

Central Bedfordshire
Council
Priory House
Monks Walk
Chicksands,
Shefford SG17 5TQ



please ask for Martha Clampitt
direct line 0300 300 4032
date 30 September 2010

NOTICE OF MEETING

DEVELOPMENT MANAGEMENT COMMITTEE

Date & Time

Wednesday, 13 October 2010 2.00 p.m.*

Venue at

Council Chamber, Priory House, Monks Walk, Shefford

Richard Carr
Chief Executive

To: The Chairman and Members of the DEVELOPMENT MANAGEMENT COMMITTEE:

Cllrs A Shadbolt (Chairman), P F Vickers (Vice-Chairman), P N Aldis,
A R Bastable, R D Berry, D Bowater, A D Brown, D J Gale,
Mrs R B Gammons, K Janes, D Jones, H J Lockey, K C Matthews,
Ms C Maudlin, T Nicols, A Northwood, Mrs C Turner and J N Young

[Named Substitutes:

R A Baker, Mrs C F Chapman MBE, I Dalgarno, P A Duckett, M Gibson,
R W Johnstone, P Snelling, B J Spurr, J Street and G Summerfield

All other Members of the Council - on request

**MEMBERS OF THE PRESS AND PUBLIC ARE WELCOME TO ATTEND THIS
MEETING**

****As there are no Strategic Planning or Minerals and Waste Matters to be considered
the meeting will start at 2.00p.m.***

AGENDA

1. **APOLOGIES FOR ABSENCE**

Apologies for absence and notification of substitute members

2. **CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS**

To receive any announcements from the Chairman and any matters of communication.

3. **MINUTES**

To approve as a correct record the Minutes of the meeting of the Development Management Committee held on 15 September 2010 and note actions taken since that meeting.

4. **MEMBERS' INTERESTS**

To receive from Members declarations and the nature in relation to:-

- (a) Personal Interests in any Agenda item
- (b) Personal and Prejudicial Interests in any Agenda item
- (c) Membership of Parish/Town Council consulted upon during the application process and the way in which any Member has cast his/her vote.

5. **PETITIONS**

To receive petitions in accordance with the scheme of public participation set out in Annex 3 in Part A4 of the Constitution.

REPORT

| Item | Subject | Page Nos. |
|------|--|-----------|
| 6 | Planning Enforcement Cases Where Formal Action Has Been Taken To consider the report of the Director of Sustainable Communities providing a monthly update of planning enforcement cases where action has been taken covering the North, South and Minerals and Waste. | 7 - 14 |

Planning and Related Applications

To consider the planning applications contained in the following schedules:

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| Schedule A - Applications recommended for Refusal |
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| Item | Subject | Page Nos. |
|-------------|---|------------------|
| 7 | Planning Application No. CB/10/02629/FULL Address : Land at No.1 and The Chestnuts Friars Walk, Dunstable LU6 3JA Extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings. Applicant : Visao Ltd. | 15 - 26 |

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| Schedule B - Applications recommended for Approval |
|---|

| Item | Subject | Page Nos. |
|-------------|--|------------------|
| 8 | Planning Application No. CB/10/01470/FULL Address: The Five Bells, 2 Market Square, Eaton Bray, Dunstable LU6 2DG Conversion and extension of barn to form dwelling (plot 3) and erection of two additional dwellings (plots 4 & 5). Applicant: Miah Properties Ltd | 27 - 40 |
| 9 | Planning Application No. CB/10/02958/FULL Address : 4 Coopers Close, Sandy SG19 1NQ Proposed two storey side and rear extension Applicant : Mr Jobling | 41 - 50 |

10 **Planning Application No. CB/10/02672/FULL** 51 - 60

Address : 5 New Road, Clifton, Shefford SG17 5JH

Full: Single storey timber outbuilding
(retrospective).

Applicant : Mr Bustance

| |
|--|
| Schedule C - Any Other Applications |
|--|

Item Subject Page Nos.

11 **Planning Application No. CB/10/02620/NMA** 61 - 66

Address : 22 The Chilterns, Leighton Buzzard LU7 4QD

Amendment to planning permission
SB/TP/07/1260 (Erection of rear conservatory).

Applicant : Mr D Bowater

12 **Planning Application No. CB/10/03063/REG3** 67 - 74

Address : 312 Manor Road, Woodside, Luton LU1 4DN

Retention of side roof extensions and front and
rear facing dormer windows (Revised
CB/09/05115/TP).

Applicant : Mr and Mrs Stay

13 **Planning Application No. CB/10/03324/FULL** 75 - 82

Address : Gravenhurst Lower School, High Street,
Gravenhurst, Bedford MK45 4HY

Full: Erection of timber pergola.

Applicant : Gravenhurst Lower School

14 Site Inspection Appointment(s)

In the event of any decision having been taken during the meeting requiring the inspection of a site or sites, the Committee is invited to appoint Members to conduct the site inspection immediately preceding the next meeting of this Committee to be held on 10 November 2010 having regard to the guidelines contained in the Code of Conduct for Planning Procedures.

In the event of there being no decision to refer any site for inspection the Committee is nevertheless requested to make a contingency appointment in the event of any Member wishing to exercise his or her right to request a site inspection under the provisions of the Members Planning Code of Good Practice.

15 Renewable Energy Equipment on Dwellings

83 - 86

To receive an information paper.

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Meeting: Development Management Committee
Date: 13 October 2010
Subject: Planning Enforcement cases where formal action has been taken

Report of: Director of Sustainable Communities

Summary: The report provides a monthly update of planning enforcement cases where formal action has been taken

Contact Officer: Sue Cawthra (Tel: 0300 300 4369)
Public/Exempt: Public
Wards Affected: All
Function of: Council

RECOMMENDATIONS:

To receive the monthly update of Planning Enforcement cases where formal action has been taken.

Background

- (a) This is the update of planning enforcement cases where Enforcement Notices and other formal notices have been served and there is action outstanding. The list does not include closed cases where members have already been notified that the notices have been complied with or withdrawn.
- (b) The list briefly describes the breach of planning control, dates of action and further action proposed.
- (c) Members will be automatically notified by e-mail of planning enforcement cases within their Wards. For further details of particular cases please contact Sue Cawthra on 0300 300 4369.

CORPORATE IMPLICATIONS

Council Priorities:

This is a report for noting ongoing enforcement action.

Financial:

None

Legal:

None

Risk Management:

None

Staffing (including Trades Unions):

None

Equalities/Human Rights:

None

Community Safety:

None

Sustainability:

None

Appendices:

Appendix A – (Planning Enforcement Formal Action Spreadsheet – North & South)

Appendix B – (Planning Enforcement Formal Action – Minerals & Waste)

Planning Enforcement formal action (DM Committee 13th October 2010)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|----------|----------------------|---|--|-------------|----------------|-----------------|---|---------------------|----------------------------------|---|
| 1 | CB/ENC/09/0555 | Satco Plastic Ltd, Satco House, Unit 7 Argan park, Foster Avenue, Dunstable | Breach of Condition Notice, condition 7 SB/TP/04/00818, change of use to B2. 2nd Notice issued | 8-Dec-09 | 8-Dec-09 | 18-Jan-10 | | | Not complied | Court action adjourned to allow further sound proofing & assessment |
| 2 | CB/ENC/09/1015 | Land south of Pond Farmhouse, 7 High Street, Pulloxhill | Enforcement Notice - unauthorised carrying out of engineering operations and works consisting of excavation of site. | 30-Nov-09 | 11-Jan-10 | 10-Feb-10 | Appeal Received 08/01/2010. Site visit 28/9/10 | | | Await outcome of Appeal |
| 3 | CB/ENC/09/1079 | Arcade Nursery, A507 Stotfold Road, Arlesey | BOCN - breach of condition 3, no retail sales | 21-Oct-09 | 21-Oct-09 | 20-Nov-09 | | | | Planning application to retain extension & vary condition to allow limited retail sales submitted 9/8/10 CB/10/02923/full. Await outcome |
| 4 | CB/ENC/09/1179 | Northfield Farm, Great Lane, Clophill, Bedford, MK45 4DD | Enforcement Notice - change of use to siting mobile home for residential purposes | 15-Apr-10 | 13-May-10 | 13-Nov-10 | | | | Check compliance after 13/11/10 |
| 5 | CB/ENC/09/1304 | Land To The Rear Of 153, Biggleswade Road, Upper Caldecote | Unauthorised buildings and structures on agricultural land. | 13-Apr-10 | 11-May-10 | varied | | | Part complied, Buildings removed | Planning application for paddock use & stables submitted, CB/10/03390/full. Await outcome. |
| 6 | CB/ENC/09/1355 | 2 Blackbird Street, Potton | Enforcement Notice, extension & alteration to roof & wall | 13-Sep-10 | 11-Oct-10 | 12-Dec-10 | | | | Check compliance after 12/12/10 |
| 7 | CB/ENC/09/1378 | Long Yard, Dunstable Road, Studham | Enforcement Notice - Residential use of barn | 4-Jan-10 | 1-Feb-10 | 2-May-10 | | | | Planning application received, CB/10/00783. Await decision. |
| 8 | CB/ENC/10/0068 | Land at The Haven, Castle Hill Road, Totternhoe, Dunstable | Enforcement Notice, use of land for the stationing of container and the storage of building materials | 22-Jun-10 | 20-Jul-10 | 17-Aug-10 | Appeal received | | | Await outcome of appeal |

Planning Enforcement formal action (DM Committee 13th October 2010)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-----------|----------------------|---|---|-------------|----------------|---------------------------------|---|---------------------|---|--|
| 9 | CB/ENC/10/0099 | Toad Hall, 23A Mill Lane, Stotfold, Hitchin | 2 Enforcement Notices. Change of use of stable building to ancillary residential use and change of use of agricultural land to residential garden. Alterations and extension of stable building | 2-Aug-10 | 6-Sep-10 | 6-Nov-10 and 6-Jan-11 | | | | Check compliance 6/11/10 and 6/1/11 |
| 10 | CB/ENC/10/0189 | Land at Paradise Farm, The Causeway, Clophill | 2 Enforcement Notices, change of use of land to the stationing of caravans, trailer, portaloos and other paraphernalia for residential purposes, & construction of hardstanding. | 10-Sep-10 | 6-Oct-10 | Various 04/01/2010 & 06/04/2010 | | | | Check compliance after 4/11/11 & 6/4/11 |
| 11 | CB/ENC/10/0193 | Conn Farm, Cranfield Road, Cranfield | Enforcement Notice. Erection of a building | 21-Jul-10 | 18-Aug-10 | Varied | received 13-Aug-10. Inquiry | | | Await outcome of appeal |
| 12 | MB/ENC/05/0178 | Land at Maulden Garden Centre, Water End, Maulden | Enforcement Notice - change of use from nursery to garden centre, construction of 6 buildings, siting of mobile home. | 9-Apr-09 | 9-May-09 | 9-Nov-09 | Appeal received 7-May-09 | | Some details approved, some refused. | Appeal decision received. Enforcement Notice varied & part upheld. Planning permission granted (part) with conditions. Details submitted by 19/6/10. |
| 13 | MB/ENC/06/0078 | Tythe Barn, Wood End, Tingrith | Change of use of land to retail sales & 2 timber showrooms | 19-May-08 | 19-Jun-08 | 20-May-09 | Appeal withdrawn, extension agreed to compliance period | | Barn extension built. | 1 cabin removed, 2nd cabin moved awaiting being sold |
| 14 | MB/ENC/06/0244 | Land at The Green Man, Broom Road, Stanford | Enforcement Notice - extractor fan duct, 2 masts supporting security cameras and flood lighting. | 9-Dec-08 | 9-Jan-09 | | Appeal received 4/2/09 | 26-Nov-09 | Appeal dismissed & uphold enforcement notice. | Revised planning application CB/10/02613/full granted 20/9/10. Monitor compliance. |
| 15 | MB/ENC/07/0085- | Woodview Nurseries, Shefford Rd, Meppershall | Mobile home & conservatory | 21-Jan-08 | 19-Feb-08 | 19-Aug-08 | Appeal received. Hearing 14 Oct-08 | 3-May-10 | Appeal dismissed & uphold enforcement notice | Further action for non compliance. |

Planning Enforcement formal action (DM Committee 13th October 2010)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-----------|--|--|---|-------------|----------------|---------------------------|-----------------------------|---------------------------|--|--|
| 16 | MB/ENC/08/0214 | Land & Buildings at Lower Wood Farm, Sundon Rd, Harlington | Breach of conditions to Permissions 02/00553 & 06/00152. Enforcement Notice - outside storage & portacabins | 15-Dec-08 | 12-Jan-09 | 12-Feb-09 | | | Not complied | Referred to Legal 29/6/10 to assess for prosecution. 1st Court Hearing Nov 2010 |
| 17 | MB/ENC/08/0257 | Land at Crossingland Farm, Salford Road, Aspley Guise, Milton Keynes | 2 Enforcement Notices - Construction of single storey building and 2 storey building without planning permission. | 9-Jun-10 | 7-Jul-10 | 7-Jan-11 | Appeal received 07/07/2010 | | | Await outcome of appeal. |
| 18 | MB/ENC/08/0370 | Land at Hadenham Farm, Gravenhurst Road, Shillington | Enforcement Notice - Mobile Home | 11-Feb-10 | 11-Mar-10 | 9-Jun-10 | Appeal received 8/3/10 | | | Revised planning application CB/10/01092 refused. Await outcome of appeals. |
| 19 | MB/ENC/08/0372 | Dingley Dell, Toddington Road, Westoning, Bedford | Enforcement Notice. Unauthorised restaurant building and farm shop building | 16-Jul-10 | 13-Aug-10 | 8-Oct-10 | | | | Check compliance after 8/10/10 |
| 20 | MB/ENC/09/0034 | Land at Whitsundales Farm | 2 Enforcement Notices - Change of use to storage, erection of hardstanding + Access | 17-Dec-09 | 17-Jan-10 | various up to 17-Apr-10 | Appeal received 12/01/2010 | To be agreed | Hearing held jointly with planning appeals 10th to 11th August 2010 | Appeal decision 27/8/10. Appeals dismissed, Enforcement Notices upheld, compliance periods to be agreed. |
| 21 | SB/ENC/07/0012 | Land rear of Packhorse Place, Watling Street, Kensworth | Change of use of land for the parking of vehicles | 5-Nov-07 | 5-Dec-07 | 01 Jan 2008 & 26 Feb 2008 | 21-Jan-08 | 28 Jul 2009 & 28 Sep 2009 | Appeal dismissed but compliance periods extended. | Planning application CB/09/07011/full refused, discussions to assess further action. |
| 22 | SB/ENF/04/0002 SB/ENF/04/0003 SB/ENF/04/0004 SB/ENF/04/0005 | Land at Stanbridge Road, Billington, Leighton Buzzard | Change of Use of land for stationing of caravans and mobile homes, & hardcore & fencing. | 10-Feb-04 | 12-Mar-04 | 12-Jun-04 | Appeal received 30/03/2004 | 31-Aug-05 | Appeal dismissed & enforcement notice upheld | Section C appeal dismissed, Plot 7 appeal dismissed - With Legal for further action |
| 23 | SB/ENF/04/0007 SB/ENF/04/0008 | Land rear of Fancott Cottages, Luton Road, Toddington | Erection of building for residential purposes, laying of hardcore, mobile home & storage of materials | 8-Sep-04 | 08-Oct-04 | 08-Jan-05 | Appeal received 01 Nov 2004 | No Change | Appeal withdrawn. SB/TP/05/1217 & S106 Agreement approved, 2 years for compliance. | New planning applications withdrawn. Discuss with Legal re S106 agreement. |

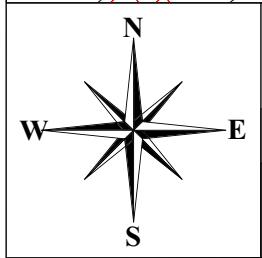
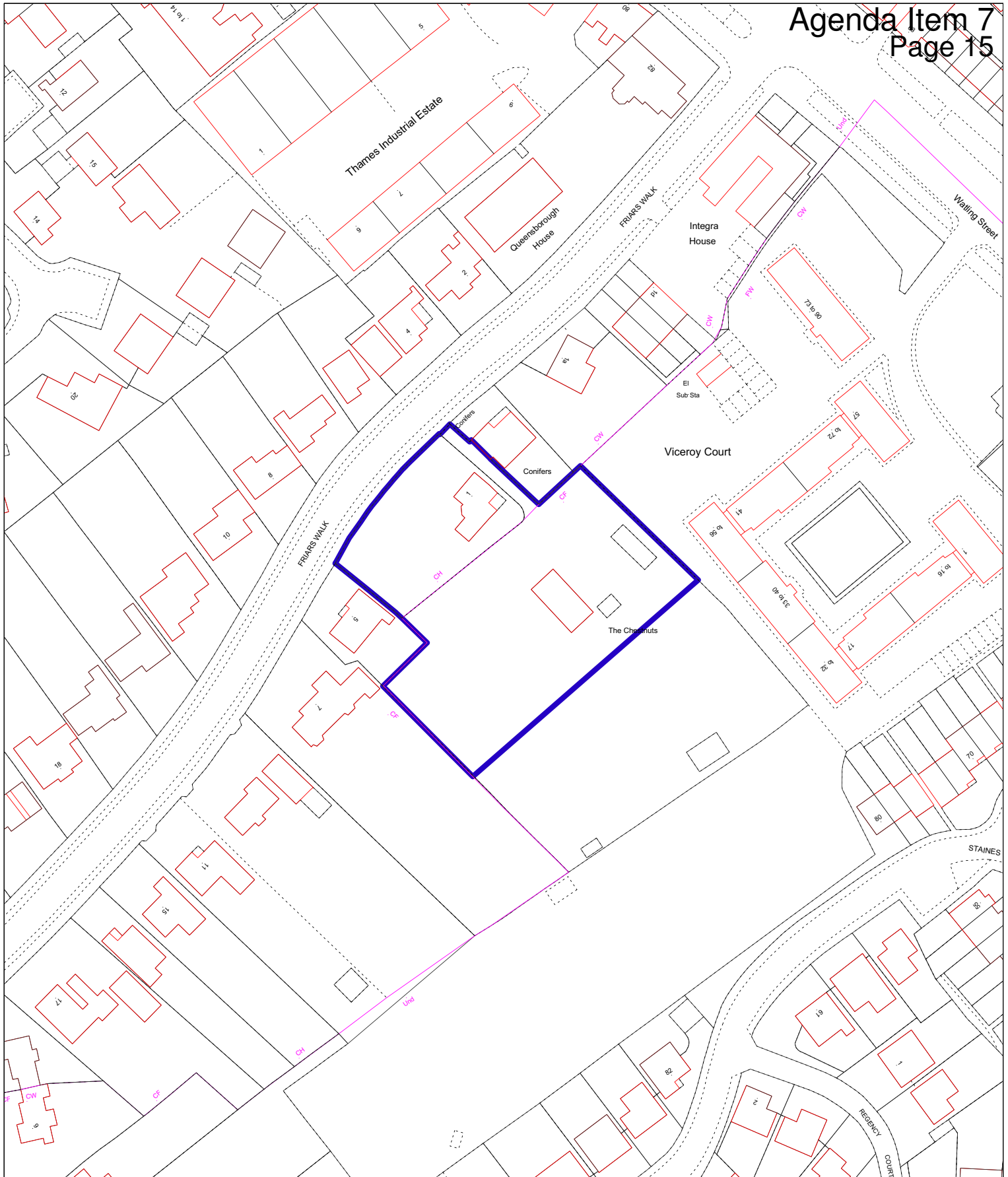
Planning Enforcement formal action (DM Committee 13th October 2010)

| | ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|-----------|--|---|--|-------------|----------------|-----------------|--------------------|---------------------|--|---|
| 24 | SB/ENF/05/0005 | 215 Common Road, Kensworth | Erection of a double garage and storeroom | 16-Mar-05 | 18-Apr-05 | 18-Jul-05 | 6-May-05 | 6-Aug-05 | Appeal dismissed & enforcement notice upheld. Not complied | Further evidence sent to Legal to commence prosecution. |
| 25 | SB/ENF/05/0007 | Long Yard, Dunstable Road, Studham | Unauthorised stationing of mobile home for residential use | 29-Jul-05 | 1-Sep-05 | 1-Dec-05 | 28-Sep-05 | 28-Dec-05 | Appeal dismissed & enforcement notice upheld | Planning application submitted for residential use of barn, CB/10/00783. Await decision |
| 26 | SB/ENF/07/0006 SB/ENF/07/0007 SB/ENF/07/0008 | Dunedin, Harlington Road, Toddington | Change of use to bedsit accommodation, erection of building & extensions, non compliance with Condition 2 of SB/TP/98/0838 | 10-Aug-07 | 12-Sep-07 | 4-Dec-07 | 27-Sep-07 | 9-Jan-09 | Appeal dismissed but period of compliance extended to 9/1/09 | Not complied, further information sent to Legal for prosecution. |
| 27 | CB/ENC/10/0449 | Land at Dunedin, Harlington Road, Toddington | Enforcement Notice, change of use of land to the stationing of mobile homes, touring caravans and trailer tent | 7-Sep-10 | 5-Oct-10 | 2-Nov-10 | | | | Check compliance after 2/11/10 |
| 28 | SB/ENF/08/0003 | Bury Spinney, Thorn Road, Houghton Regis | Use of offices for residential purposes | 3-Mar-08 | 4-Apr-08 | 2-May-09 | 7-May-08 | 22-Jul-09 | Appeal dismissed but compliance period extended to 6 months. Not complied | Further prosecution June 2010 with fine, 2 months to comply. |
| 29 | SB/ENF/08/0009 | 21 Emu Close, Heath & Reach | Construction of single storey front and side extensions and loft conversion | 14-Apr-08 | 14-May-08 | 14-Aug-08 | 20-Jun-08 | 4-Sep-09 | Appeal part dismissed. Not complied. | Further evidence sent to Legal for prosecution. |
| 30 | SB/PCN/08/0011 | Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton | 2 Enforcement Notices - construction of hardstanding & change of use to airport parking & business use. | 30-Nov-09 | 11-Jan-10 | Varied | received 29-Dec-09 | | | Await outcome of appeal |
| 31 | CB/ENC/10/0126 Case closed | Land at Woodside Eggs and Animal Farm, Woodside Road/Mancroft Road, Slip End, Luton | Unauthorised advertisements | | | | | | | Sent to Legal 13/7/10 for prosecution. |

Planning Enforcement formal action (DM Committee 13th October 2010)

| ENFORCEMENT CASE NO. | LOCATION | BREACH | DATE ISSUED | EFFECTIVE DATE | COMPLIANCE DATE | APPEAL | NEW COMPLIANCE DATE | RESULT | NOTES/FURTHER ACTION |
|----------------------|--|---|-------------|------------------|------------------|---|---------------------|--|---|
| 07/40 | Former BR Goods Yard, Chiltern Green Road, East Hyde | Enforcement Notice - 3m high timber boundary fence at waste transfer station premises. | 18-Mar-09 | 24-Apr-09 | 24-Jun-09 | Appeal received Written Reps Procedure | 23-Nov-09 | Appeal dismissed Sept 2009 and enforcement notice upheld. Compliance period 2 months | Planning permission for an alternative 2m high green mesh wire boundary fence granted on 25 February 2010. A further application to increase the height of the mesh fence to 2.5m, accompanied by an amended landscaping scheme was then approved in June 2010. |
| 1 | | | | | | | | | |
| 06/67 | Former Fullers Earth Quarry, Clophill | Enforcement Notice - failure to complete the approved restoration scheme and permit public access | 2-May-07 | 6-Jun-07 | 6-Oct-07 | Appeal received and subject of a Public Inquiry | | Enforcement notice quashed on 30-Oct-2009. Compliance steps lacked clarity and precision | An new enforcement notice is being drafted and under consideration with the Council's solicitor. |
| 2 | | | | | | | | | |
| CB/ENC/09/1528 | Erin House, Dunstable Road Caddington | Breach of Condition Notice - failure to carry out replacement tree planting as part of aftercare regime for former landraising site | 5-Feb-10 | 05-Feb-10 | 02-Apr-10 | N/A | 16-Apr-10 | Not complied with in April 2010. Further planting carried out July 2010 | The success of the additional planting has yet to be assessed. |
| 3 | | | | | | | | | |
| 09/31 | Ledburn Road Sand Quarry, Leighton Buzzard | Enforcement Notice - change of use from disused quarry to a mixed use for a disused quarry and the importation and deposit of waste materials | 10-May-10 | Notice Withdrawn | Notice Withdrawn | | | | Notice only withdrawn following detailed discussions with the operator. New site restoration application anticipated to be submitted in October 2010. |
| 4 | | | | | | | | | |

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Central Bedfordshire Council
Licence No. 100049029 (2009)

Date: 29:September:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 07

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|---|--|
| APPLICATION NUMBER | CB/10/02629/FULL |
| LOCATION | Land at No.1 and The Chestnuts Friars Walk, Dunstable, LU6 3JA |
| PROPOSAL | Extensions and alterations to No. 1 Friars Walk, demolition of dwellinghouse (Chestnuts) and redevelopment of the site to provide four detached dwellings |
| PARISH | Dunstable |
| WARD | Dunstable Downs and Watling |
| WARD COUNCILLORS | Cllrs Paul Freeman, Tony Green, Peter Hollick & Cllr Ann Sparrow |
| CASE OFFICER | Gill Claxton |
| DATE REGISTERED | 13 July 2010 |
| EXPIRY DATE | 07 September 2010 |
| APPLICANT | Visao Ltd |
| AGENT | Consensus Planning |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | Full Application - Refused |

Site Location:

The 0.56ha irregular-shaped application site lies on the south western side of Friars Walk, some 100m south west of the junction with High Street South (A5).

The site comprises the dwellings and grounds of existing residential properties at No. 1 (Priory Lodge) and The Chestnuts, Friars Walk. No. 1 has a frontage to Friars Walk of approximately 38m and a maximum depth of 27m. It comprises a 4-bedroom detached dwelling of red brick below a tiled roof. There is a 1.8m high brick wall along the road frontage with tree and shrub planting behind and off road parking in the north eastern corner of the site. As the depth of this plot is relatively shallow with the dwelling set back some 12m from the highway frontage, there is a small rear garden so the main private garden lies to the side of the dwelling adjacent to No. 5. The Chestnuts is a detached 3-bedroom bungalow plus garden situated to the rear of No. 1. The bungalow lies broadly within the centre of the plot surrounded by a large garden with many mature trees around the boundaries. The single width driveway runs along the north eastern boundary of No. 1, with the access onto the highway being adjacent to that serving No.1. The site is enclosed by hedges, walls and fencing of a variety of heights and styles.

The surroundings are primarily residential in character, except for the dental practice at No. 1A Friars Walk. To the west of the site are residential properties at No's 5 and 7 Friars Walk; while to the east lies a further dwelling at Conifers and the four storey flats at Viceroy Court, fronting High Street South. To the south east is an area of orchard within a larger area of land in the ownership of No. 9 Friars Walk beyond the rear garden of the property.

The site lies within the Bull Pond Lane/Friars Walk/The Avenue Area of Special Character. The South Bedfordshire District Council (land off Staines Square and The Chestnuts, Friars Walk, Dunstable) Tree Preservation Order No. 13/85 protects, among other things a group of three Horse Chestnuts within the garden of The Chestnuts and a further group of two Sycamore and three Lime trees beyond the rear garden boundary of that property, within land in the ownership of No. 9 Friars Walk.

The Application:

Planning permission is sought for the demolition of The Chestnuts and the erection of four detached dwellings plus extensions and alteration to No. 1 Friars Walk (Priory House) on the combined sites of the two existing properties. This would represent a net addition of three dwellings.

The new dwellings would be accessed via a new driveway with turning head, involving the creation of a new access on to Friars Walk, breaking through the existing front boundary wall at No. 1 and opening up views into the interior of the site. There would be one new dwelling, to the south west of the new access, located parallel with No. 5 with a further three dwelling situated within the rear portion of the site grouped around the turning head. The access road would be a private drive with a carriageway of 4.1m in width with a 0.5m footway on either side. The existing access for No.1 and The Chestnuts would be merged and modified to create a single access for No. 1, creating space for the parking of at least two vehicles and an enlarged side garden for the property.

The dwellings and garages would be of a traditional appearance and design with facing bricks below clay tiled roofs. There would be feature brickwork to add visual interest.

Plot 1

Plot 1 would comprise the retained four-bedroom dwelling at No.1. This property would be remodelled with the integral garage becoming additional living space with utility room behind plus alterations to the front elevation with the insertion of a bay window. There would be a small conservatory-style rear extension to create an enlarged dining room plus other reorganisations to the internal layout with additional windows on the flank and rear elevations. The private garden would be re-orientated and a new rear garden created. The existing 1.8m brick wall would be retained along the road frontage with the planting supplemented.

Plot 2

A new three-bedroom, L-shaped dwelling would be created on Plot 2 on the Friars Walk frontage adjacent to No. 5, with a detached single garage to the rear and parking for two vehicles. Along the road frontage the existing brick wall would be reduced to 0.75m in height with new brick-on-edge coping and the planting trimmed back to 0.9m high. The side and rear garden boundaries would be enclosed by new 1.8m high close boarded fencing and hedge.

Plot 3

Plot 3 would comprise a four bedroom dwelling with rear conservatory. It would have an integral garage and parking for two vehicles to the front. It would be situated to the rear of Plot 1 with the rear and side garden boundaries enclosed by 1.8m high close boarded fencing.

Plot 4

Plot 4 would comprise a five-bedroom double-fronted dwelling with integral garage. It would be sited to the rear of Plot 2, at right angles to this plot and No. 5 Friars Walk. There is existing hedging at a height of between 2.5m and 3.5m around the western and south western boundaries of this plot which would be retained with the south eastern boundary being enclosed by the existing 1.2m high fence with new 0.6m trellis on top.

Plot 5

There would be a five bedroom double-fronted dwelling with conservatory on Plot 5, located to the south east of Plot 3. There would also be double bay windows at ground and first floor on the flank wall facing the orchard. There would be a detached double garage to the north east between the rear gardens to Plots 3 and 5. The existing 3m hedge on the boundary with Viceroy Court would be retained while the side garden boundaries would comprise a mix of 1.8m high close boarded fencing and 1.2m high fencing with trellis above as in the case of Plot 4.

The scheme has been amended since originally submitted with the following changes:

- Site Plan and Street Scene drawings amended to show the accurate height of the hedge on the common boundary with No. 7 Friars Walk;
- Internal reorganisation of the dwelling on Plot 4 to relocate one of the rear-facing bedrooms in order that the first floor windows at the rear of this property serve either bathrooms or ensuites. These windows would be obscure glazed and fixed shut to an appropriate height;
- Additional parking for Plots 3 and 4;
- Dimensions to parking spaces to accord with design guidance and standards;
- Internal dimensions for all garages adjusted to comply with Highway Engineer's requirements.

The application was accompanied by a Design and Access Statement, Arboricultural Survey and Planning Statement

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development;
PPS3 - Housing;
PPS5 – Planning and the Historic Environment
PPS9 - Biodiversity and Geological Conservation
PPG13 - Transport

Bedfordshire Structure Plan 2011

None relevant

South Bedfordshire Local Plan Review (2004) Policies

SD1 - Sustainability Keynote Policy
H2 - Fall-In Sites
BE6 – Control of Development in Areas of Special Character
BE8 - Design Considerations
T10 - Parking - New Development

Supplementary Planning Guidance

Planning Obligations Strategy for Southern Bedfordshire – adopted by the Luton & South Bedfordshire Joint Committee on 23/10/09, effective from 05/01/10.

Design in Central Bedfordshire - A Guide for Development - adopted by the Luton & South Bedfordshire Joint Committee on 23/07/10

Planning History

None relevant

Representations: (Parish & Neighbours)

Dunstable Town
Council

Object as it is considered overdevelopment of the site. The total number of properties should be reduced to 4 no. Highway Engineer needs to be satisfied that the location of the vehicular access onto Friars Walk is safe and that sight lines are not obscured.

Occupiers of 4A, 5, 7
and a further property
Friars Walk and 11a
Bull Pond Lane

Object for some or all of the following reasons:

- Overdevelopment of the site and unsympathetic to the character of the area. Five dwellings on a site of less than 0.5ha represents overcrowding. Area of Special Character should be that the normally accepted distances between houses and neighbouring land should be greater;
- Requirements of Council's Highway Engineer for the access road and turning area has reduced the available space for building, further exacerbating the overdevelopment problem;
- Overlooking of established properties and their gardens, including orchards in Friars Walk from the dwellings on Plots 3 and 4. Existing hedges would mitigate some of the impact but if they were to be removed the degree of overlooking would be considerably worse;
- Proposal would worsen the existing situation in terms of traffic generation and highway safety. The access point would be situated on a bend in the road. The road is used as a rat-run all day for vehicles seeking to avoid congestion in the Town Centre and for school children accessing local schools in the morning and afternoon. At present the school children only have to cross accesses serving single dwellings but they pay little attention to the traffic on the road. Existing residents often having difficulty with egress and ingress to their own properties. The proposal would increase danger and hazard to residents, school children and other road users;

- The Transport Assessment does not make reference to the rat-run status of the road or the school time peaks;
- The protected trees have not been correctly identified or accurately plotted on the plans. Some of the root systems of the trees will be adversely affected by the footings of the dwellings on Plots 4 and 5;
- There are other examples of misleading information on the forms and plans. In particular it is stated that no hazardous waste would be involved in the proposal. The Chestnuts contains asbestos and the demolition of this property should be strictly controlled;
- Residents opposite the site did not receive individual notification letters;
- No mention of the new road is mentioned in the description of development and this is misleading;

Occupier of Friars Walk
Dental Practice, 1A
Friars Walk

Comments as follows:

- Consider that the development is tasteful and appropriate to the area.

Occupier of 4 Friars
Walk

Comments as follows:

- Inevitable that the land would be redeveloped at some time and the proposal appears to be quite satisfactory and attractive.

Occupier of 103 Union
Street

Supports the application:

- The Chestnuts has been the family home for many years. The bungalow is no longer habitable and the narrow drive makes accessing the property difficult;
- The family wanted some control over the way in which the site was redeveloped and wanted a scheme to show off the Chestnut tree within the site which is currently hidden;
- The new driveway would have appropriate visibility and pedestrians and drivers would take more notice of it than the existing drives;
- All of the proposed dwellings have more generous frontages than many of the dwellings in Friars Walk. All have good-sized gardens. No trees with Preservation Orders on them would be adversely affected. The scheme would not represent the overdevelopment of the site.

Consultations/Publicity responses

Public Protection South

Has no reason to believe that this site is contaminated. Recommends an informative advising the developer to be aware of his responsibility to ensure that final ground conditions are fit for the end use of the site.

Tree & Landscape Comments as follows:
Officer

- The off-site Horse Chestnut tree, positioned to the southeast of Plot 5 and located in the neighbouring property, is now dead.
- The crown spread of T11 (identified within the Arboricultural Report) is inaccurately plotted on the site layout plan, but should still avoid encroachment and branch conflict with the unit on Plot 4.
- The garage serving Plot 2 encroaches close to a boundary beech hedge, which is a potentially sensitive hedge due to the screening properties it currently provides. If objections have been received from No. 5 Friars Walk regarding encroachment issues and loss of privacy, then the garage may need to be moved. However, the hedge is of internal interest only.
- The landscaping along the road frontage with Friars Walk is comprised of a mixture of tall ornamental shrubs and smaller trees of low individual amenity value and quality, but collectively form an excellent screen, which should be retained as much as possible. Although it is appreciated that a new access is to be installed through this planting belt, the remaining planting should not be removed unless absolutely necessary and should be protected by a condition.
- The proposed garage serving Plot 5 is being situated within the footprint of an existing garage and as such presents less constraints on the adjacent trees. However, a condition would need to be imposed requiring further details in respect of the proposed foundation specification for the construction of the garage in recognition that it would encroach into the Root Protection Area of the adjacent trees.

Overall, no objection to the application subject to conditions requiring the submission of a landscaping scheme and Tree Protection Plan, restricting the removal of trees and shrubs along the Friars Walk frontage to that required only for the new access and the retention of the other trees and shrubs and special foundation details in the vicinity of Plot 5.

Archaeologist

The proposed development lies within the bounds of the Roman town of Dunstable (HER 135), one of its associated cemeteries (HER 11284), within the medieval town (HER 16986) and close to the site of a Dominican Friary (HER 141). This is an extremely archaeologically sensitive area and it contains important local and regional heritage assets. This does not however present an overriding constraint on the development provided that the applicant takes appropriate measures to record and advance understanding of the significance of the heritage assets. This can be addressed by the imposition of a condition to secure a scheme of archaeological investigation.

- Highway Engineer No objection subject to conditions and informatives.
Comments that:
- The new vehicular access complies with the Central Bedfordshire Residential Design Guide, Design Supplement 7.
 - The development complies with Council's current parking standards and has been designed to accommodate a refuse vehicle. Would suggest that in order for the carriageway to withstand the loading of a refuse vehicle, the carriageway should be constructed to adoptable standards, even though the access will remain a private access. The applicant has accepted this principle and confirms this in his Design and Access Statement.

Determining Issues

The main considerations in the determination of the application are:

1. Principle of residential development
2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance
3. Impact on the amenity of neighbouring residential occupiers
4. Access, highway & parking considerations
5. Tree considerations
6. Other matters

Considerations

1. Principle of residential development

The policy most relevant to the determination of whether the development is acceptable in principle is Policies SD1 of the South Bedfordshire Local Plan Review. Other material considerations include PPS1: Delivering Sustainable Development and PPS3: Housing.

Policy SD1 states that preference will be given to proposals on sites within the first four categories of the development strategy. The first category refers to previously developed sites and vacant land within urban areas. The supporting text to the policy makes reference to making the maximum use of land within urban areas.

A revised PPS3 - Housing was issued in June 2010 which amended the definition of previously developed land to specifically exclude private residential gardens, as in this case. Therefore, there is no longer a presumption in favour of development on sites such as this. However, this does not mean that there is a presumption against the development of sites which comprise private gardens and the changes in PPS3 do not necessarily mean that the proposal would be unacceptable in principle. The PPS still makes reference to making an effective and efficient use of land in urban areas, ensuring a site is suitable for housing, including its environmental sustainability and achieving high quality housing.

The site of the proposed development lies within the built up area of Dunstable adjacent to existing residential development; close to the town centre and a public transport route. The site lies within a sustainable location.

Therefore, it is considered that the residential redevelopment of the site would be acceptable in principle. However, further consideration of the specific details of the scheme in relation to Policies H2, BE6, BE8 and T10 along with national guidance in PPS5, PPS9 and PPG13 will determine whether this proposal is acceptable.

2. Impact upon the character and appearance of Area of Special Character and the locality generally in terms of density, layout, design and external appearance

Policy H2 states that within the built up areas excluded from the Green Belt provision of new housing by development of infill sites, redevelopment, conversion and re-use of buildings and subdivision of large properties would be approved provided, among other things:

- The development would make an efficient use of the site or building in terms of density and layout;
- Not result in loss of open space of recreational or amenity value or potential
- Respect and enhance the character of the surrounding area;
- Provide good quality living conditions for residents; be readily accessible to public transport and local services;
- Be acceptable in terms of highway safety and traffic flow.

Within the Areas of Special Character Policy BE6 states that planning permission will not be granted, for redevelopment to higher densities, subdivision of large plots, infilling or backland development which would result in, among other things, the loss of gardens or give rise to an over-intensive level of development, in a way which would unacceptably harm the special character of the area.

Policy BE8 aims to ensure that new development has regard to natural features, the opportunities to enhance or reinforce local distinctiveness, complement the character and appearance of the surroundings, have an acceptable impact on public views into the site, among other things.

In this case, it is considered that the proposed development would result in the overdevelopment of the site, having regard to it's location in a designated Area of Special Character. While there is some variety in the width and depth of the plots, the Bull Pond Lane/Friars Walk/The Avenue Area of Special Character is defined by established, mostly detached dwellings situated on generous plots. With the development as proposed, there is a general lack of space about the buildings and a general erosion of green garden spaces when compared to the existing situation both at The Chestnuts and No.1 and in the wider surroundings.

The density of the proposed development is low at 9 dwellings per hectare. But density itself is not the only factor to be taken into account in deciding whether a scheme is acceptable. The density should be considered in the context of the surroundings and the juxtaposition of the dwellings within the area of the site available for development. The requirement for the access road with turning area in order to satisfy highway considerations reduces the net developable area. This means that taken together with driveways and boundary fences, much of the site is given over to hard surfaces and hard landscaping eroding the existing extensive area of green space. The dwellings on Plots 4 and 5 are also considerably larger than those typical of the locality. Moreover, the retained dwelling on Plot 1 (No. 1) and the new dwelling on Plot 2 have generous front gardens and fairly shallow rear gardens. Therefore, the overall impression is one of insufficient space about the buildings. This indicates that too many units have been proposed for the site.

It is considered that the proposals fail to comply with Policies BE6, H2 and BE8 of the South Bedfordshire Local Plan Review.

3. Impact on the amenity of neighbouring residential occupiers

It is noted that a number of the neighbouring residents have raised concerns about loss of privacy and overlooking. While it would be possible to see the new dwellings from the existing dwellings it is considered that the distances involved would not give rise to an unacceptable degree of overlooking. The dwelling on Plot 2 would be largely parallel with the existing dwelling at No. 5. There may be a degree of mutual overlooking of the rear gardens of these properties from first floor rear elevation windows but this would not be to an unacceptable degree. The dwelling on Plot 3 and its garden would be sited at right angles to the property at The Conifers. Again there would not be an unacceptable degree of overlooking. The dwelling on Plot 4 and its garden would be sited at right angles to No. 7. The distance between the rear elevation of the property at Plot 4 and the side garden boundary of No. 7 would be 12 metres. Even allowing for the presence of first floor bay windows at No. 7 it is considered that this distance would be sufficient to ensure that overlooking would not be an issue, particularly as the first floor rear element of this dwelling has been redesigned to ensure that only obscure glazed and fixed windows would be present. If the scheme were otherwise acceptable, this could be regulated by condition. While the dwelling on Plot 5 with its double bay windows may give rise to an element of overlooking of the orchard that forms part of the land at No.9 it is not considered that this would be unacceptable.

4. Access, highways & parking considerations

The Highway Engineer is satisfied with the scheme in terms of parking provision traffic generation and highway safety, notwithstanding the comments of third parties. He considers that the new vehicular access complies with the Central Bedfordshire Residential Design Guide, Design Supplement 7. In addition, the development complies with Council's current parking standards and has been designed to accommodate a refuse vehicle. In order for the carriageway to withstand the loading of a refuse vehicle, it is recommended that the carriageway should be constructed to adoptable standards, even though the access will remain a private access. The applicant has accepted this principle and confirms this in the Design and Access Statement. The proposal accords with Policy T10, national guidance and the Council's Design Guide.

4. Tree considerations

The Tree and Landscape Officer has considered the scheme and has advised that he has no objections subject to conditions. The scheme would adequately safeguard those trees protected by the Tree Preservation Order.

The garages serving Plots 2 and 5 have been modified to take account of the comments of the Tree and Landscape Officer.

Accordingly, we are satisfied that the scheme would not have any adverse effect upon trees.

6. Other matters

In accordance with the requirements of the Planning Obligations Supplementary Planning Document the scheme requires the submission of a Unilateral Undertaking for the provision of financial contributions toward education and social infrastructure. This scheme would generate a requirement for financial contributions of £47,965. The Unilateral Undertaking was not submitted with the application but the applicant's agent is currently drawing this up and we understand that it is the applicant's intention to have this matter concluded prior to the Committee meeting.

The recently submitted revised plans have addressed the points about anomalies with the accuracy of the plotting of trees on the site layout plans.

Matters such as potential site contamination and archaeological investigation can be regulated by condition were the scheme otherwise acceptable.

The neighbour notification process followed the Council's custom and practice and statutory requirements with those neighbours directly abutting the site receiving individual letters. Two site notices were also displayed.

The description of the development does not specifically refer to the creation of the new access but it is sufficiently comprehensive to indicate the level of development proposed.

Recommendation

That Planning Permission be refused for the following reasons:

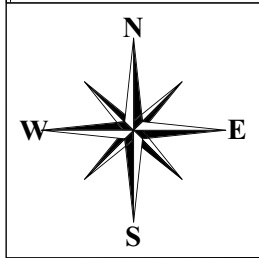
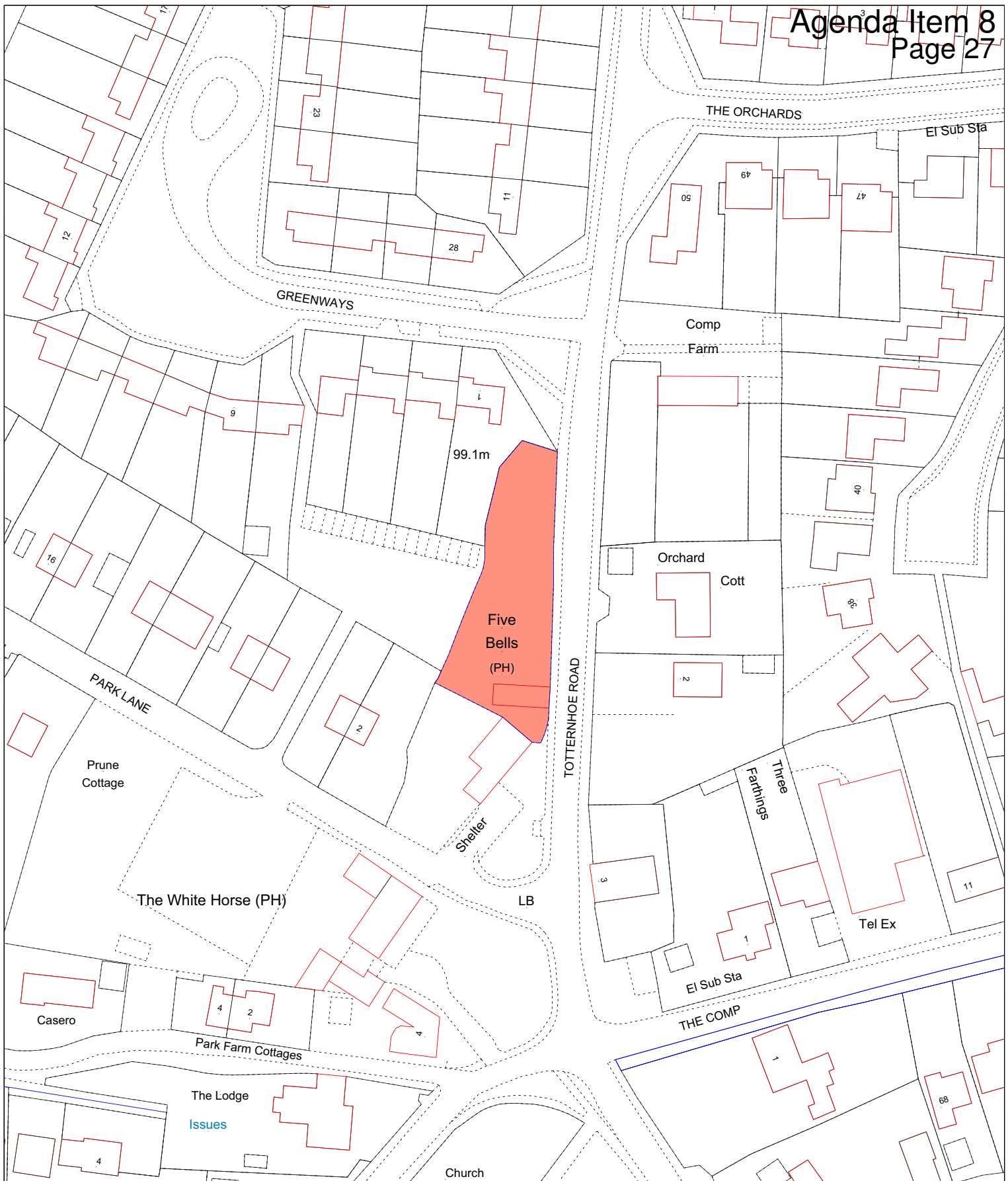
- 1 The proposed development would, by reason of the siting, design and scale of the dwellings, fail to reflect the existing pattern of development in this part of the Bull Pond Lane/Friars Walk/The Avenue Area of Special Character. The proposed development would appear overdeveloped with insufficient green space about the dwellings in relation to the character and appearance of other properties in the locality. The proposal would thereby be detrimental to the character and appearance of the Area of Special Character and the locality generally, contrary to Policies BE6, BE8, and H2 of the South Bedfordshire Local Plan Review.

Notes to Applicant

DECISION

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Date: 29:September:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 08

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| APPLICATION NUMBER | CB/10/01470/FULL |
| LOCATION | The Five Bells, 2 Market Square, Eaton Bray, Dunstable, LU6 2DG |
| PROPOSAL | Conversion and extension of barn to form dwelling (plot 3) and erection of two additional dwellings (plots 4 & 5) |
| PARISH | Eaton Bray |
| WARD | South West Bedfordshire |
| WARD COUNCILLORS | Cllr Ken Janes & Cllr Marion Mustoe |
| CASE OFFICER | Mr A D Robertson |
| DATE REGISTERED | 26 April 2010 |
| EXPIRY DATE | 21 June 2010 |
| APPLICANT | Miah Properties Ltd |
| AGENT | Hinton Cook Architects |
| REASON FOR COMMITTEE TO DETERMINE | Called in by Ward Councillor Mrs Marion Mustoe for reason of overdevelopment; access onto a busy road; risk of flooding; and change of use. |
| RECOMMENDED DECISION | Full Application - Granted |

Site Location:

The Five Bells P.H is located on the north-western side of the junction between Totternhoe Road and Park Lane within the Eaton Bray Conservation Area. The building, which has its front elevation facing towards Totternhoe Road, is set within a large area of land which comprises a hard surfaced car park to the south and west of the building together with an open grassed area to the north. The combined site has an area of some 0.17ha, with a total frontage to Totternhoe Road of 100m and a frontage to Park Lane of 13m. The existing building has two storeys and is of white painted brick construction with a slate roof. Attached to the south side of the building is a garage/store of timber construction and to the north is a brick building with a clay tile roof, previously used as a functions room/restaurant, which is attached to the main building by a flat roofed link structure.

The application site comprises the former beer garden to the north of the main building and includes the outbuilding and link extension. It is irregular in shape with a frontage to Totternhoe Road of 65.0m, a depth varying between 24.5m towards the southern boundary and 8.0m at the northern boundary, and an area of approx. 0.1ha. Adjoining the northern section of the site is the residential curtilage of 1 Greenways whilst to the west is a large garage court and parking area.

The Application:

Planning permission is sought for the development of the site by the erection of three detached houses each with an attached garage. The three bedroomed house on the southern part of the site would be attached to the retained outbuilding which would provide a kitchen/breakfast area, dining room and garage. The house in the centre of the site would have four bedrooms, one of which would be within the roofspace above the attached garage on the northern side of the dwelling. The three bedroomed house in the northern section of the site would include a single storey wing attached to its northern side, reflecting the form and scale of the retained outbuilding and providing a living room, dining room and garage. The proposed dwellings would be of a cottage style and would be of brick construction with areas of timber boarding to the single storey elements and would be roofed with either plain tiles or slates. Access would be onto Totternhoe Road, plots 4 and 5 having a shared access, and each property would have parking for at least three cars and a vehicle turning area.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development.

PPS3 - Housing.

PPG13 - Transport.

PPS5 - Planning and the Historic Environment.

PPS 25 - Development and Flood Risk.

South Bedfordshire Local Plan Review Policies

BE8 - Design and Environmental Considerations.

H2 - Provision of Housing via 'Fall-in' Sites.

T10 - Parking in New Developments.

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development - Design Supplement 1: New Residential Development

Design in Central Bedfordshire: A Guide for Development - Design Supplement 5: The Historic Environment

Central Bedfordshire Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy

Planning History

CB/09/6425/CA Application for demolition of outbuilding in connection with the erection of three dwellings - Withdrawn.

CB/09/6426/FULL Application for demolition of outbuilding, erection of three dwellings and construction of vehicular accesses - Withdrawn.

CB/09/6434/FULL Application for demolition of store and yard and conversion of public house to dwelling with garage - Withdrawn.

CB/09/6443/CA Application for demolition of outbuilding in connection with the conversion of public house to dwelling and residential development - Withdrawn.

- CB/10/1467/FULL Permission granted for erection of single dwelling and garage.
- CB/10/1474/FULL Permission granted for demolition of store and yard and conversion of public house into dwelling.
- CB/10/1479/CA Consent granted for demolition of store and yard.

**Representations:
(Parish & Neighbours)**

Eaton Bray Parish
Council:

Recommend refusal for the following reasons:-

- Overdevelopment;
- Traffic/access;
- Natural drainage (will make existing flood plain worse);
- Change of use.

Neighbours:

1, 2, 3, 15 and 25 Greenways, 15 and 40 Totternhoe Road, 25 and 36 Wallace Drive, 22, 24, 42, 49 and 104 High Street, 15b and 21 The Nurseries, 6 and 16 Booth Place, 4 and 18A Mill End Close, 'Lol Cottage', Green Lane, 1 The Orchards, 7 Lords Mead, and 2 Dyers Road, Eaton Bray, 28 and 38 The Pastures, Edlesborough.

Object for some or all of the following reasons:-

- overdevelopment;
- the development of three houses would totally alter the character of this part of the village Conservation Area as it would not be complementary but would alter the skyline and the essential nature of the area;
- the site is in a Conservation Area and should be protected; the development would be detrimental to the environment and would not enhance the village; an area of common land which has had an open aspect for hundreds of years should merit "historic interest" and protection from developers;
- traffic through Eaton Bray travels much too fast to be safe and Totternhoe Road has a vastly increased volume of traffic and is particularly bad at peak times: the proposed housing would make the situation worse and more dangerous;
- the site is too close to a five road junction; there are two bus stops outside the Five Bells which cater for villagers and school children and this is an added safety concern;
- the development would cause additional parking problems and potential accidents as residents in the new houses would need space for their cars; parking is a particular problem in the area particularly when the Methodist Chapel is in use for services and meetings;
- insufficient standard of visibility due to restricted footway width leading to highway danger for users of the road and the new accesses;

- the area around Park Lane often floods and the proposed housing would make the situation worse;
- overlooking of bedrooms, living room and gardens to adjoining property and consequent loss of privacy and safety of children;
- the land would be better used as a public amenity or a farmers market.

Further consultations have been carried out in connection with amendments to the scheme and any representations received will be reported at the Meeting.

Consultations/Publicity responses

- Landscape Officer: Advises that the site does not contain any trees of merit or worthy of retention. The hedgerow along the Totternhoe Road frontage of the site is poor in quality and contains Ash, Hawthorn and Field Maple overgrown with bramble in places and has little landscape value. Raises no objection subject to a satisfactory landscaping scheme.
- English Heritage: Do not wish to comment but recommend that the application be determined in accordance with national and local policy guidance and based on the Council's specialist conservation advice.
- Environment Agency: No objection.
- Environmental Health Officer: No objection.
- Buckingham and River Ouzel IDB: Comment on the means of surface water drainage and recommends the imposition of a condition.
- Highway Officer: Comments as follows:-
 - the three new accesses will require driver/driver intervisibility splays of 2m x 43m. To achieve this the existing footway should be widened which may require the applicant to dedicate as public highway a small section of land currently within the applicants ownership;
 - the driveways to plots 4 and 5 need to be extended and the accesses widened to 3m in order to allow ease of movement for vehicles entering and leaving the development.
- Conservation Officer: Comments as follows:-
 - the Five Bells and associated car park and beer garden lie within the northern part of the historic part of the village and Conservation Area;
 - although not a listed building, the main pub building along with the outbuilding immediately to the north are traditional buildings which make a positive contribution to the character of the Conservation Area;

- along with the listed White Horse to the south-west, the Five Bells is the predominant visual feature of the open 'green' of the present village; the impact of this green open space is accentuated by its hedge lined approaches, at the northern end the plain-tiled Five Bells outbuilding terminates the hedge line of the beer garden and forms a visual pinch point or gateway from which the 'green' opens out beyond;
- such greens are a common feature of historic village settlements in rural south Bedfordshire and are typically lined by perimeter houses reflecting historic piecemeal settlement: The White Horse and Five Bells buildings look like such a settlement : beyond them considerable 20th century development (eg. Park Lane and Greenways) has less coherence in respect of the historic core, and has diluted the intimate, rural context of the 'green' and its historic settlement although the overall result is an interesting mix of building forms and contrasting rooflines which provides the immediate context of the proposed development of plots 3, 4 and 5 (on the Totternhoe Road frontage);
- at the northern Conservation Area 'gateway' plots 3, 4 and 5 are formed from the former pub beer garden and retain a hedge frontage, plot 3 incorporating the important Five Bells outbuilding;
- the design of the proposed buildings conforms to the vernacular tradition, although the success of the scheme will depend on the quality of materials and detailing.

Determining Issues

The main considerations of the application are;

1. Principle of the development.
2. Conservation Area considerations.
3. Access and parking.
4. Impact on residential amenity.
5. Flood risk.

Considerations

1. Principle of the development.

The site lies outside the Green Belt and within the main built-up area of Eaton Bray, with housing estates to the north-west and north-east together with linear development on both sides of Totternhoe Road to the north before the open countryside is reached. Accordingly the proposed residential development of the site is considered to be acceptable in principle and is in accordance with national and local policies which encourage the development of vacant and under-used land in urban areas and villages served by existing facilities. The site also comprises the northern extent of the Eaton Bray Conservation Area on the western side of Totternhoe Road although the point must be made that the inclusion of land within a Conservation Area does not necessarily preclude the development of that land. Whilst in its undeveloped state the land makes a certain contribution to the character and appearance of the Conservation Area, there is no reason why an appropriate form of built development should not make an equally valuable contribution, whilst a high quality development scheme could be seen as enhancing the area.

Although objection has been raised on the grounds that the proposal constitutes an overdevelopment of the site, the density of development is equivalent to only 30 dwellings per hectare, which until the recent amendment to PPS3, was the minimum density recommended in that guidance note.

2. Conservation Area considerations.

Subsequent to the withdrawal of the previous application for the development of the site which was considered to be unacceptable for a number of reasons, lengthy discussions have taken place with the applicants agent and the Council's Conservation advisers. Those discussions have sought to achieve an appropriate form and scale of development which takes account of the important features of the Conservation Area, namely the established 'gateway' nature of the northern approach to the Conservation Area and the existing outbuilding which is to be retained as an integral element of the plot 3 dwelling, and incorporates building designs that conform to the vernacular tradition.

The existing hedgerow on the Totternhoe Road frontage is identified by the Conservation Officer as an important feature as the 'green' area to the front of the Five Bells is approached and although currently poor in quality the incorporation of additional native planting would enhance its appearance and that of the Conservation Area generally. Having regard to the importance of retaining the hedgerow as a feature which defines the entrance to the main part of the Conservation Area the scheme has been amended to provide plots 4 and 5 with a shared access, thus minimising the length of hedgerow to be removed.

3. Access and parking.

As mentioned above, the proposed development would be served by two accesses onto Totternhoe Road, each driveway incorporating a vehicle turning area. The Highway Officer, whilst raising no objection to the proposal, requires amendments to the access arrangements in terms of the driveway and access widths together with improvements to the footway width along the highway frontage and appropriate standards of pedestrian and driver visibility which are to be imposed by condition.

The level of off-street parking provision, i.e. three spaces per dwelling, is in accordance with the Council's standards.

4. Impact on residential amenity.

The residential properties most affected are nos. 1 and 2 Greenways which lie to the west of the plot 5 dwelling. When the application was first submitted we had concerns with regard to the potential adverse impact on the amenity of the occupiers of those properties due to the overbearing appearance of the proposed dwelling and possible overlooking and loss of privacy from rear facing first floor windows. These impacts were considered to be particularly significant due to the close proximity of the proposed dwelling to the western site boundary. Negotiations have taken place with the applicants and their architect in an attempt to resolve these issues, a number of alternative schemes having been discussed. The submitted revised plans show an amended house design incorporating a reduced ridge height, an asymmetrical roof with low eaves level to the rear elevation, no rear facing first floor windows but two small rooflights serving a shower room and stairwell, and a reduction in the depth of the single storey side projecting element of the proposed building in order to set it further away from the boundary with 1 Greenways.

5. Flood risk.

Neither the Environment Agency or the Internal Drainage Board have raised objections to the proposed development on the grounds of the potential risk of flooding.

Reasons for Granting

The proposed development of the site by the erection of three dwellings is considered to be acceptable in principle and in accordance with national guidance and policies in the South Bedfordshire Local Plan Review. The proposal provides the opportunity to deliver housing at an appropriate density, on an area of vacant and under-used land within the built-up area of the village and although the site is in the Conservation Area it is considered that the development would not have an adverse impact on the setting, character and appearance of the area.

The revised plans in respect of the plot 5 dwelling overcome our previous concerns in respect of the impact of the development on the residential amenity of the adjoining properties.

Recommendation

That Planning Permission be GRANTED subject to the receipt of a unilateral undertaking in relation to the Council's Planning Obligations Strategy and to the following:

- 1 The development 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 **Before development begins, a landscaping scheme to include any hard surfaces and earth mounding shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented by the end of the full planting season immediately following the completion and/or first use of any separate part of the development (a full planting season means the period from October to March). The trees, shrubs and grass shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.**
REASON: To ensure a satisfactory standard of landscaping.
(Policy BE8, S.B.L.P.R).
- 3 The existing trees and hedgerows shall be retained and protected in a manner to be approved in writing by the Local Planning Authority and shall not be destroyed, uprooted, felled, lopped or topped without the previous written consent of the Local Planning Authority. Any trees or hedgerows removed without such consent or dying or being severely damaged or becoming seriously diseased shall be replaced by trees or hedgerow specimens of such size and species as may be agreed with the Local Planning Authority. Such trees or hedgerow specimens shall subsequently be maintained for a period of five years from the date of planting and any which die or are destroyed during this period shall be replaced during the next planting season and maintained until satisfactorily established.
REASON: To comply with Section 197 of the Town and Country Planning Act 1990 and to safeguard existing trees and hedgerows on the site.
(Policy BE8 S.B.L.P.R).
- 4 Before the development is first occupied or brought into use, the parking scheme shown on Drawing No. 09-21-APP1-002D shall be completed and thereafter retained for this purpose.
REASON: To ensure provision for car parking clear of the highway.
(Policy T10 S.B.L.P.R).
- 5 **Notwithstanding the details submitted with the application, before development begins a scheme for screen fencing and/or screen walling shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained.**
REASON: To safeguard the amenity of the area.
(Policy BE8 S.B.L.P.R).
- 6 **Before development begins and notwithstanding the details submitted with the application, details of the materials to be used for the external walls and roofs of the proposed buildings shall be 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 buildings.
(Policy BE8, S.B.L.P.R).

- 7 **Before development begins, details of the levels of the proposed dwellings shall be submitted to and approved in writing by the Local Planning Authority, and development shall thereafter be implemented accordingly.**
REASON: To produce a satisfactory relationship between the various elements of the scheme and adjacent properties.
(Policy BE8 S.B.L.P.R).
- 8 **Before development begins, the positions of the proposed dwellings shall be pegged out on site and their positions approved in writing by the Local Planning Authority.**
REASON: To enable consideration to be given to the precise layout of the development.
(Policy BE8 S.B.L.P.R).
- 9 The windows shown on Drawing No. 09-21-APP1-008D shall be permanently glazed with obscured glass.
REASON: To protect the privacy of the occupiers of adjoining properties.
(Policy BE8 S.B.L.P.R).
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the buildings hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.
REASON: To control the external appearance of the buildings in the interests of the amenities of the area.
(Policy BE8 S.B.L.P.R).
- 11 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 permission from the Local Planning Authority.
REASON: To control the development in the interests of the amenities of the area.
(Policy BE8 S.B.L.P.R).
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), any garage, car port or 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.
(Policy T10 S.B.L.P.R).
- 13 **Development shall not begin until details of the junction of the proposed vehicular accesses with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**
REASON: In order to minimise danger, obstruction and inconvenience to users of the highway and the premises.

- 14 Before the accesses are first brought into use a triangular vision splay shall be provided on each side of the new accesses and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drives. The vision splays 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 accesses, and to make the accesses safe and convenient for the traffic which is likely to use them.
- 15 Visibility splays shall be provided at the junction of the accesses with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.
REASON: To provide adequate visibility between the existing highway and the proposed accesses and to make the accesses safe and convenient for the traffic which is likely to use them.
- 16 No dwelling shall be occupied until the footway along the frontage of the proposed development site has been widened in accordance with details which shall previously be submitted to and approved in writing by the Local Planning Authority.
REASON: In the interests of road safety and traffic movement.
- 17 The proposed vehicular access shall be constructed and surfaced in accordance with details to be approved in writing by the Local Planning Authority for a minimum distance of 5m into the site, measured from the highway boundary, before the premises are first occupied. 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 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.
- 18 **Before development begins, a scheme for the parking of cycles on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**
REASON: To ensure the provision of adequate cycle parking to meet the needs of occupiers of the proposed development in the interests of encouraging the use of sustainable modes of transport.
- 19 **Before development begins, details of a bin storage/collection point shall be submitted to and approved in writing by the Local Planning Authority and the approved scheme shall be implemented before the first occupation of the dwellings.**
REASON: To avoid the long term storage of refuse containers on the highway so as to safeguard the interests of highway safety.

- 20 **Before development begins, details of the proposed method of surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The drainage works as approved shall be constructed in accordance with the approved details before the development is first occupied or brought into use.**
REASON: To ensure satisfactory drainage of the site.
- 21 This permission relates only to the details shown on the Site Location and Drawing Nos. 09-21-APP1-003, 09-21-APP1-004, 09-21-APP1-005, 09-21-APP1-006, received 26/04/10, Drawing No. 09-21-APP1-002D received 07/09/10 and Drawing Nos.09-21-APP1-003D and 09-21-APP1-008D received 21/09/10 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:-

South Bedfordshire Local Plan Review

BE8 - Design and Environmental Considerations.

H2 - Provision of Housing via 'Fall-in' Sites.

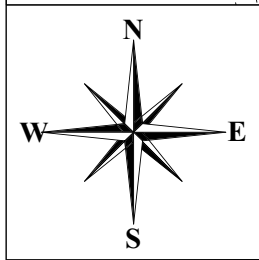
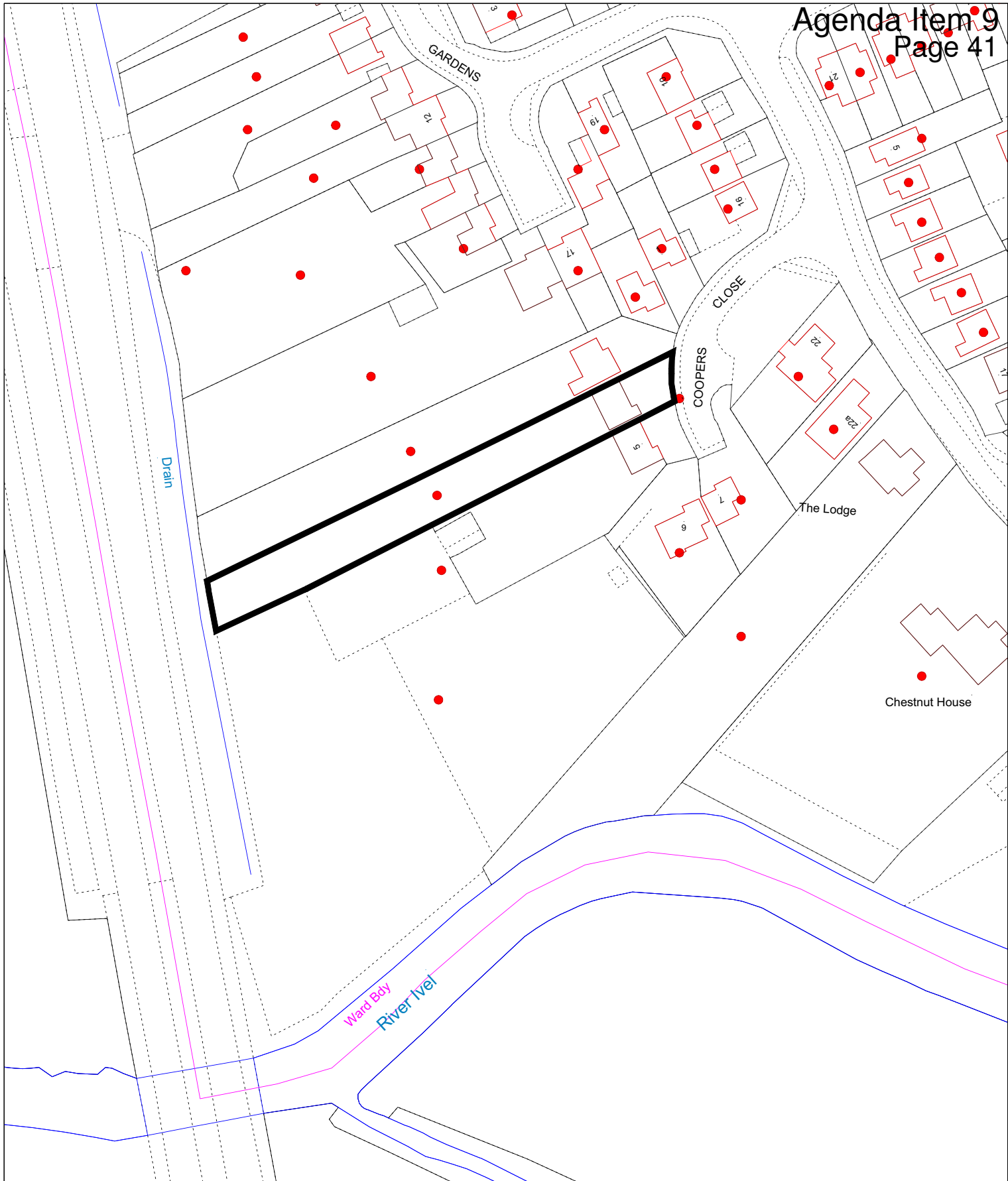
T10 - Parking in New Developments.

2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. 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.
4. The applicant/developer is advised that in order to comply with Condition 16 of this permission it may be necessary for the developer of the site to enter into a Section 278 (small works) Agreement and a Dedication Agreement with Central Bedfordshire Council as Highway Authority to ensure the satisfactory completion of the footway works. Further details can be obtained from the Highways Development and Control Department, Central Bedfordshire Council.

5. The applicant/developer 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 write to Central Bedfordshire Council's Customer Contact Centre quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. 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.
6. 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 Central Bedfordshire Highways, Streetworks Co-ordination Unit.
7. 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.
8. The applicant/developer is advised that whilst the Council has no reason to believe that the site is contaminated and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that final ground conditions are fit for the end use of the site.
Any staining, odours or other indications of contamination discovered during development should be described to Central Bedfordshire Council's Public Protection Service. Any imported material for gardens and landscaping must be of a quality that adheres to British Standard for Topsoil BS 3882:2007, as expected by the NHBC and other bodies.
9. The applicant/developer is advised that this application is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

DECISION

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Central Bedfordshire Council
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Date: 28:September:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 09

| | |
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| APPLICATION NUMBER | CB/10/02958/FULL |
| LOCATION | 4 Coopers Close, Sandy, SG19 1NQ |
| PROPOSAL | Proposed two storey side & rear extension and single storey rear extension |
| PARISH | Sandy |
| WARD | Sandy |
| WARD COUNCILLORS | Cllr Nigel Aldis & Cllr Peter Blaine |
| CASE OFFICER | Vicki Davies |
| DATE REGISTERED | 26 August 2010 |
| EXPIRY DATE | 21 October 2010 |
| APPLICANT | Mr Jobling |
| AGENT | Blueprint Architectural Design |
| REASON FOR COMMITTEE TO DETERMINE | Cllr Aldis as there are concerns from neighbours about the impact of the single storey extension aspect of the application and how it will affect them in terms of loss of light to breakfast room and over-bearing nature |
| RECOMMENDED DECISION | Full Application - Granted |

Site Location:

The application site is located on the western side of Coopers Close, a cul de sac, located to the south west of Sandy town centre on the edge of the settlement. Coopers Close consists of seven detached properties of similar design. The application site is approximately 1100 metres square. The dwelling is located to the front of the site and has a rear garden in excess of 90 metres in length.

The Application:

The application seeks consent for a two storey rear extension, a two storey side extension and a single storey rear extension.

The two storey rear extension would be located on the southern side of the rear of the property and would extend 3.75 metres from the rear elevation of the dwelling. An existing conservatory would be removed from the rear of the property in order for the proposed extension to be built. The side elevation of two storey rear extension would be in line with the existing side wall of the dwelling. The two storey rear extension would be approximately 6.4 metres in height to the ridgeline. The ridgeline of the extension would be around 0.5 metres lower than that of the existing dwelling. The rear extension would have a gable end arrangement to the rear of the dwelling.

The two storey side extension would result in the existing dining room being converted back to a garage with a bedroom and ensuite constructed at first floor level over the garage. The side extension would be approximately 7 metres in depth and 2.4 metres wide, the same width as the existing ground floor dining room. The side extension would be 7 metres in height to the ridgeline. The ridgeline of the side extension would match the ridgeline of the existing dwelling. The first floor of the side extension is proposed to have a narrow gable end feature to the front.

The single storey rear extension would be located on the northern side of the rear of the property and would extend 3.75 metres from the rear elevation of the dwelling in line with the two storey rear extension. The side elevation of the single storey rear extension would be in line with the existing side wall of the dwelling. The single storey rear extension have a lean-to roof which would measure 3.5 metres to the top of the roof and 2.5 metres to the eaves. The single storey rear extension due to its dimensions is permitted development under Part 1, Class A of the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 and does not require planning permission. The single storey rear extension does however form part of the planning application.

All the proposed extensions would be constructed using materials to match those of the existing dwelling.

RELEVANT POLICIES:

National Policies (PPM & PPS)

PPS1: Delivering Sustainable Development
PPS3: Housing

Bedfordshire Structure Plan 2011

No relevant policies

Central Bedfordshire Council North Team Core Strategy and Development Management Policies (November 2009)

CS1 - Development Strategy
CS14 - High Quality Development
DM3 - High Quality Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development
Design Supplement 4: Residential Alterations and Extensions

Planning History

MB/93/00675/FA Erection of part 2 storey and part first floor extension -
Approved 3/8/93

**Representations:
(Parish & Neighbours)**

- | | |
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| Sandy Town Council | Object - the extension would be an overdevelopment of the site and have an overbearing impact on near neighbours. There would also be a loss of amenity to neighbours in the form of loss of light |
| Neighbours | One letter of objection has been received from an adjacent resident, at 3 Coopers Close, who states that the single storey extension would be on the boundary of the property and would block light into their breakfast room, utility room and kitchen. The extension would extend at least 3 feet (approx 90cm) further than the neighbours current building and because the extension is south of the property it will restrict light to a window in the western end of their breakfast room. The objector continues stating that the rear single storey extension would have a high pitched roof which would cause the loss of more light to the rooms of his property. |

Consultations/Publicity responses

Internal Drainage Board No response received

Determining Issues

The main considerations of the application are;

1. Principle of Development
2. Impact on Streetscene and Appearance of the Area
3. Impact on Amenities of Nearby Residents

Considerations

1. Principle of Development

Core Strategy policy CS1 designates Sandy as a Major Service Centre. The application site is within the settlement envelope for Sandy and is not covered by any other constraints. As such the principle of extending a residential property is acceptable.

2. Impact on Streetscene and Appearance of the Area

Core Strategy policy DM3 requires that extensions be appropriate in scale and design to their setting and that they contribute to creating a sense of place through design and use of materials. The existing dwelling is relatively small in comparison to the size of the site it is located on. It is considered that the extensions are appropriate in scale to the dwelling and the neighbouring properties. The design of the extensions would be similar to that of the existing dwelling and the materials proposed would match as closely as possible those used in the existing property.

The neighbouring property at 3 Coopers Close already has similar two storey side and rear extensions. The extensions proposed by this application would reflect the neighbour's extensions in design terms. It may be considered that the two storey side extension would create a terracing effect as the gaps between the dwellings at first floor level would be removed. However the two storey side extension on the neighbouring property is not considered to have had an adverse impact on the streetscene and it is not judged that the proposed side extension would result in a significant adverse impact.

Design Supplement 4: Residential Alterations and Extensions recommends that extensions are subservient to the existing dwelling and that this can be achieved by setting in the walls and setting the roof line down. The ridgeline of the two storey rear extension is set down from the original ridgeline. The ridgeline for the two storey side extension would be in line with the existing roof however it is considered that this is acceptable as the proposed extension would be quite narrow and setting down the ridgeline of such a small part of the roof would look incongruous. The walls of the extensions would be in line with the existing dwelling however the joins between the existing and new brickwork on the sides and rear would not be visible in the public realm. The front elevation of the second floor of the side extension would extend beyond the front elevation of the existing dwelling by around 90cm and the join between the existing and new bricks would not be clearly visible. The difference between the existing and new roof tiles on the front roof slope would be clearly visible in the streetscene and therefore it is considered that a condition should be added to any planning permission granted requiring roof tiles from the rear roof slope to be used for the new part of the front roof slope in order that the tiles match in colour, shape and texture.

Overall it is considered that the extensions are appropriate in terms of scale, design and materials.

3. Impact on Amenities of Nearby Residents

Core Strategy policy DM3 states that new development, including extensions, should respect the amenities of surrounding residents.

Privacy

The two storey side extension would be 1 metre from the neighbouring property to the south, 5 Coopers Close. The dwelling to the south does not have any windows at first floor level in the north facing gable end elevation. The proposed two storey side extension would have two windows, one for a hallway and an obscure glazed window for the ensuite. Ground floor windows are proposed in the side extension however the boundary treatment of a timber close boarded fence would mean that views into the neighbouring property would be prevented. It is not considered that there would be any adverse impact on the residents of 5 Coopers Close as a result of the two storey side extension.

The rear extensions would not have any windows in the side elevations and a condition could be added to any planning permission granted to ensure that no windows are added to the side elevations of the extensions.

Views from the first floor rear windows of the extensions would be possible into the gardens of the neighbouring properties. The views from the extensions would not be any greater than the views that are currently gained from the existing first floor windows on the rear elevation. It is therefore not considered that the privacy of neighbouring residents would be adversely affected.

Overdevelopment & Overbearing

Sandy Town Council commented that they consider the proposed extensions would be overdevelopment of the site and would be overbearing on neighbours. Due to the large size of the site it is not considered that the relatively small extensions would result in overdevelopment of the site. It is not considered that the extensions would have an overbearing impact on neighbouring residents to the north, at 3 Coopers Close, as they have a similar sized two storey rear extension and the proposed extension would only extend around 90cm beyond their extension.

The neighbouring residents to the south at 5 Coopers Close would have clear views of the two storey rear extension which would be located 1 metre away from the boundary fence. It is however considered that extension would not be overbearing as it is not overly large. In addition the garden of the neighbouring property is wider than that of the application property which would help reduce the impact of the rear extension. Overall it is not considered that the extensions would be overdevelopment of the site nor are they considered to be overbearing.

Loss of Light

The neighbouring residents to the south, at 5 Coopers Close, would not suffer any significant loss of light to habitable rooms as the extensions would be constructed to the north of their property.

The neighbouring resident to the north, at 3 Coopers Close, raises concerns regarding loss of light to his existing rear extension. The neighbour has ground floor windows in the southern elevation of the rear extension. The proposed single storey rear extension would be constructed approximately 1 metre from the windows in the side elevation of the neighbouring property. However it is considered that the loss of light would not be significant as there is currently a wooden close boarded fence outside of the south facing windows. In addition the applicant could choose to remove the single storey rear extension from the application and erect it under permitted development rights.

The neighbouring resident at 3 Coopers Close also raises concerns that there would be loss of light to the windows in the west facing, rear elevation of his extension. As the proposed extensions would be at most 1m beyond the rear elevation of the neighbour's rear extension it is not considered that there would be a significant loss of light to the west facing windows on the rear elevation of the neighbour's extension.

Outlook

The location of the proposed extensions would mean that there would be some loss of outlook from the windows in the southern elevation of 3 Coopers Close. The affected windows currently look out at a wooden close boarded fence. Any outlook from the windows over the fence is over the garden of the application property. The limited loss of outlook which would result from the proposed rear extensions is not considered to justify refusing the application.

Overall it is not considered that the proposed extensions would have a significant adverse impact on residential amenity.

Reasons for Granting

The two storey rear and side extensions and single storey rear extension would not detrimentally impact upon the character and appearance of the surrounding area and there would be no detrimental impact upon any neighbouring properties. The scheme therefore, by reason of its site, design, materials and location, is in conformity with Planning Policy Statement 1 (2005), Planning Policy Statement 3 (2006), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and Policies CS14 and DM3 of the Core Strategy and Development Management Policies, November 2009. It is further in conformity with the Central Bedfordshire Supplementary Technical Guidance "Design in Central Bedfordshire, A Guide for Development" and Design Supplement 4: Residential Alterations and Extensions.

Recommendation

That Planning Permission be granted subject to the following:

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 All external works hereby permitted shall be carried out in materials to match as closely as possible in colour, type and texture, those of the existing building.

Reason: To safeguard the appearance of the completed development by ensuring that the development hereby permitted is finished externally with materials to match the existing building and the visual amenities of the locality.

- 3 The tiles used for the roof of the front extension shall be sourced and reused from the rear of the existing dwelling house unless otherwise agreed in writing by the Local Planning Authority.

Reason: To protect the visual amenities of the building and of the area generally.

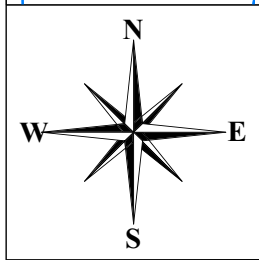
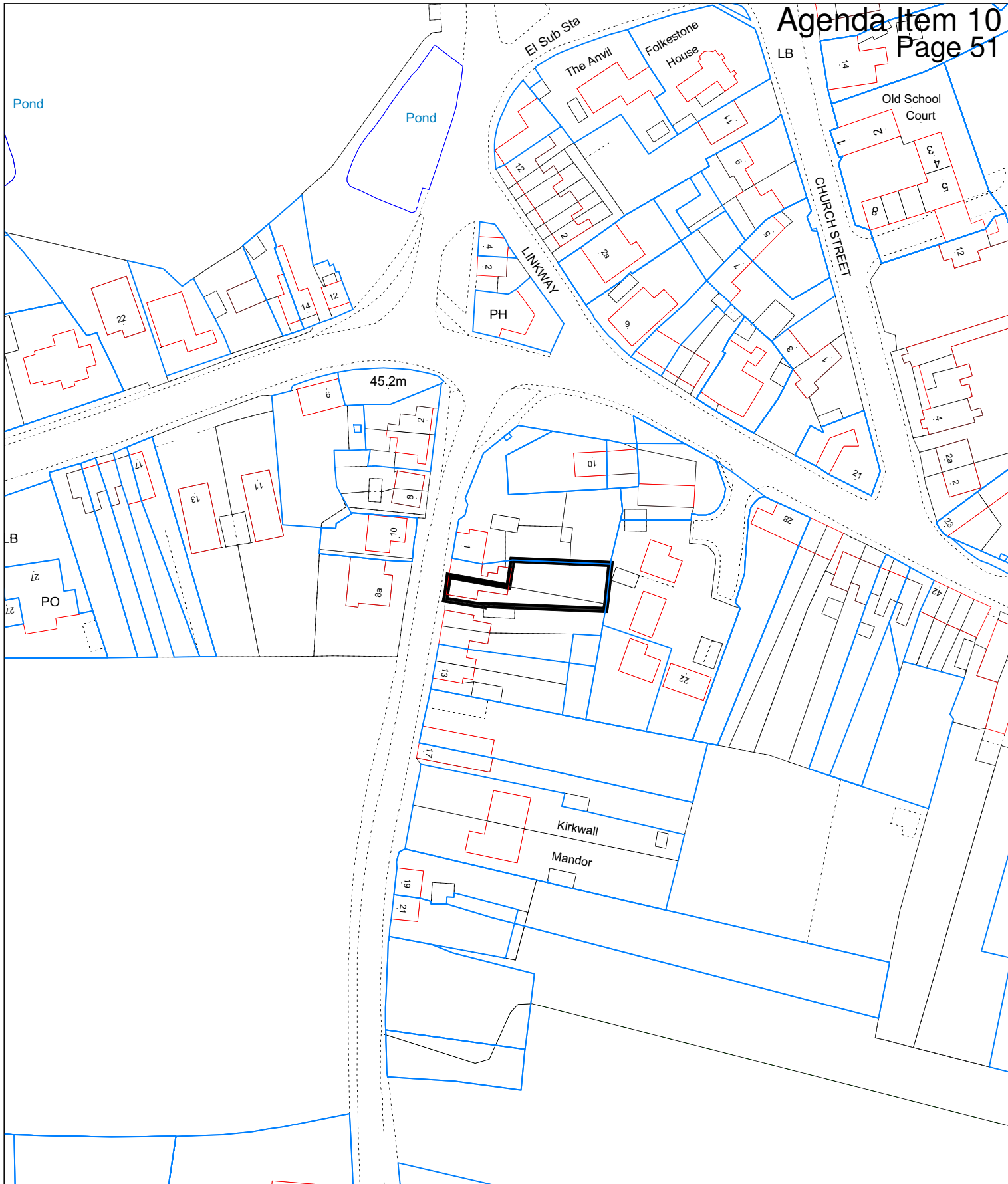
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additional windows shall be inserted into northern or southern elevation of the proposed extensions.

Reason: To protect the amenity of neighbouring residents.

DECISION

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Central Bedfordshire Council
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Date: 31:August:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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| Item No. 10 |
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| APPLICATION NUMBER | CB/10/02672/FULL |
| LOCATION | 5 New Road, Clifton, Shefford, SG17 5JH |
| PROPOSAL | Full: Single storey timber outbuilding (retrospective) |
| PARISH | Clifton |
| WARD | Langford and Henlow |
| WARD COUNCILLORS | Cllr J Clarke & Cllr T Rogers |
| CASE OFFICER | Judy Self |
| DATE REGISTERED | 19 July 2010 |
| EXPIRY DATE | 13 September 2010 |
| APPLICANT | Mr Bustance |
| AGENT | Homestead Timber Buildings |
| REASON FOR COMMITTEE TO DETERMINE | Cllr T Rogers has called the application to Committee in response to the concerns raised by neighbouring properties |
| RECOMMENDED DECISION | Full Application - Granted |

Site Location:

The application site comprises of a two storey end of terrace Victorian cottage which is located to the east side of New Road in Clifton. The site does not fall directly within the conservation area but is adjacent to it and this predominantly residential area is characterised by a mix of terraced Victorian cottages and larger detached properties.

The Application:

Retrospective planning permission is sought for the erection of a single storey timber outbuilding (7.8m in depth, 2.4m in width with a dual pitched roof height of 3.1m) in the rear garden area. The timber outbuilding has been painted green and there are black tiles to the roof.

In accordance with The Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008, Schedule 2, Part 1, Class E) planning permission is required for the outbuilding as the height would exceed 2.5m (in the case of a building within 2 metres of the boundary of the curtilage of the dwellinghouse).

Previous application CB/10/01639/full was approved on 16/6/10 for the erection of a single storey timber outbuilding. However, the outbuilding was erected in a different position to that which was approved. On the approved plan the timber outbuilding was shown to be positioned approximately 3.0m from the eastern boundary with no. 18 Broad Street and approximately 5.0m south of where the building has actually been erected.

The approved plans did not detail a WC and shower facilities which are now proposed. The size and design of the building has not changed between the approved scheme and this retrospective application.

RELEVANT POLICIES:

National Policies (PPG & PPS)

National Policies

PPS 1 Delivering Sustainable Development (2005)
PPS 3 Housing (2006)

Bedfordshire Structure Plan 2011

Not applicable

South Bedfordshire Local Plan Review Policies

Not applicable

Core Strategy and Development Management Policies, November 2009

Policy DM3 - High Quality Development – including extensions

Supplementary Planning Guidance

Design in Central Bedfordshire. A Guide for Development (2010)

Planning History

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|-------------|--|
| CB/10/01539 | Full: Single storey timber outbuilding - approved |
| MB/06/01526 | Full: Two storey and single storey side extensions - refused |

**Representations:
(Parish & Neighbours)**

Clifton Parish/Town
Council

Objects to the proposal for the following reasons:

- The current building has been constructed on a raised platform and includes a shower and WC. The planning application makes no reference of surface water or foul sewer drainage;
- The site has been moved and should revert to that originally applied for;
- The dimensions quoted need to be checked as it appears these are greater than those quoted on the original application;
- Adverse impact on neighbour's property;
- Removal of trees and shrubs although this was not mentioned on the application.

Neighbours

2 letters of objection have been received which have been summarised as following:

- impact on amenity as it appears to be constructed as living accommodation (having both plumbing and electrics) rather than an out-building. There is concern that the proposed use as a garden room is in fact a chalet style habitable dwelling;
- waste and soil pipes are protruding close to the shared boundary;
- given the height of the development rain water runs directly off the building under the boundary fence into the adjacent garden;
- loss of privacy from the window in the raised gable end and from the raised veranda;
- it has replaced a small shed and appears overly dominant and not in keeping with the character and setting of the existing garden grounds in the immediate vicinity;
- there would be an increase in noise when the building is put to its intended use;
- the plans submitted show inaccurate boundary lines;
- the size noted on the application excludes the veranda but this is an integral part of the construction as the roof overhangs this area;
- the building has been constructed on a raised bed which has resulted in an increased overall height making it appear more dominant and has a severe impact upon privacy and amenity;
- the building would be visible in the streetscene;
- building regulations were not obtained.

Determining Issues

The main considerations of the application are;

1. Visual impact upon the character and appearance of the area.
2. Impact upon the neighbouring residential amenity.
3. Any other implications.

Considerations

1. ***Character and Appearance of the Area***

Whilst not in the conservation area the application site falls next to it. The proposed timber outbuilding is positioned at the end of the rear garden area of no. 5 New Road. Whilst the comments have been noted with regard to the outbuilding being visible in the streetscene at the time of the site visit the outbuilding did not appear to be visible from any public vantage point to any material degree. As such no detriment would arise to the character and appearance of the area.

2. Residential Amenity of Neighbouring Properties

The rear garden containing the outbuilding adjoins no. 14 Broad Street and no. 1 New Road to the north. Nos. 16 and 18 Broad Street to the east and no. 7 New Road to the south of the site. These are the principle properties that may be affected by the proposal. All other properties are adequately well removed so as not to be affected.

Stated size of the outbuilding

7.8m in depth
2.4m in width
2.2m to eaves height
3.1m to ridge height
0.3m roof overhang

Concern has been raised with regard to the actual finished height as the outbuilding appears to have been constructed on a timber platform. During the site visit it was noted that the outbuilding had a timber veranda which extended around the structure however the height has been checked and is in accordance with the submitted plans.

The eaves height was measured at 2.2m (this included the base) which is consistent with the submitted plans.

During the site visit it was confirmed that the outbuilding was positioned approximately 3.6m from the boundary with no. 16 Broad Street (to the east) and approximately 0.7m from the boundary with no. 14 Broad Street (to the north). These measurements are consistent with the submitted site plan.

The depth and width of the outbuilding were checked and are in compliance with the submitted plans.

Residential Amenity of Neighbouring Properties

The timber outbuilding has been constructed to the rear of the garden and is positioned away from the main dwellings of nos. 1, 3 and 7 New Road. The residential amenity of these properties (by way of overbearing impact, overlooking or loss of light) is not considered to be significantly affected. The following considerations relate to the impact on number nos. 14, 16 and 18 Broad Street.

Impact on no. 14 Broad Street

Overbearing impact

The main dwelling of no. 14 is positioned 17 metres away from the timber outbuilding with the L-shaped rear garden adjoining the application site (to the south). The outlook from the main dwelling is in a westerly direction and the outbuilding would not be particularly visible from the house. The concerns raised are in connection with the visibility of the outbuilding from the rear garden area.

The boundary fence separating the garden from the application site measures 1.8m in height (as measured from this property) and the same fence measures 1.6m in height (as measured from the application site). Given that the ground level of the application site is slightly higher the side elevation of the outbuilding would extend above the boundary by approximately 0.6m before the pitched roof slopes away. Whilst it is acknowledged that there is a degree of visual impact resulting from the outbuilding it is considered that given its height (ie single storey in nature) and positioning (in relation to the main house and its immediate amenity area to the rear) that the impact is not so significant that the application should warrant a refusal.

Overlooking

There are no side windows and no overlooking would result.

Loss of light

No loss of light would arise given the positioning of the outbuilding in relation to the main dwellinghouse.

Impact on no. 16 Broad Street

Overbearing impact

The main dwelling is positioned approximately 11m from the outbuilding (to the east). The garden area of this property is modest in size and a timber fence and mature planting separate the two sites. A small timber shed is also located between the dwelling and the application site. Whilst the comments are duly noted, the gable end which is nearest to the boundary measures 2.9m in height and is positioned approximately 3.6m away from the boundary. Given the nature of the outbuilding (ie single storey), the degree of separation and the mature planting no significant harm to the residential amenity of no. 16 is considered to have arisen.

Overlooking

Concern has been raised with regard to the small feature window in the east facing roofline. This window is positioned approximately 2.5m above floor level and whilst the comments have been duly noted it is not envisaged that any significant overlooking would result given its high level positioning.

Loss of light

No material issue of overshadowing would arise given the height of the development and the degree of separation.

Impact on no. 18 Broad Street

Overbearing impact

The main dwelling is positioned approximately 12m away from the outbuilding. Given the degree of separation and the height of the development no significant harm to the residential amenity of no. 18 is considered to have arisen.

Overlooking

Whilst there is a small feature window in the east facing roofline the window is positioned approximately 2.5m above floor level and it is not envisaged that any significant overlooking would result given its high level positioning.

Loss of light

No material issue of overshadowing would arise given the height of the development and the degree of separation.

In conclusion, whilst the comments received have been given their due consideration the application is acceptable with regard to residential amenity.

3. *Any other implications of the proposal*

The following concerns have been raised during the determination of the application and have been addressed as following:

The inclusion of WC and shower facilities:- this has been noted but it would be a matter for the Building Regulations.

The outbuilding could be used as a separate dwelling:- whilst the concern is noted a condition will be attached to any permission requiring that the outbuilding shall not be occupied at any time other than for purposes ancillary to the residential use of the main dwelling. As such the accommodation could not be used as a separate dwelling without a formal application.

Surface water run off:- this has been noted but it would be a matter for the Building Regulations.

The removal of trees:- this has been noted but the trees fell within the application site and were not covered by any tree preservation orders.

The potential for noise:- There is no evidence to suggest that the building would give rise to a likely noise nuisance in the future. However, should excessive noise be generated from the building in the future, this would need to be investigated by the Council's Public Protection Team at that time.

Reasons for Granting

No detriment to the character and appearance of the area would arise or significant harm to residential amenity. As such the proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies (2009); Planning Policy Guidance: Planning Statement 1 Delivering Sustainable Development (2005); Planning Statement 3 Housing (2006); the adopted Central Bedfordshire Design Guide (1010)

Recommendation

That Planning Permission be granted subject to the following:

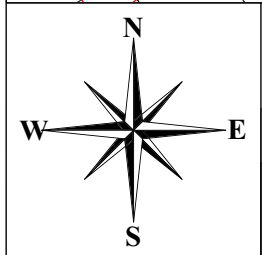
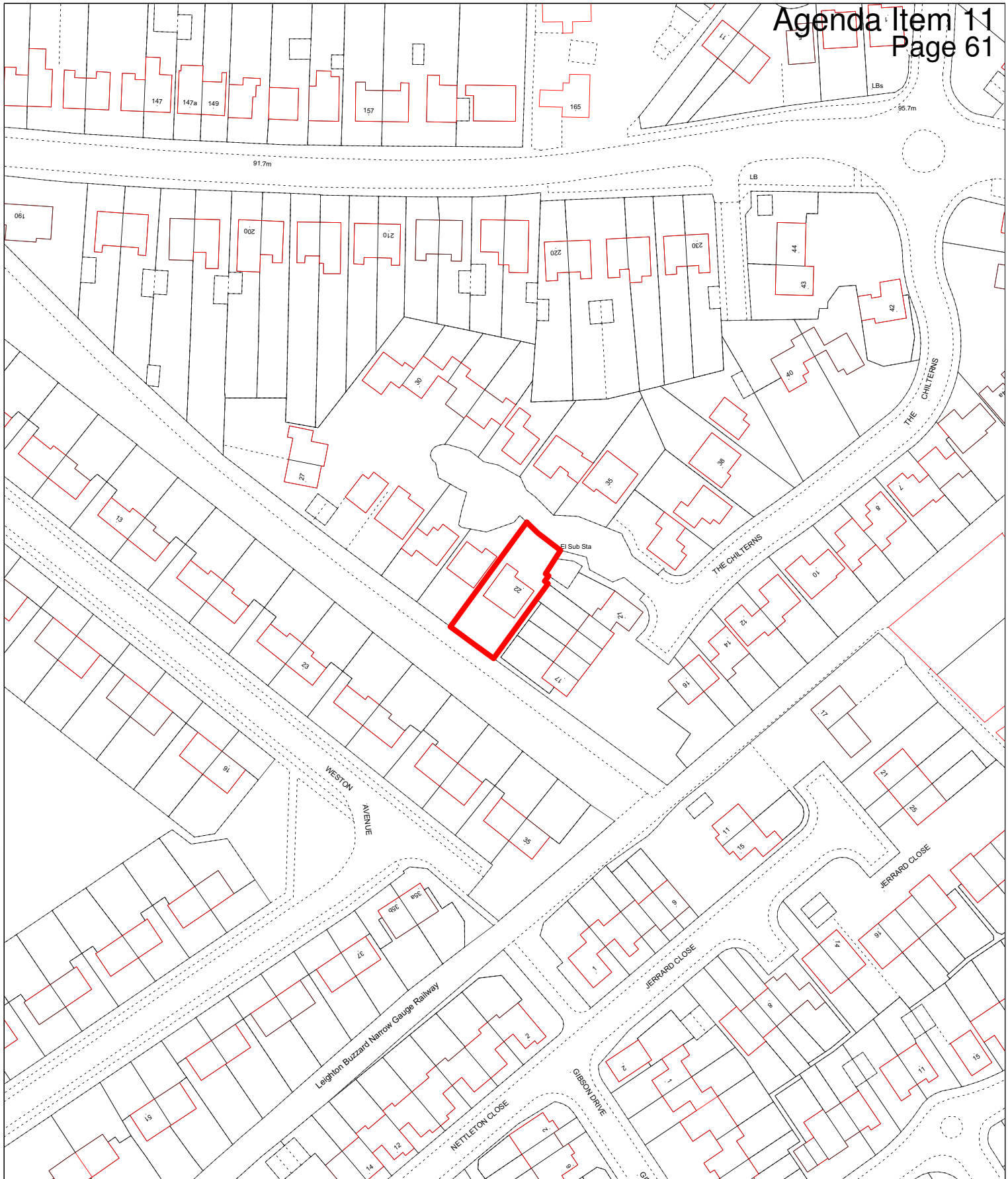
- 1 The outbuilding hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 5 New Road.

Reason: The ancillary accommodation created by the development is not suitable, because of the circumstances of the site, to be used as a separate, independent residential unit.

DECISION

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Date: 24:September:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 11

| | |
|--|---|
| APPLICATION NUMBER | CB/10/02620/NMA |
| LOCATION | 22 The Chilterns, Leighton Buzzard, LU7 4QD |
| PROPOSAL | Amendment to planning permission SB/TP/07/1260 (Erection of rear conservatory) |
| PARISH | Leighton-Linslade |
| WARD | Grovebury |
| WARD COUNCILLORS | Cllr Ray Berry & Cllr Adam Fahn |
| CASE OFFICER | Donna Lavender |
| DATE REGISTERED | 13 August 2010 |
| EXPIRY DATE | 08 October 2010 |
| APPLICANT | Mr D Bowater |
| REASON FOR COMMITTEE TO DETERMINE | Applicant is a Councillor for Central Bedfordshire Council |
| RECOMMENDED DECISION | Non-Material Amendment - Granted |

Site Location:

The application property is a two-storey detached dwelling flanked to the southeast by the rear gardens of 17-21 The Chilterns, to the northwest by 23 The Chilterns and backing on to the rear gardens of 27 and 29 Weston Avenue. It is constructed of yellow brick with dark brown window and door frames.

The Application:

Permission was granted in 2007 for the erection of a conservatory measuring 2.6m in width, 4.1m in depth, 2.1m to eaves and 2.8m to ridge to be sited at the rear of the property set in approximately 2m from the southeastern boundary.

Consent is being sought to amend this permission to alter the size and design of the conservatory. The proposed conservatory would now measure 3.5 metres in depth, 3.5 metres in width, 2.1 metres to the eaves and 3 metres to the ridge. The design of the conservatory would be changed from a Victorian style to an Edwardian Style.

Permission would not normally be required for this amended conservatory due to its overall scale and size falling within permitted development rights, however the permitted development rights for extensions was removed from this property by condition 23 of the original permission under reference SB/TP/94/0304 which states:

Notwithstanding the provisions of the Town and Country Planning General Development Order 1988 (or any order revoking and re-enacting that Order), no extensions or alterations to the external appearance of the building/s hereby permitted shall be carried out without the prior express permission in writing of the District Planning Authority. REASON: To enable the District Planning Authority to exercise proper control over the external appearance of the building/s in the interests of the amenities of the area.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 (Delivering Sustainable Development)

Bedfordshire Structure Plan 2011

None

South Bedfordshire Local Plan Review Policies

BE8 (Design Considerations)

H8 (Extensions to Dwellings)

Supplementary Planning Guidance

CBC Design Guidance: Residential Extensions

Planning History

SB/TP/94/0304 - Permission for 39 dwellinghouses with associated garages

SB/TP/07/1260 - Permission for rear conservatory

Representations:

(Parish & Neighbours)

Parish/Town Council: N/A

Neighbours: N/A

Consultations/Publicity responses

N/A

Determining Issues

The main considerations of the application are;

1. **Design Considerations**
2. **Affect on the Residential Amenity**

Considerations

1. Design Considerations

The previous 2007 permission was granted as it was considered that the scale and size of the proposed conservatory was proportionate to the existing dwellinghouse and others in the locality. The proposed conservatory is to be reduced in depth and not significantly increased in width, therefore would still be considered proportionate to the existing dwellinghouse.

The proposed style and materials are still in keeping with the existing dwellinghouse and similar to other developments previously permitted within the locality. The conservatory is also to be sited to the rear of the house and well screened by existing boundary fencing and vegetation so it is considered it would have no further detrimental impact on public views or the appearance or character of the streetscene in general.

2. Affect on the Residential Amenity

The proposed conservatory was previously granted permission in 2007, due to its a modest scale that was considered to be in keeping with the existing dwellinghouse and its unlikely adverse impact to neighbouring properties, due to the fact that it would be set in from the nearest boundary by approximately 2m and is considered to be sufficiently distant from the adjoining properties. Also the existing boundary treatment, particularly alongside the proposed conservatory, would prevent any overlooking or resultant loss of privacy that may otherwise occur.

Due to the fact that this amendment would result in a decrease in depth and no significant increase in width and height, it will have no further impact on the occupiers of residential properties surrounding the application site.

Reasons for Approval

The alterations to the proposed conservatory will have no further impact on the character of the streetscene or on residential amenity and by virtue of its size, scale and design will complement and harmonise with the local surroundings and will not result in any loss of light or overshadowing as considered by Policies BE8 and H8 of the South Bedfordshire Local Plan Review 2004.

Recommendation: that the Non-Material Amendment be APPROVED subject to the following:

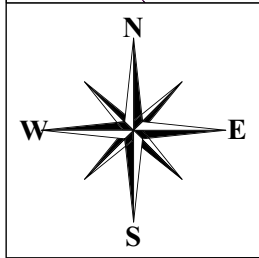
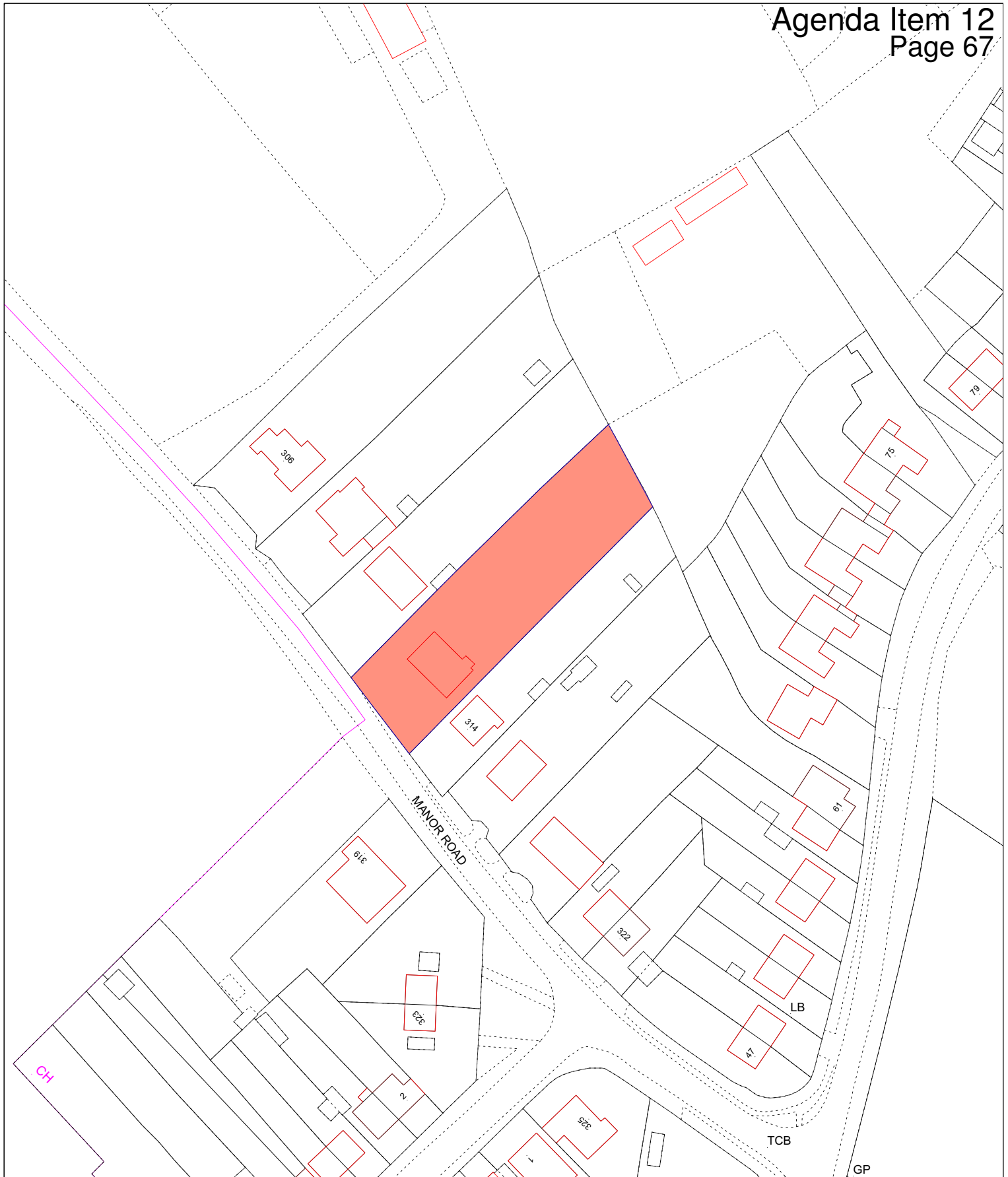
- 1 This consent relates only to the details shown on the Site Location Plan, Block Plan and Proposed Elevations and Floor Plans received 13/08/10 or to any subsequent appropriately endorsed revised plan.

REASON: To identify the approved plans and to avoid doubt.

DECISION

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Date: 29:September:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 12

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| APPLICATION NUMBER | CB/10/03063/FULL |
| LOCATION | 312 Manor Road, Woodside, Luton, LU1 4DN |
| PROPOSAL | Retention of side roof extensions and front and rear facing dormer windows (Revised CB/09/05115/TP) |
| PARISH | Slip End |
| WARD | South East Bedfordshire |
| WARD COUNCILLORS | |
| CASE OFFICER | Abel Bunu |
| DATE REGISTERED | 24 August 2010 |
| EXPIRY DATE | 19 October 2010 |
| APPLICANT | Mr & Mrs Stay |
| AGENT | J M Bygate Designs Ltd |
| REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION | The Applicant is a Member of the Council |
| | Full Application - Granted |

Site Location:

The application property is a detached bungalow which lies in the Green Belt to the north east of Manor Road outside the village envelope of Caddington. The site is flanked by numbers 310 and 314 on the north west and south east respectively and backs onto an open field.

The Application:

is in three parts and seeks permission for the retention of :

1. side roof extensions incorporating the conversion of a hipped roof to half hips on both sides;
2. a front dormer window measuring approximately 1.2 metres deep, 2.2 metres wide and 2.5 metres high
3. a rear facing dormer window measuring approximately 9.6 metres wide, 3.7 metres deep and 2,9 metres high

Planning permission has previously been granted last year , (Reference CB/TP/09/05115) for extensions and alterations to the property, the main difference between the approved scheme and the current application being the omission of a single storey front extension and its substitution with the front dormer as described at 2. above.

RELEVANT POLICIES:

National Policies (PPG & PPS)

- PPG2 - Green Belts
- PPS1 - Delivering Sustainable Development
- PPS7 - Sustainable Development in Rural Areas

Bedfordshire Structure Plan 2011

None saved.

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
H8 - Extensions to Dwellings
H13 - Extensions to Dwellings in the Green Belt.

Supplementary Planning Guidance

Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

Planning History

CB/TP/09/05115 -Permission.Erection of a side roof extensions involving the conversion of the existing hipped roof to half hips on both sides, insertion of front and rear dormer windows and erection of single storey front extension.

SB/TP/90/00203 - Permission to erect a single storey rear extension.

SB/TP/80/00534 - Permission to erect a single storey rear extension.

SB/TP/79/00450 - Permission for the retention of a carport.

Representations: (Parish & Neighbours)

Parish Council; No objection

Neighbours: Objection

- 310 Manor Road:
- Proposal amounts to over-development for a household with only three people;
 - Building has changed from a bungalow to a two storey dwelling;
 - Overlooking and loss of privacy.

Consultations/Publicity responses

MOD, Defence Estates: No objection

Determining Issues

The main considerations of the application are:

1. Whether or not the proposed development is inappropriate in the Green Belt
2. Impact on the character and appearance of the surrounding area
3. Impact on residential amenity

Considerations

1. Whether or not the proposal is inappropriate in the Green Belt

The property lies outside the village envelope of Caddington and is washed over by the Green Belt. The main consideration therefore is whether or not the proposal amounts to inappropriate development in the Green Belt and, if so, whether there are any 'very special circumstances' sufficient to outweigh the harm by reason of inappropriateness, and any other harm, including harm to the character and appearance of the rural countryside.

Policy H13 of the adopted Local Plan states, in part that,

Extensions to dwellings in the Green Belt will only be permitted providing that the proposed extension is modest in scale and does not result in disproportionate cumulative addition over and above the size of the original building, having regard to the need to maintain the openness and protect the visual amenities of the Green Belt.

National advice contained within Planning Policy Guidance 2, 'Green Belts' indicates that provided that it does not result in disproportionate additions over and above the size of the original building, the extension or alteration of dwellings is not inappropriate in Green Belts.

In this case, the principle of extending the dwellinghouse in this Green Belt location has already been agreed with the grant of planning permission reference, **SB/TP/09/05115**. The determinant factor therefore is the impact of the additional dormer in the front elevation. The difference between the approved scheme and the current application is a material consideration. The main difference between the two schemes is the omission of the single storey front extension and its substitution with the front dormer. All the other elements of the current application have been approved previously.

Whilst the approved single storey front extension would have resulted in a cumulative addition to the footprint of the dwellinghouse of about 39%, the current proposal would have no additional footprint. The proposal would therefore have a neutral effect on the openness of the Green Belt. In terms of its impact on the visual amenities of the Green Belt, the dormer would not, because of its modest size, appear intrusive. The proposed development is therefore not considered inappropriate in the Green Belt and as such acceptable subject to satisfying the requirements of Local Plan Policies BE8 and H8.

2. Design considerations

The proposed additions to the bungalow would respect the existing form and style of the dwelling and in particular, would maintain the existing symmetrical design. The extensions would therefore appear as a composite feature and would not detract from the appearance of the dwelling in the street scene. Furthermore, the street scene is characterised by dwellings that have been generously extended in the past hence the proposed development would be in keeping with the existing developments in terms of overall scale and massing .

3. **Impact on residential amenity**

The dwelling is set on a generously sized plot with reasonable separation distances from the adjoining residential properties. Furthermore, the proposed extensions would not result in the dwelling being closer to the adjoining properties than it is now. The proposed development would therefore not be overbearing and would not result in loss of outlook to the occupiers of the neighbouring property occupiers. The fact that no windows are proposed in the side elevations above the ground floor level means that the proposed extensions would not result in additional overlooking and loss of privacy to the occupiers of the adjoining properties. Should there be any requirement to insert windows in this position, planning permission would be required unless the conditions laid out in the General Permitted Development Order are satisfied. A condition restricting the insertion of windows in the future is therefore considered unnecessary.

Conclusion

The proposed development is not inappropriate in the Green Belt and would not be harmful to residential amenity.

Reasons for Granting

The proposal is in accordance with national and local policies in respect of extensions to dwellings within the Green Belt.

Recommendation

That Planning Permission be **GRANTED** subject to the following conditions:

- 1 This permission relates only to the details shown on the Site Location Plan and Drawing No. 046-BR-100 received 24/08/10 or to any subsequent appropriately endorsed revised plan.
REASON: To identify the approved plans and to avoid doubt.

Notes to Applicant

1. In accordance with Article 22 of the Town & Country Planning (General Development Procedure) Order 1995 (as Amended), the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

South Bedfordshire Local Plan Review

BE8 - Design Considerations

H8 - Controlling Extensions to Dwellings

H13 - Control of Extensions in the Green Belt

- 2. In accordance with Article 22 of the Town and Country Planning (General Development Procedure) Order 1995 (as Amended), the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).

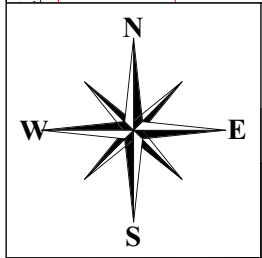
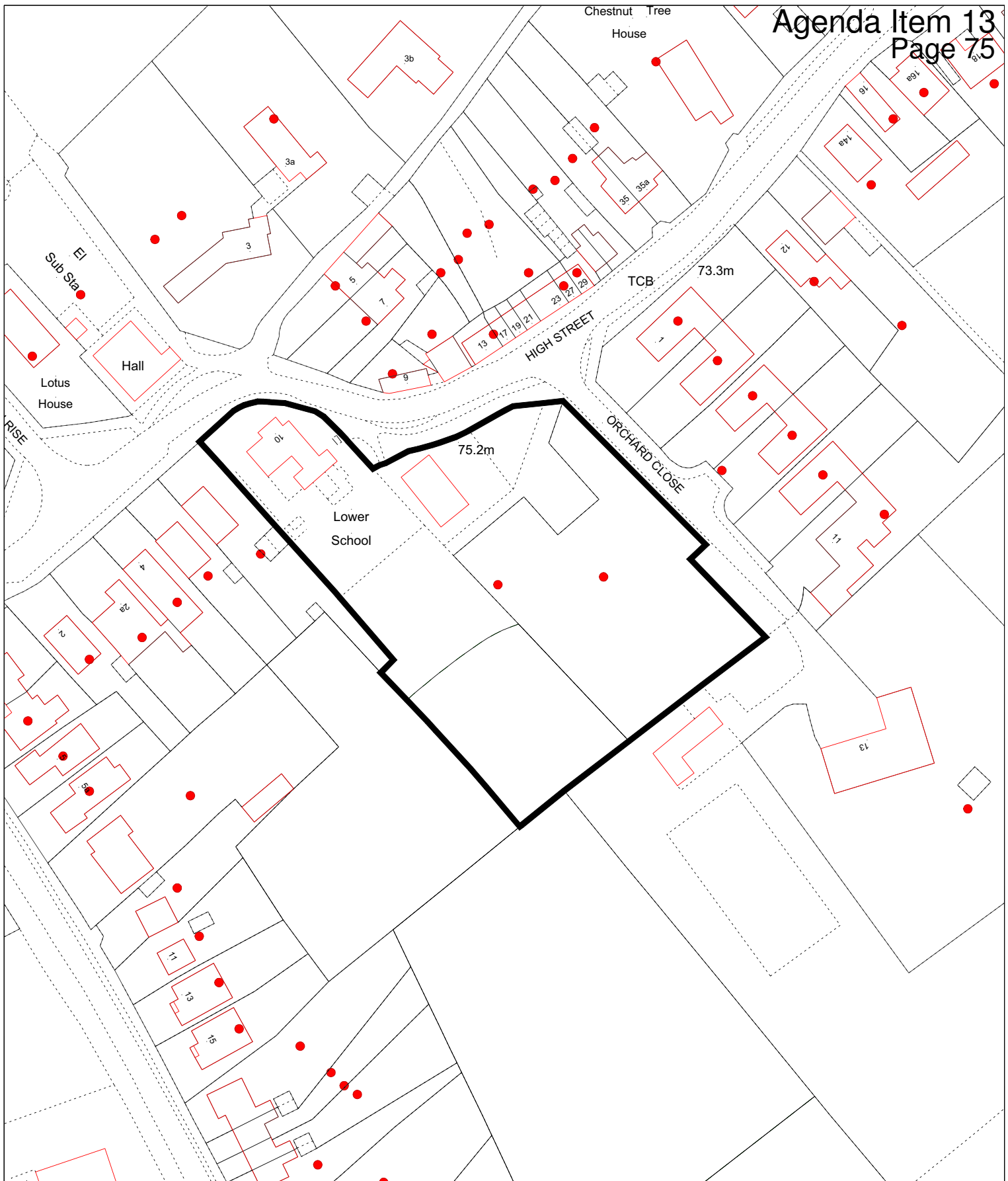
- 3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.

- 4. This permission is granted under the provisions of Section 73A of the Town and Country Planning Act 1990.

DECISION

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Date: 28:September:2010

Map Sheet No

CASE NO.

Scale: 1:1250

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Item No. 13

APPLICATION NUMBER CB/10/03324/FULL
LOCATION Gravenhurst Lower School, High Street,
Gravenhurst, Bedford, MK45 4HY
PROPOSAL Full: Erection of timber pergola.
PARISH Gravenhurst
WARD Silsoe & Shillington
WARD COUNCILLORS Cllr R Drinkwater and Cllr A Graham
CASE OFFICER Sarah Fortune
DATE REGISTERED 02 September 2010
EXPIRY DATE 28 October 2010
APPLICANT Gravenhurst Lower School
AGENT MK40 Architects
REASON FOR The application is made under Regulation 3 and
COMMITTEE TO objection has been made to the scheme.
DETERMINE

RECOMMENDED
DECISION Full Application - Granted

Site Location:

The site is located on the south side of High Street in the centre of Gravenhurst within the rear grounds of Gravenhurst Lower School and within the heart of the village of Gravenhurst. There is the recently constructed Campton and Gravenhurst Pre School in the south east corner of the Gravenhurst Lower School grounds.

The Application:

This application is for the erection of a timber pergola to the rear of the teaching block in the centre of the curtilage of the school and set well back from the road. It is to be used for Gravenhurst Lower School theatrical purposes and concerts as well as other spontaneous outdoor activities which improve the children's' creativity, speaking and listening skills.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS4 Commercial development

Bedfordshire Structure Plan 2011

Core Strategy and Development Management Policy Document dated November 2009

DM3 Amenity

Supplementary Planning Guidance

Planning History of Gravenhurst Lower School - relevant

CB/09/05598 Installation of 2 canopies
Granted: 25/09/2009

Campton and Gravenhurst Pre- School - relevant

07/01519 Pre School and covered play area.
Granted: 15/11/2008

10/00279 Extension to existing boundary fence.
Granted: 4/05/2010.

Representations: (Parish & Neighbours)

Gravenhurst P C No comments received.

Neighbours 1. Concerns about its potential for use outside of school hours and term times and possibly by non school users. The School should be more specific about the uses the facility is to be put. Would like limitations on its use to within school hours and term times - and that this is put as a condition of planning approval.

1. Is the pergola to be what has been referred to in the village magazine as an 'outside stage area with seating'? Please clarify. Recent developments at the Pre school raise concerns regarding noise and amenity of neighbouring properties.

1. Observations: The description is innocuous. Needs to be described in the way it is to be used. The village magazine describes its use for outside stage area and seating. This must mean evening and week end use. Are we not able to have quiet times as neighbours? The school will not adhere to planning conditions. There has been a great increase in traffic recently as a result of development at the School and Pre School leading to deterioration in the quality of life for local residents. Main fear is the potential for use outside school hours and term times possibly by non school users. Whatever are the intentions of the school we would like limitation to within school hours in term times to be stipulated as a condition of planning approval.

Consultations/Publicity responses

| | |
|---------------------|-----------------------|
| Highways Officer | No comments received. |
| Access Officer | No comments received. |
| Archaeology Officer | No comments received. |

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Size, Siting and design in relation to site and the area generally
3. Other Considerations

Considerations

1. Background and Policy

Gravenhurst Lower School has been established at the site for over 100 years. It comprises of a main school building to the north west corner of the site close to the High Street as well as a more recent teaching block, canopies and some small ancillary external items in the grounds of the school. The Campton and Gravenhurst Pre School has recently been constructed in the south east corner of the Lower School curtilage.

In view of the fact that the site has an authorised use as a Lower School there are no objections to the development in principle. What needs to be carefully considered is whether the size, siting and design are appropriate for the site and its surroundings and whether there will be an unduly adverse impact on the amenities of the neighbours by way of noise and disturbance etc..

The applicants have advised that there is a need to improve their current facilities used in teaching literacy curriculum in the outside area. As a result of this they wish to create a decked area and pergola to replace the existing informal theatre area on the site which has been used for this purpose for many years and tends to be very muddy following inclement weather.

The decked area and pergola will enable pupils to improve their creativity, speaking and listening skills in a safe and appropriate setting. It is to provide a more formal structure to enable children to relate creatively to their activity.

Schools are encouraged to deliver their learning priorities using both the indoor and outdoor provision. Children and staff use the existing outside theatre throughout the school day on a spontaneous basis.

The outside area is also where concerts are performed by the children - there are currently 46 on the roll - are held and parents and the community are invited to attend. These are held both during school term times and in the early evening so that parents who work can attend. The anticipated times of use are between 9am and 9pm mainly during term time. The applicants are of the view that in view of the fact that this is an improvement to an already available facility then noise and inconvenience to the local community will not be increased. The school further advises that the project will not increase the use of the outside provision but improve it by providing a safe environment for the children to work and learn.

2. Size, Siting and design in relation to site and the area generally

This application is for the installation of a timber pergola in the centre of the lower school grounds on an existing grass area. It is to be a roughly triangular shaped timber post structure with no solid brick walls - having dimensions of 7.4 metres (max) length, 4.3 metres (max) width and a maximum height of 3.8 metres. There is to be a timber treated base/seating area.

In view of the fact that this wooden structure is to be sited well away from High Street and Orchard Close in an area that is substantially planted with trees and shrubs it is felt that it will blend in with its surroundings and not appear as being unduly visually intrusive or out of keeping with the area. This meets local planning policies in the Core Strategy and Development Management Policy Document dated November 2009.

3. Other Considerations

With regard to the potential impact on the amenities of the neighbours the way in which the facility is to be used is outlined above. The school have advised that they already use this outside area as an informal theatre where concerts are held and various activities take place in association with the improvement of the children's creativity, speaking and listening skills.

What has to be considered is whether the use of the pergola in the manner described above will have more of an impact on the amenities of neighbours - by way of noise or general disturbance in particular - than the existing use of the site for the same activities.

The site is at some 40 metres distance from the nearest neighbours and is not visible from the road being sited in a position set within a clearing between trees and a high hedge. The applicants have advised that the levels of noise and inconvenience to the local community will not be increased as a result of this pergola

Having given careful consideration to the proposal it is felt that by creating a permanent structure at the site in the form of the pergola this will facilitate a formalisation of the existing use at the site - which is at present more flexible in that it uses an unmarked grassed area. The proposed pergola is likely, therefore, to lead to a change in the nature of the way in which the site is used. However, it is considered that any increase in noise, general disturbance or light pollution can be controlled by the imposition of conditions attached to any planning permission and these conditions will enable the amenities of neighbours to be safeguarded to a satisfactory level. As long as appropriate conditions are attached it is considered that it would be very difficult to sustain a reason for refusal on amenity grounds on appeal.

No other technical objections have been received and any further comments received will be reported to the Development Management Committee.

Reasons for Granting

In view of the fact that there are no policy objections to the construction of the pergola, and it is felt that any greater impact on the amenities of neighbours by way of the formalisation of the existing use can be controlled by way of conditions being attached to any planning permission - and no other technical objections have been received - the application is recommended for approval as being in compliance with policies in the Core Strategy and Development Management Policy Document dated November 2009.

Recommendation

That planning consent be granted subject to the following conditions

- 1 The development hereby approved shall be commenced within three years of the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 which is designed to ensure that a planning permission does not continue in existence indefinitely if the development to which it relates is not carried out.

- 2 The pergola hereby approved shall be used only in association with the use of the Gravenhurst Lower School - as a school - for school theatrical performances, concerts and other similar activities and not for any other purpose. It shall not be used for any purpose by any non Gravenhurst Lower School groups.

Reason: To define the permission hereby granted and for the avoidance of doubt in the interest of the visual amenities of the area and the amenities of neighbours.

- 3 The pergola hereby granted planning permission shall not be used outside of the Gravenhurst Lower School term times and it shall not be used outside the hours of 9am to 9pm on Mondays to Saturdays during school term times and not at all on any Sunday, Public or Bank Holiday.

Reason: To safeguard the amenities of occupiers of the neighbouring residential properties.

- 4 There shall be no use of amplification or floodlighting in or from the pergola hereby approved without the prior approval of the planning authority in the form of a planning permission.

Reason: To safeguard the amenities of occupiers of the neighbouring residential properties.

- 5 Full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-

- proposed finished levels or contours;
- materials to be used for any hard surfacing;
- the retention of all trees and shrubs
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting;
- details of existing trees and hedgerows on the site and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

Reason: In order to ensure that the landscaping is carried out within a reasonable period in the interest of the visual amenities of the area.

Decision

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Renewable Energy Equipment on Dwellings

Permitted Development Rights

In April 2008 the Government introduced changes to the General Permitted Development Order (GPDO), allowing many renewable energy technologies to be installed on houses without the need for planning permission. The changes specifically relate to small scale or microgeneration technologies (Section 82 of the Energy Act 2004 provides a formal definition).

| Equipment | Planning permission required? | Criteria/Comments |
|--|---|---|
| Installation, alteration or replacement of Ground Source Heat Pumps within residential curtilage | No | Open loop systems may require a licence from the Environment Agency. |
| Installation, alteration or replacement of water Source Heat Pumps within residential curtilage | No | May require a licence from the Environment Agency. |
| Solar thermal panels and solar photovoltaic cells (PV) | Subject to satisfying relevant criteria | Requires planning permission if: <ul style="list-style-type: none"> The equipment would protrude more than 200mm beyond the plane of the wall or the roof slope; The equipment would be higher than the highest part of the roof (excluding any chimney); The equipment would be installed on a wall forming the principal or side elevation of the dwelling or any wall on a building within the curtilage of a dwelling, and be visible from the highway (on buildings in Conservation Areas and World Heritage Sites); The equipment would be installed on a building within the curtilage of the dwellinghouse if the dwellinghouse is a listed building. |
| (Installed on a dwelling house or on a building within the curtilage of a dwelling house) | | |

Requires planning permission if:

Stand alone solar installations

Subject to satisfying relevant criteria

- There would be more than one stand alone system within the curtilage of the dwellinghouse;
- The system would exceed 4 metres in height above ground level;
- The system would be within 5 metres of the boundary;
- The surface area of the solar panels forming part of the stand alone solar would exceed 9 square metres or any dimension of the array(including any housing) would exceed 3 metres;
- In a Conservation Area or a World Heritage Site, the equipment be situated within the curtilage of the dwellinghouse and be visible from the highway;
- The equipment would be situated within the curtilage of a listed building.

For **all** solar installations:

- The equipment installed shall be sited so as to minimise its effect on the external appearance of the building;
- The equipment shall be sited so as to minimise its effect on the amenity of the area; and
- Equipment no longer needed for microgeneration shall be removed as soon as reasonably practicable.

Requires planning permission if:

Flue for a biomass boiler or combined heat and power system (CHP)

Subject to satisfying relevant criteria

- The height of the flue would exceed the highest part of the roof by 1 metre or more
- The equipment is installed on a wall or roof slope forming the principal or side elevation of a dwellinghouse and visible from a road in buildings in Conservation Areas and World Heritage Sites.

Wind turbines

Yes

Information on the site specific wind speed and noise will be required to be submitted as part of a planning application.

| | | |
|---|---|---|
| Air Source Heat Pumps | Yes | Noise information will be required to be submitted as part of a planning application. |
| Installation, alteration or replacement of flue forming part of a combined heat and power system on a dwellinghouse | Subject to satisfying relevant criteria | <ul style="list-style-type: none"> • Permitted except where the flue would be installed on a roof or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway • In the case of land within a Conservation area or World Heritage site, the flue would be installed on a wall or roof slope forming the principal or side elevation of the dwellinghouse and would be visible from a highway. |

The Online Expert System has now been updated to accommodate these amended changes and allow residents to check whether planning permission is required. Additional information can also be found on the [Planning Portal](#).

Further information on the different types of renewable energy technologies, and opportunities to obtain grants for installations can be found at the Low Carbon Building Programme website (www.lowcarbonbuildings.org.uk). Alternatively, the Energy Savings Trust also has a substantial amount of information relating to renewable energy (www.energysavingtrust.org.uk).

Notes:

Dwellinghouse means a building which consists wholly of flats or which is used for the purposes of a dwellinghouse.

Solar PV means solar photovoltaics

Stand alone solar installation means solar PV or solar thermal equipment which is not installed on a building.

World Heritage Site means a property appearing on the World Heritage List.

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