

Item No. 09

APPLICATION NUMBER	CB/15/02539/FULL
LOCATION	Mentmore, 4 Greenfield Road, Pulloxhill, Bedford, MK45 5EZ
PROPOSAL	Erection of detached chalet bungalow, proposed turning and parking area. Dormer windows to rear of Mentmore with parking area to front of property.
PARISH	Pulloxhill
WARD	Westoning, Flitton & Greenfield
WARD COUNCILLORS	Cllr Jamieson
CASE OFFICER	Judy Self
DATE REGISTERED	28 July 2015
EXPIRY DATE	22 September 2015
APPLICANT	Mr P Freeman
AGENT	Aragon Land and Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	Called in by Cllr Jamieson over concerns relating to policy; amenity; highways safety; parking and impact upon the landscape.
RECOMMENDED DECISION	Application recommended for approval

Summary of Recommendation:

The proposed development would be situated within the village settlement envelope and would provide a dwellinghouse with a suitable level of amenity for future occupiers without adverse impact on the local residential amenity or prejudicial impact on highway safety or the character and appearance of the conservation area or the site and setting of the listed buildings. It is therefore in accordance with Central Bedfordshire Core Strategy and Development Management Policies DM3, DM4, DM13, CS14, CB15 and Emerging Development Management Strategy Policies 1, 43, 38, 45; the Central Bedfordshire Design Guide (2014) and the National Planning Policy Framework (2012).

Site Location:

The application site is located to the northeast of Greenfield Road and comprises a three bedroom bungalow with a detached double garage located to the rear of the site. Access to the east of the dwelling serves the garage and parking area. The access runs adjacent and along the length of no. 2 Greenfield Road. The site falls within the settlement envelope for Pulloxhill and is within the conservation area.

Confirmation has been received from the applicant during the determination of the application that the proposed dwelling would not exceed the height of Mentmore at 7m in height.

During the determination of the application a revised plan was received showing a 0.5m reduction in the height of the proposed dwelling. Also an omitted plan detailing the rear dormer windows to Mentmore was received. All neighbours / Parish were consulted with the submitted details in addition to some clarification over the application description.

The Application:

Following the removal of the garage planning permission is being sought for the following:

- Erection of a two bedroom chalet bungalow (footprint of approximately 103.9sqm) with associated parking provision. The dwelling measures 10.3m x 7m x 6.4m in height. There are 3 x dormer windows one side and 3 x velux windows in the other.
- New off-road parking area in front of the property known as Mentmore (4 Greenfield Road in Pulloxhill).
- 3 x dormer windows to the rear of Mentmore

The proposal has had pre-application advice.

RELEVANT POLICIES:

National Planning Policy Framework (NPPF) (March 2012)

Core Strategy and Development Management Policies - North 2009

Policy DM3: High Quality Development

Policy DM4: Development Within and Beyond Settlement Envelopes

Policy DM13: Heritage in Development

Policy CS14: High Quality Development

Policy CS15: Heritage

Emerging Development Strategy for Central Bedfordshire 2014

Policy 1: Presumption in Favour of Development

Policy 43: High Quality Development

Policy 38: Within and Beyond Settlement Boundaries

Policy 45: The Historic Environment

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)

There is no Relevant Planning History for 4 Greenfield Road, Pulloxhill

Consultees:

Parish/Town Council	<p>Pulloxhill Parish Council object to the above planning application for the following reasons:</p> <ol style="list-style-type: none">1) Detrimental effect to the street scene on the High Street - The proposed dwelling will be clearly visible from the High Street beyond the walled garden of 5 High Street.2) Detrimental effect to the conservation area - The proposed dwelling will be clearly visible from the High Street conservation area. It should also be noted that 5 & 7 High Street are listed buildings.3) Detrimental effect to neighbouring properties - The proposed dwelling will have a negative impact on the amenity of the surrounding properties, namely 2 and 4 Greenfield Road and 1 and 5 The High Street. This is not replacing a garage with a similar sized structure but a 2 storey house. The impact on the garden of 5 High Street and 4 Greenfield Road should be seriously considered.4) Impact upon highway safety - The current narrow access is located close to the sharp bend of Greenfield Road / High Street. Any increase in traffic would be unacceptable.5) The proposal is not for a chalet bungalow but a 2 storey house. <p>The Parish Council consider this application glosses over key aspects which make this development wholly unacceptable.</p>
CBC Conservation Officer	No objection
CBC Archaeology Officer	No objection subject to the specified condition
CBC Highways Officer	No objection subject to the specified condition

Other Representations: comments have been summarised as following:

1. The Red House, 1 High Street, Pulloxhill
 - The proposed new dwelling being located approx. 10m from the Grade II listed cottage at 5 High Street. This part of the High Street is the historic core of the village and is characterised by good quality historic buildings

located along the street frontage, and gaps between them that allow views of the countryside beyond

- The proposal is contrary to policy because:
 - It will result in considerable harm to the setting of the listed buildings (nos 5 and 7 High Street)
 - It will harm the openness of the adjacent traditional cottage gardens and will be highly visible from the High Street across the open space between 5 and 7 High Street
 - The Design & Access & Heritage Statement makes no mention of the two listed buildings or makes any assessment of the impact
 - An application for a dwelling on the adjacent site between 5 & 7 was refused (MB/06/02027/Full) and the subsequent appeal dismissed. the Inspector's decision upon the adjacent site is material to the present application, and the Council have a statutory duty to apply considerable importance and weight to the matters of the setting of the designated heritage assets engaged
 - The drawings submitted with the application fail to show the proposal adequately in relation to its surroundings and context
 - Detrimental to highway safety
 - Harmful impact upon the amenity of neighbouring occupiers at 2, 4 and 5 Greenfield Road, and at 1 and 5 High Street by virtue of its scale and siting, could be overbearing upon the garden of the listed building at no. 5 High Street.
 - The plans do not show the boundary fence between no. 1 High Street and no. 2 Greenfield Road. The fence runs from the back corner of no. 2 to the corner of its garage, and affords open views between my private rear garden and the proposed parking area for the development
2. 5 High Street,
Pulloxhill
- The proposed dwelling will harm the setting of my listed thatched cottage and the character of the conservation area
 - overbearing to my garden
 - Loss of outlook and light from kitchen window
 - it is inappropriate for this location
 - loss of privacy to the new bedroom/family bathroom
 - loss of view
 - The design is not in-keeping with the conservation area/listed buildings
3. The Birches,
Pulloxhill

- 4. 2 Greenfield Road, Pulloxhill
 - detrimental to Highway safety
 - Disruption / inconvenience to users of the shared access
 - As tenants it was understood that we would be required to allow access for no. 4 and any increase in traffic is unreasonable
 - Impact upon highway safety
- 5. Harbledown, Westland Green, Little Haddam, Herts (owner of no. 2 Greenfield Road)
 - The access to the proposed dwelling is over our drive. The driveway is only 2.3m wide between the walls of the two existing properties. No. 4 Greenfield Road has a right of way over this driveway only. No legal right of way will be given to the new development. It will increase the traffic within inches of our lounge and kitchen windows
 - This development would be detrimental to the enjoyment of our property due to its close proximity to our rear garden and the extra traffic movements engendered
 - There would be an issue of overlooking from the first floor windows
 - Construction disruption.

Determining Issues:

1. Principle of development
2. Impact upon the site and setting of the listed building and upon the character and appearance of the conservation area
3. Neighbouring amenity
4. Highway & other considerations

Considerations

1. Principle of development

- 1.1 The proposal is a two bed detached chalet bungalow which would be located within the rear garden of the existing property (Mentmore). This property benefits from a large/long garden and the proposed dwelling would be constructed to the rear of the site.

The rear boundary of this garden represents the edge of the settlement envelope for this part of Pulloxhill. Within the defined settlement the principle of new residential development will be found acceptable, subject to normal planning considerations. Policy CS1 defines Pulloxhill as a small village and Policy DM4 states that within small villages' development will be limited to infill residential development.

It is acknowledged that the new dwelling would not have its own frontage and as such represents a form of backland development. However in this particular location the proposed development would not be seen to extend beyond the existing built environment as the curtilage of the new dwelling would abut the side curtilage of no. 5 The High Street. It is considered that this situation is quite

particular to the site and is not a form of development that could be easily replicated elsewhere within the village. This would be a small scale development utilising a plot of land, which would continue to complement the surrounding pattern of development.

It is therefore considered that the principle of development is acceptable, subject to an acceptably designed scheme. This will be assessed below.

2. Impact upon the site and setting of the listed building and upon the character and appearance of the conservation area

2.1 A number of the objections received from neighbours relate to the impact upon the listed buildings and upon the conservation area.

The Conservation Officer makes comment that the character of the conservation area is of "buildings which are situated at fairly regular intervals with a few spaces between"- "set close to the road giving a sense of enclosure".

The site is located on the edge of the conservation area and recessed from the street view when viewed from Greenfield Road and therefore considered not to have a negative impact on that part of the conservation area. There are already distant views of rooftops of varying heights.

The impact the new dwelling will have on the conservation area when viewed from the High Street is also considered not to be negative. This part of the High Street has several traditional houses and cottages grouped near the junction with Greenfield Road with No 5 High Street set with its gable wall adjoining pavement is listed. The proximity of the new development is some 7 metres from the rear of 5 High Street and will replace an existing and unattractive single storey modern double garage. It will be some 17 metres back from the high Street. It is considered not to have a harmful impact on the setting of the listed building at no 5 High Street or no. 7 High Street which is located some 50m from the proposed dwelling.

Given the eclectic mix of built form, age, design and their relationship to open spaces, the proposed new dwelling is not considered to make a negative impact. Walking down the High Street from Greenfield Road rooftops are visible in distant views and from those properties fronting the public highway e.g. the High Street. The rooftop of the proposed new dwelling will therefore not introduce an alien form nor have a negative impact on the conservation area.

In conclusion; no objection has been raised by the Conservation Officer and the proposal is considered to preserve both the site and setting of the listed buildings and the character and appearance of the conservation area.

3. Neighbouring amenity

3.1 The proposed dwelling would be located to the rear of the site in a position currently occupied by a dual pitched concrete double garage. The impact of the development on the adjoining neighbouring properties is assessed below. All other properties in the vicinity are considered to be adequately removed as to be unaffected by the development.

No. 1 High Street

An objection has been raised by the occupiers of this property (harmful impact upon residential amenity) and this has been noted.

This property occupies a corner location with Pulloxhill Road and the High Street and does not directly adjoin onto the site. The proposed dwelling would be some 23m from this property and is not considered to be directly affected by the development (by way of overbearing impact, loss of light or loss of privacy).

No. 5 High Street

An objection has been raised by the occupiers of this property (overbearing impact, loss of light / outlook to kitchen window) and this has been noted.

This Grade II listed thatched cottage and the proposed dwelling are formed at right angles with a corner to corner separation of some 7m. A number of modern brick built outbuildings and brick walling form the boundary between the two properties. This mix of modern brick structures provide a degree of separation. Whilst there might be some visual impact as a result of the proposal given the orientation of the two dwellings no significant harm (by way of overbearing impact, loss of light or loss of privacy) is considered to arise.

No. 2 Greenfield Road

This Victorian cottage occupies a corner location with Greenfield Road and the shared driveway into the site. This access is used by the occupiers of no. 2 Greenfield Road to access their garage and by the occupiers of Mentmore to access their detached garage and rear parking area.

An objection has been raised by the owners of this property and the current tenants of this property (disruption/disturbance/noise resulting from the shared access) and this has been noted. However as part of the proposed development additional parking will be provided to the front of Mentmore and it is therefore envisaged that this will help mitigate any additional traffic resulting from the new dwelling. In addition any concerns regarding land ownership is a matter for the landowners involved. The granting of planning approval would not override any civil property rights which exist. No objection has been raised by the Highways Officer and as such the proposal is acceptable in this regard.

An objection has been raised by the owners of this property (overlooking of the garden). The proposed dwelling would be located some 30m from the rear elevation of this property and some 18m from the end of the garden/brick built garage. Given the degree of separation no significant impact (by way of overbearing impact, loss of light or loss of privacy) would arise.

No. 4 Greenfield Road

A rear garden of approximately 10m in depth would remain for the existing property which is acceptable as it accords with the Councils design guidance.

No. 6 Greenfield Road (The Birches)

An objection has been raised by the occupiers of this property (loss of privacy/loss of view) and this has been noted. This detached property is located within a fairly large plot and has been recently granted permission for a 2 storey side extension which includes a bedroom window and french doors in the bedroom closest to no. 4. The proposed dwelling would be some 25m from the rear elevation of this property and given the orientation of the dwelling and the degree of separation no significant impact (by way of overbearing impact, loss of light or loss of privacy) would arise. A loss of view is not a material consideration for planning consent.

4. Highway & Other Considerations

- 4.1 The existing property is a three bedroom dwelling with access to the east, between the buildings of no. 2 and no.4, serving a double garage and hardstanding area to the rear of the site. The proposal is to demolish the garage and replace this with a two bedroom dwelling and associated parking, the parking provision for no. 4, consisting of two spaces, will be replaced by a new access at the frontage of no. 4.

The existing access has no driver and pedestrian inter-visibility to the east because the dwelling for no. 2 abuts the public highway. To the west pedestrian and driver inter-visibility is adequate as the boundary for no. 4 is a low wall. However, whilst it is acknowledged that the wall is existing the Highways Officer recommends a condition to include a visibility splay in this direction to protect the visibility from the existing access.

The new access has indicated a pedestrian visibility splay and it is considered by the Highways Officer that this and the location of the new access provides adequate driver visibility.

The proposal removes the traffic generated by the existing dwelling no. 4 from the existing access with no visibility to the east. The new two bedroom dwelling which takes access from the existing access will generate similar traffic movements and even though the access is substandard the use will be 'like for like' and therefore a refusal for a substandard access can not be justified by intensification of use.

The vehicle indicated as being able to manoeuvre into/from the parking spaces measures only 3.6m x 1.4m which is below an average size vehicle and I am discounting the tracking diagrams. I would expect 6.0m clear in front of the parking bays to allow vehicles to access/egress from the bays, without having to drive through the adjoining bay. There is also no intervisibility between the bay immediately behind the rear boundary of no. 2 and the access. Both these issues can be dealt with by a condition.

In summary; whilst the objections have been noted no objection is raised by the Highways Officer subject to the specified conditions.

4.2 **Archaeology:**

The applicant and their agent have been made aware of the archaeological potential of this site through the pre-application process (CB/15/01330/PAPC) and some of the advice given to the agent has been reproduced in section 6.1 of the *Design Access and Heritage Statement* (Francis Caldwell, Aragon Land & Planning Ltd: undated).

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 the archaeological heritage assets. This will be achieved (via condition) by the investigation and recording of any archaeological deposits that may be affected by the development; the post-excavation analysis of any archive material generated and the publication of a report on the works.

4.3 **Other issues (objections) raised not covered above**

Re: the omission of the boundary fence between no. 1 High Street and no. 2 Greenfield Road: *any concerns regarding land ownership is a matter for the landowners involved. The granting of planning approval would not override any civil property rights which exist.*

Reference has been made to a refused planning application at 7 High Street (MB/06/02027/Full). However it must be noted that there is no planning history for the current site and that the refused scheme is different in size, height and location and is not readily comparable to the current application.

4.3 **Human Rights issues:**

The development has been assessed in the context of the Human Rights and would have no relevant implications.

4.4 **Equality Act 2010:**

The development has been assessed in the context of the Equality Act 2010 and would have no relevant implications.

Recommendation:

That Planning Permission be approved 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 a written scheme of archaeological investigation; that includes post excavation analysis and publication, has been submitted to and approved in writing by the Local Planning Authority. The development hereby approved shall only be implemented in full accordance with the approved archaeological scheme.”**

Reason: To record and advance understanding of the heritage assets with archaeological interest which will be unavoidably affected as a consequence of the development.

This pre-commencement condition is necessary in order to ensure that no unnecessary harm is caused by the commencement of development works.

- 3 Before development commences a triangular vision splay shall be provided on the west side of the existing access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The triangular vision splays shown either side of the new access shall be constructed in accordance with the approved drawing no. 15-030-100A, prior to the new access being brought into use. The vision splay so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed/existing accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.

- 4 The proposed new replacement parking and access shall be constructed prior to the development of the new dwelling and shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To replace the parking provision for the existing dwelling and to avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety.

- 5 Before development commences details of the on site vehicle parking provision for the new dwelling of no less than two spaces and one visitor space, measuring 2.5m x 5.0m each, inclusive of a 6.0m forecourt fronting the parking spaces shall be submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the parking spaces and forecourt have been constructed in accordance with the approved plans

Reason: To provide adequate on site parking and manoeuvring

- 6 Details of a refuse collection point located at the site frontage and outside of the public highway shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling. The scheme shall be fully implemented prior to occupation of any dwelling and shall be retained thereafter.

Reason In the interest of amenity and in order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 7 Before development commences details of a pedestrian visibility splay between the rear boundary of no. 2 and the parking provision for the new dwelling shall be submitted to and approved in writing by the local planning authority and the dwelling shall not be occupied until the visibility splay has been constructed in accordance with the approved details. The vision splay so described shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining access level.

Reason: To provide adequate visibility between the existing access and the proposed parking area, and to make the access safe and convenient for the traffic which is likely to use it.

- 8 No works for the new dwelling hereby approved shall take place until details of the materials to be used for the external walls and roofs of the development hereby approved 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.

- 9 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers 15-030-100; 15-030-100A; 15-030-102; 15-030-103; 15-030-104A.

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. Advice Note 1/. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to contact Central Bedfordshire Council's Highway Help Desk, Tel: 0300 300 8049 quoting the Planning Application number. This will

enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or the relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.

AN 2/. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Priory House, Monks Walk, Chicksands, Shefford, SG17 5TQ

AN3/. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.

AN4/. The applicant is advised that the storage of materials associated with this development should take place within the site and not extend into within the public highway without authorisation from the highway authority. If necessary further details can be obtained from Bedfordshire Highways (Amey), District Manager (for the relevant area) via the Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049.

AN5/. The contractor and / or client are to ensure that any building material debris such as sand, cement or concrete that is left on the public highway, or any mud arising from construction vehicular movement, shall be removed immediately and in the case of concrete, cement, mud or mortar not allowed to dry on the highway

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

Planning permission has been granted for this proposal. The Council acted pro-actively through positive engagement with the applicant at the pre-application stage and 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..