site.

6. Other Considerations

6.1 Ecology

The ecological report found no evidence of bats in the shed proposed to be removed and whilst the report is some 2 years old now, the Council's Ecology Officer does not consider condition would have changed. The site does lie within the Greensand Ridge Nature Improvement Area and as such it is suggested that the development demonstrate a net gain for biodiversity by incorporating 2 no. bat and 3 no. bird boxes on trees or buildings shown in Appendix 4 of the ecological report.

6.2 Construction Management Plan (CMP)

The Parish Council raised the request for a CMP for the development. Given that this is for the construction of a single dwelling, it is not considered reasonable to condition this given the low level of construction traffic that would be generated. Furthermore, the Highways Officer did not deem this necessary to make the development acceptable.

6.3 Human Rights issues

It is the officers understanding that the proposal would raise no Human Rights issues.

6.4 Equality Act 2010

It is the officers understanding that the proposal would raise no issues under the Equality Act 2010.

Recommendation:

That Planning Permission be APPROVED subject to the following conditions:

RECOMMENDED CONDITIONS / REASONS

- 1 The development hereby permitted shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 No development shall take place until the following details are submitted to and approved in writing by the Local Planning Authority and shall be carried out in full accordance with such approved details:**

- **Samples of materials to be used in the external finishes of the development hereby approved.**
- **Drawings of all new proposed doors and window to a scale of 1:10 or 1:20, together with a specification of the materials and finishes. Details provided should clearly show a section of the glazing bars, frame mouldings, door panels, the depth of the reveal and arch and sill details.**

Reason: These details are required prior to commencement to ensure that the proposed development is carried out in a manner that safeguards the historic character and appearance of the Conservation Area.

(Policies DM3, DM13 CSDMP)

- 3 No development shall take place until full construction details of the reinforced concrete ring beam and mini pile foundation, as being proposed to construct the garage under "Arboricultural Implications" of the Tree Protection Plan prepared by Lisa Camps (Ref Drawing No. MMX 120/3), have been submitted to and approved in writing by the Local Planning Authority.**

Reason: To demonstrate that prior to construction the foundations being constructed within the Root Protection Area of Sycamore tree T1 will avoid root damage and root asphyxiation, so as to ensure that the integrity, function and health of its root system is prevented from damage.

(Policies DM3, DM13 CSDMP)

- 4 The dwelling shall not be occupied until a scheme has been submitted to and approved in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied and be thereafter retained.**

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

(Policy DM3, CSDMP)

- 5 No occupation of the dwelling house shall take place until a detailed landscape planting plan shall be submitted to the Local Planning Authority for approval, which shall incorporate all planting proposals outlined in the "New Planting and Biodiversity Enhancements" of the "Arboricultural**

Implications", which forms part of the Tree Protection Plan prepared by Lisa Camps (Drawing No. MMX 120/3) The planting plan shall refer to planting sizes, planting species and planting density of trees, shrubs and hedges, and stipulate an appropriate maintenance schedule for a period of 5 years from the date of initial planting. The planting scheme shall be fully implemented within the 1st planting season following the occupation of the dwelling house.

Reason: To ensure a satisfactory standard of landscape planting, after care and establishment to ensure that new landscaping is successful in integrating the dwelling into the setting of the Aspley Heath Conservation Area.

(Policies DM3, DM13 CSDMP)

- 6 All tree protection measures shall be fully implemented prior to the commencement of any demolition and any building works, and carried out in strict accordance with the "Arboricultural Method Statement for Tree Protection", that forms part of the Tree Protection Plan prepared by Lisa Camps (Ref Drawing No. MMX 120/3).

Reason: To ensure a satisfactory standard of tree protection is maintained throughout all development works.

(Policy DM3, DM13 CSDMP)

- 7 Demolition practices must be carried out in strict compliance with the works specification and methodology referred to under "Arboricultural Implications" of the Tree Protection Plan prepared by Lisa Camps (Ref Drawing No. MMX 120/3).

Reason: To prevent root damage to Sycamore tree T1 that may arise from poor working practices during demolition work.

(Policy DM3, DM13 CSDMP)

- 8 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no extensions or alterations shall be carried out to the development hereby permitted without the prior approval by way of a planning consent from the Local Planning Authority and only the approved details shall be implemented.

Reason: To protect the amenities of occupiers of neighbouring properties.

(Policy DM3, CSDMP)

- 9 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific planning permission from the Local Planning Authority.

Reason: To control the development in the interests of the visual amenity of

the area.
(Policy DM3, CSDMP)

- 10 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers PR-01, PR-02, PR-03, SP-03, SP-05, LOC-01, MMX120/1A, MMX120/3.

Reason: To identify the approved plan/s and to avoid doubt.

INFORMATIVE NOTES TO APPLICANT

1. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

Statement required by the Town and Country Planning (Development Management Procedure) (England) Order 2015 - Part 5, Article 35

The Council has acted pro-actively to secure a sustainable form of development in line with the requirements of the Framework (paragraphs 186 and 187) and in accordance with the Town and Country Planning (Development Management Procedure) (England) Order 2015.