

## **Item No. 10**

<b>APPLICATION NUMBER</b>	<b>CB/15/02991/FULL</b>
<b>LOCATION</b>	<b>Land adjacent to 11 Albert Place and rear of 37 to 49 High Street, Albert Place, Houghton Conquest</b>
<b>PROPOSAL</b>	<b>Erection of a new dwelling</b>
<b>PARISH</b>	<b>Houghton Conquest</b>
<b>WARD</b>	<b>Houghton Conquest &amp; Haynes</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Mrs Barker</b>
<b>CASE OFFICER</b>	<b>Samantha Boyd</b>
<b>DATE REGISTERED</b>	<b>17 August 2015</b>
<b>EXPIRY DATE</b>	<b>12 October 2015</b>
<b>APPLICANT</b>	<b>Mr Juffs</b>
<b>AGENT</b>	<b>Mr Stephen R Everitt</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Cllr Call-in. Cllr A Barker. Large dwelling for small plot, overbearing two storey building, private access overcrowding area, parking on site not to good level, site needs development but not to this scale.</b>
<b>RECOMMENDED DECISION</b>	<b>Full Application - Granted</b>

### **Reasons for Recommendation**

The principle of the proposed development in this location is considered to be acceptable and compliant with Policy DM4 of the Core Strategy and Development Management Policies Document (2009). The proposal would not have a negative impact on the character of the area or an adverse impact on the residential amenity of neighbouring properties and is acceptable in terms of highway safety therefore by reason of its size, design and location, is in conformity with Policy DM3 of the Core Strategy and Management Policies, November 2009; and The National Planning Policy Framework. It is further in conformity with the technical guidance Central Bedfordshire Design Guide 2014.

### **Site Location:**

The application site is a square piece of land to the north side of Albert Place in the centre of Houghton Conquest. The land is disused, fairly overgrown and surrounded by residential properties. Access to the site is via Albert Place, a narrow unadopted road off the High Street which also provides access for the existing dwellings in Albert Place and those in the High Street at the junction point.

Albert Place comprises older terraced dwellings and two chalet bungalows at the far end constructed in the 1980's. On the junction with the High Street there are existing dwellings in the High Street and the village Post Office.

### **The Application:**

Planning permission is sought for the erection of a three bedroom dwelling with an integral garage.

During the consideration of the application revised plans have been received which have amended the size of the integral garage so that it complies with the Councils Design Guide.

**RELEVANT POLICIES:**

**National Planning Policy Framework (NPPF) (March 2012)**

**Core Strategy and Development Management Policies - North 2009**

CS14 & DM3 High Quality Development

DM4 Development within and Beyond Settlement Envelopes

**Emerging Development Strategy for Central Bedfordshire 2014**

The draft Development Strategy was submitted to the Secretary of State on the 24th October 2014. After initial hearing sessions in 2015 the Inspector concluded that the Council had not complied with the Duty to Cooperate. The Council has launched a judicial review against the Inspectors findings and has not withdrawn the Development Strategy. The first phase of the legal challenge took place at a hearing on 16th June 2015. This was to consider whether the court would grant the Council leave to have a Judicial Review application heard in the High Court. The Judge did not support the Council's case. On the 22nd June 2015 the Council lodged an appeal against his judgement. The status of the Development Strategy currently remains as a submitted plan that has not been withdrawn. Its policies are consistent with the NPPF. Its preparation is based on substantial evidence gathered over a number of years. It is therefore regarded by the Council as a sustainable strategy which was fit for submission to the Secretary of State. Accordingly it is considered that the emerging policies carry weight in this assessment.

**Supplementary Planning Guidance/Other Documents**

Central Bedfordshire Design Guide (March 2014)

**Relevant Planning History:**

None relevant

**Consultees:**

Houghton Parish Council	Conquest	The Parish Council acknowledges that this is a very narrow road and construction will be problematic as a result of this. However it is considered that the current condition of the site is unsightly and the proposed development is appropriate to the size of the plot and allows for garage parking and two off road spaces.
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The Parish Council therefore has no objections to this application. However we request that robust conditions be placed to control parking of trade vehicles and deliveries and the times construction and deliveries can take place during the construction phase to minimise the

impact on residents whilst works is being carried out.

### Other Representations:

11 responses received from neighbours -  
35, 37 High Street,  
1, 3, 5, 6, 7, 9, 10a, 11  
Albert Place.  
11 Almers Close

Object to the development. Comments summarised below:

- Albert Place is narrow, upadopted road in poor condition. It cannot cope with additional traffic.
- Construction traffic will have no where to park and/or unload, and may cause further damage to the road.
- the emergency services have difficulty accessing the road at present without asking residents to move car- additional traffic or parked cars would make the situation worse.
- recently a hearse couldn't access the road.
- High Street residents store their bins in Albert Place making access difficult.
- Visibility at the junction with High Street is limited.
- there is already congestion at the High Street/Albert Place junction - there have been 2 accidents.
- School is almost opposite on the High Street - construction vehicles using the junction or parking on the High Street would present at danger to children.
- Heavy construction vehicles would lead to further degradation of road.
- there would be loss of privacy and noise during construction works.
- existing driveways and parking spaces may be used by construction vehicles for turning/parking.
- Heavy lorries would damage foundations of houses.
- Albert Place is part owned by residents. Builders do not have permission to cross the land.
- Would insist on resurfacing of road if permission is granted
- the site benefits local wildlife - a survey should be undertaken.
- the planning officer should visit Albert place at peak traffic times to experience the flow of traffic and the poor junction for themselves.
- would like confirmation the development complies with the design guide.
- would welcome more details of the materials.
- a construction management plans should be agreed with the existing residents.
- hours of work should be limited and delivery time agreed with residents.
- work shifts and would be disturbed by building works.
- rear windows will overlook garden and existing windows.
- there has been no attempt to maintain the road from

- existing residents.
- occupants of the new dwelling will need to reverse out encroaching on private land.

## Highways

Whilst the previous concerns made in my response to a pre-app for two dwellings considered under reference CB/12/03016 remain valid, I am conscious that in planning terms development of this site is acceptable, as your response to the pre-app would suggest.

Given the above I am of the opinion that, on balance a highway objection to a lesser development, generating fewer traffic movements and having adequate on plot parking and garaging provision, would not be justified.

The site is served from a private road over which the highway authority has no jurisdiction. As such there are no other highway conditions or advice notes to be included in addition to the standard “development to be completed in accordance with submitted plan” condition.

The garage door should be a roller shutter to ensure vehicles have space to park.

Internal Drainage Board No objections to the proposal

## Archaeology

The proposed development site is located partly within the historic core of the village of Houghton Conquest (HER 17037) and is consequently considered to have the potential to contain archaeological deposits relating to the Saxon, medieval and post medieval development of the village. The investigation of rural Saxon and medieval settlements to examine diversity, characterise settlement forms and understand how they appear, grow, shift and disappear is a local and regional archaeological research objective (Wade 2000, 24-25, Oake 2007, 14 and Medlycott 2011, 70).

The proposed development will have a negative and irreversible impact upon any surviving archaeological deposits present on the site, and therefore upon the significance of the heritage assets with archaeological interest. This does not present an over-riding constraint on the development providing that the applicant takes appropriate measures to record and advance understanding of any surviving heritage assets with archaeological interest. This will be achieved by the investigation and recording of any archaeological deposits that may be affected by the development and the scheme will adopt a staged approach, beginning with a trial trench evaluation, which may be followed by further fieldwork if

appropriate. The archaeological scheme will include the post-excavation analysis of any archive material generated and the publication of a report on the investigations. In order to secure this scheme of works, please attach the following condition to any permission granted in respect of this application.

Site Notice displayed. 8/09/15

### **Determining Issues:**

1. The principle of the development
2. The impact on the character and appearance of the area
3. Impact on neighbouring amenity
4. Other considerations

### **Considerations**

#### **1. The principle of the development**

- 1.1 The application site is within the Settlement Envelope for Houghton Conquest where new residential development is considered acceptable under Policy DM4. The proposal is for one new dwelling on a site that is surrounded by existing residential development. The site has an overall width of approximately 12m and a depth of around 20m.
- 1.2 In principle the development is considered to be acceptable in this location subject to compliance with any other relevant policies.

#### **2. The impact on the character and appearance of the area**

- 2.1 The proposed dwelling is a two storey property with an integral garage to the side. The garage is set back from the front elevation and the room above designed with a lower roof line so that this section of the property appears as subservient. The dwelling is set away from the side boundaries of the site by approximately 1m and provides parking to the frontage.
- 2.2 The rear garden is approximately 10m in depth and close to 100sq m in size which is compliant with the Design Guide.
- 2.3 The site is currently unused and overgrown. The proposed dwelling would result in a visual improvement of the site without appearing cramped. The immediate area is mixed in character therefore the proposed dwelling would not be out of keeping with any particular style or scale when compared to the existing dwellings in the vicinity.
- 2.4 In terms of the impact on the character and appearance of the area, the proposal is not considered to result in a harmful impact. Concerns have been raised relating to overdevelopment, however the proposal has provided the required parking spaces, garden space and there is adequate spacing between the buildings. The proposal is therefore considered acceptable and in

compliance with the Design Guide and Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

### **3. Impact on neighbouring amenity**

- 3.1 The proposed dwelling would be sited in between No 10a and 11 Albert Place. To the rear there are two storey properties in Almers Close.
- 3.2 10a is a chalet style dwelling to the north west of the application site sited approximately 4m from the proposed side elevation of the dwelling. There are no first floor windows in the side elevation of the proposed dwelling and the ground floor lounge window faces the existing 1.8m fence on the shared boundary. Given the relationship between 10a and the proposal, there would be no unacceptable loss of light or adverse overbearing impact. Rear windows in the proposed dwelling would face towards the rear most part of 10a's garden, however the area is residential in nature therefore an element overlooking into gardens already exists and would not be made significantly worse by the proposal.
- 3.3 No 11 is to the south east of the application site. The garage wall of No 11 forms part of the boundary of the site. The proposed dwelling would be sited around 1m from the garage wall and therefore around 4m from the side elevation of the dwelling itself. Again rear windows would face the rear part of the garden for No.11 however the proposal is not considered to result in significant or unacceptable loss of privacy. There are front windows in No.11 which face towards the application site, however these windows are in the public domain and therefore are already overlooked by the public. No windows in the proposed dwelling would directly overlook the existing windows serving No.11.
- 3.4 To the rear there are two storey properties in Almers Close. These properties are for the most part to the rear of 10a, but also partly overlap the application site rear boundary. The Councils Design Guide provides a recommended guideline for acceptable spacing between rear facing windows to avoid adverse loss of privacy. Sited around 19m from the rear elevation of the proposed dwelling, the proposal would fall short of the 21m guidance distance by 2m however in this location, it is not considered that there would be an unacceptable loss of privacy to the occupants of Almers Close. No 10 Almers Close (immediately to the rear of the application site) appears to have a large shed along the boundary shared with the application site and there are a number of large mature trees that currently screen No 10 from the application site. Even if the trees were to be cut down, the distance between the proposed dwelling and those in Almers Close is not considered to be unreasonable, particularly in a residential area such as this.
- 3.5 The front elevations of the existing properties in Albert Place face toward the application site. There would be some 10m between the front elevations of the existing and proposed property. No guidelines for distances between front elevations that are within the public domain are set out in the Councils Design Guide, however taking into account the location of the existing dwellings in Albert Place, frontage windows already face each other at similar distances therefore this proposal is not considered to result in significant loss of privacy

to the existing dwellings in Albert Place.

- 3.6 Overall the proposal is not considered to result in significant harm to the amenities of the adjacent properties in terms of loss of privacy, light, outlook or overbearing impact, it is therefore considered acceptable in accordance with Policy DM3 of the Core Strategy and Development Management Policies Document (2009).

#### **4. Other Considerations**

- 4.1 There is no objection to the development from a highway safety point of view and parking is compliant with the Councils Design Guide.
- 4.2 The three bedroom dwelling provides two parking spaces, one in the garage and one on the site frontage. the garage has been amended to comply with the design guidance (7m in length, 3m wide) and is therefore counted as one of the required parking spaces. A condition can ensure the garage remains available for parking.
- 4.3 Many concerns have been raised from residents regarding the use of Albert Place as access. Albert Place is a private road partly owned by all existing properties in Albert Place. It is narrow and unmade with no designated parking areas marked out. The terraced properties in Albert Place have limited parking to the front of their properties and No. 10 and 10a, at the end of the road have parking within their curtilage. The properties in High Street at the junction with Albert Place also partly own part of the private road and their bins are stored along the edge, close to the High Street junction area.
- 4.4 Concern has been raised regarding congestion at the junction with High Street, however it is not felt that one additional dwelling in this location would increase traffic to an unacceptable level and no objection have been raised by highway officers. The property has been provided with off road parking spaces in accordance with the Design Guide.
- 4.5 It is acknowledged that there would be disturbance and disruption during construction with deliveries etc, however this inevitable with all construction works and not a reason to restrict new development with is otherwise acceptable. The Parish Council have suggested a condition to restrict the time of deliveries and construction vehicles, however such a condition is not enforceable and unreasonable as the applicant has no control over when building supplies would be delivered.
- 4.6 It has also been suggested that the re-surfacing of Albert Place should be part of the planning approval if consent is granted. As Albert Place appears to have multiple owners and various rights of way, the resurfacing of the access cannot be secured by a planning permission as the applicant would the consent of all land owners which may not be forthcoming.
- 4.7 Whilst residents concerns regarding to the existing situation at Albert Place are noted, the proposal is considered to be acceptable with regard to the impact on highway safety and parking has been provided in line with the Design Guide. The proposal is therefore complaint with Policy DM3 of the Core

Strategy and Development Management Policies Document (2009).

4.8 Human Rights/Equalities Act

Based on the information submitted there are no known issues raised in the context of the Human Rights and the Equalities Act and as such there would be no relevant implications.

4.9 S106 contributions

Given the scale of the development no contributions would be sought from this development in this location.

4.10 Ecology

Concerns have been raised regarding the loss of land for wildlife. It has been mentioned by a neighbour that there used to be a pond at the site where Great Crested Newts were seen and therefore an ecology survey should be undertaken, however other comments have confirmed that the applicant regularly visits the site and sprays it with strong weed killer. Nevertheless the Councils Ecology Officer has been consulted on the proposal and any comments made will be reported to the committee on the Late Sheet.

**Recommendation:**

That Planning Permission be granted subject to the following:

**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 details of the existing and final ground and slab levels of the buildings hereby approved have been submitted to and approved in writing by the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: This condition is required prior to any works commencing on the foundations of the dwelling to ensure that an acceptable relationship results between the new development and adjacent buildings and public areas. (Policy DM3)**

- 3 No works on the construction of the external walls of the dwelling hereby approved shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To control the appearance of the building in the interests of the visual amenities of the locality.  
(Policy DM3)

- 4 A scheme shall be submitted for approval 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 use hereby permitted is commenced / before the building(s) is/are occupied] and be thereafter retained.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.  
(Policy 43, DSCB)

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) the garage and parking space hereby permitted shall be kept permanently available for the parking of motor vehicles.

Reason: To ensure that off-street parking is retained in the interests of highway safety and neighbouring amenity. (Policy DM3)

- 6 The vehicular access door of the garage hereby approved shall be fitted with a roller shutter configuration and shall be retained as such thereafter.

Reason: To ensure that off-street parking is retained in the interests of highway safety and neighbouring amenity. (Policy DM3)

- 7 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, number SE2689/A

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

### **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.
2. In accordance with Article 35 (1) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the reason for any condition above relates to the Policies as referred to in Core Strategy and Development Management Policies Document (2009).
3. The Council does not accept materials are their offices. Where there is a requirement for materials to be submitted to and approved in writing by the Local Planning Authority, please contact the Case Officer to arrange for them to be viewed, usually this will be on site.

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

The Council acted pro-actively through positive engagement with the applicant during the determination process which led to improvements to the scheme. The Council has therefore 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.

**DECISION**

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