

**Item No. 9****SCHEDULE B**

<b>APPLICATION NUMBER</b>	<b>CB/09/05512/FULL</b>
<b>LOCATION</b>	<b>Land To The Rear Of 65, Shefford Road, Clifton</b>
<b>PROPOSAL</b>	<b>Full: Erection of 3 no. four bedroom dwellings and associated access</b>
<b>PARISH</b>	<b>Clifton</b>
<b>WARD</b>	<b>Langford &amp; Henlow Village</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Clarke &amp; Cllr Rogers</b>
<b>CASE OFFICER</b>	<b>Mark Spragg</b>
<b>DATE REGISTERED</b>	<b>30 July 2009</b>
<b>EXPIRY DATE</b>	<b>24 September 2009</b>
<b>APPLICANT</b>	<b>Mr D Eldridge</b>
<b>AGENT</b>	<b>Eades Hotwani Partnership</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Councillor Rogers requests that the application be determined at Committee on the grounds of overdevelopment.</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

The site to which this development relates is located in a residential area within the settlement envelope of Clifton, occupying a site area of approximately 0.21 hectares. The main part of the site comprises a rectangular shaped parcel of land within the southernmost half of the extensive 130m+ rear garden serving 65 Shefford Road. To the rear (south) of the site and beyond the settlement boundary are open fields, whilst to the west are the gardens of properties in Bunyan Close and Alexander Close. To the east of the site is the rear part of the garden serving 61 Clifton Road.

Shefford Road, in the vicinity of the application site, is generally characterised by detached dwellings set back from the road frontage. Whilst No's.65 and 61 have very long gardens other properties close to the site, including Bunyan Close and Alexander Close, have modest plots, some with relatively short gardens.

The land slopes gently from 65 Shefford Road to the rear of the application site, generally enclosed by mature trees and hedgerow of varying quality. The site contains a number of prominent trees protected by a Tree Preservation Order, mostly located along the boundary with No.61 Shefford Road, alongside the existing driveway serving No.65.

## **The Application:**

This application seeks planning permission to construct three No. 4 bed two-storey detached dwellings and garages, utilising the existing second access serving No.65 Shefford Road. The access would extend parallel to the existing eastern boundary of No.65.

The proposed houses would have pitched roofs with a ridge height of 7.6 metres, and with gable projections on the front and rear elevations. Each property would have a rear garden extending to a depth of approximately 10 metres.

The application has been submitted together with a Design and Access statement, noise report, a tree survey and a landscape plan.

## **PPS:**

PPS1 Delivering Sustainable Development  
PPS 3 Housing

## **Policy + SPG: (Mid Beds Local Plan)**

Mid Beds Local Plan First Review – Policies LPS2, H06, DPS1, DPS5, DPS9, DPS11, DPS16.

Design Guide for Residential Areas in Mid Beds

## **Relevant Planning History**

06/00121/FULL	Erection of 7 dwellings with associated garages. Refused 31/03/06.
06/01486/FULL	Erection of 7 dwellings with associated garages. Refused 25/01/07. Appeal dismissed 27/11/07 (appeal decision attached as Appendix to this report).
07/01032/FULL	Erection of 2 dwellings. Refused. 14/08/07.

## **Representations: (Parish & Neighbours)**

Clifton Parish Council	Object to the application: <ul style="list-style-type: none"><li>- Undesirable form of piecemeal development.</li><li>- Parking and garaging inadequate.</li><li>- The matter of mature trees on the boundary has not been addressed.</li><li>- The access road appears to encroach on the occupants of 61 Shefford Road.</li></ul>
Adjacent Occupiers	18 letters of objections have been received. The main comments are summarised as follows:

- The application site boundary intrudes on adjoining properties.
- Impact on the boundary trees and hedging to the rear of 16 Alexander Close from the proposed house and garage of plot 1.
- Loss of amenity to neighbouring properties.
- Loss of security and increase in light pollution to Alexander Close and Bunyan Close.
- Increased flooding risk to Alexander Close.
- Out of keeping with its surroundings and will result in overlooking.
- Lack of community involvement.
- Impact on trees and local wildlife.
- The entrance would be out of keeping with its surroundings.
- Will exacerbate parking problems for No.65.
- Increased noise pollution to 74 Shefford Road.
- Inadequate access.
- Represents piecemeal development and fails to take account of the possibility of developing to the rear of 65 Shefford Road.
- Impact on existing education facilities.

## **Consultations**

Highways	No objection subject to conditions.
Tree Officer	No objection subject to conditions to ensure protection of trees within and adjacent to the site.

## **Determining Issues**

The main considerations of the application are;

1. The principle of development
2. Design of development and impact on the character of the surrounding area.
3. Impact on the amenities of neighbouring residential properties.
4. Access, parking.
5. Other issues.

## Considerations

### 1. Principle of development

The application site is located within the village settlement of Clifton, surrounded by housing, wherein residential development is acceptable in principle (Policy HO6). The same policy states that tandem development is acceptable, provided that there is no adverse effect on the amenity of adjoining dwellings and the character of the area, and that a satisfactory access can be provided.

### 2. Impact on character of the area.

Residential development to the rear of properties in Shefford Road has occurred in close proximity to the application site, including at Alexander Close/Bunyan Close, and as such a narrow tandem development would not be out of character with the area. This point was acknowledged by the Inspector in his appeal decision (para 5), in respect of a previous application on the site for seven dwellings.

The proposed houses would be of a modest scale and height (7.6m), and given their significant set back (100m+) from Shefford Road would not appear unduly prominent within the streetscene. Furthermore, the development would be largely screened by the existing house, No.65.

Unlike the previous appeal proposal, a tree and shrub survey has been carried out with details given of the amenity value of existing trees and details of those to be retained. The site contains a number of prominent trees adjacent to the access, and along the boundary with No.61, which are important within the streetscene. The access drive has been moved further away from the protected trees than previously was the case. In addition, the landscape proposals provide for a landscape corridor 1-1.5m wide comprising trees, shrubs and hedges on either side of the access, along much of its length, whereas the appeal proposal had no space for such new landscaping.

It is noted that there is an existing driveway serving No.65 with a garage (now demolished) and an outbuilding with a concrete hardstanding, in close proximity to the protected trees along the boundary and along the line of the proposed access road. As such it is considered that with appropriate construction methods an access drive could be constructed without prejudicing the future survival of the TPO trees along the boundary.

There are no significant trees at the rear part of the site close to the proposed houses and garages, a number having been recently removed.

The previous appeal proposal, as referred to by the Inspector in his decision letter (para 10), included a layout plan indicating how the neighbouring property (No.61) could be developed. The plan showed an access road running adjacent to the east elevation of No.61 and then extending parallel to the proposed access road at the rear of No.65. The Inspector was concerned that the proposed development would result in large areas of hardstanding, and that the layout of development at the rear of 65 would restrict the extent of development possible to the rear of No.61.

It is however considered that this proposal would not prejudice any future development of land to the rear of No.61.

It is also necessary to consider the Council's refusal of application 07/01032, being for two houses between the current application site and the rear of No.65. The application was refused on the grounds that it represented piecemeal tandem development. being one of the reasons for the Council refusing the 2006 appeal application. However the application was determined prior to the issue of the appeal decision, in which the principle of such backland development was not disputed by the Inspector. As such it is not considered that a refusal on such grounds could be substantiated in this case,

It is concluded that the proposal would not harm the character of the area and would comply with policies H06, DPS5, DPS11 and DPS16 of the Local Plan.

### **3. Amenity of adjoining properties**

The application site adjoins the gardens of properties in Shefford Road, Bunyan Close and Alexander Close.

The siting of plots 1 and 2 is shown in almost the same location as the 2006 appealed application, whilst the proposed garage has been moved further from the boundary. Furthermore a dwelling previously shown adjacent to the rear boundary of 11 Bunyan Close has been replaced by proposed landscaping. The Inspector (Para 15) in considering the impact of the proposal on properties in Alexander Close and Bunyan Close, concluded that due to their relatively long rear gardens (20m+) the outlook amenity and privacy of the neighbouring properties would not be unreasonably affected. It is considered that the same applies, notwithstanding the recent loss of planting along the boundary.

The inspector (para 12) also concluded that the relationship of the access, the dwellings and gardens proposed, would not adversely impact on amenities of the occupiers of No.61 Shefford Road. It is considered that the same applies to this proposal, where the siting of dwellings is no more intrusive and the access has been moved further from the boundary. Similarly, as previously, it is considered that no loss of outlook, privacy or amenity would result to the occupiers of Nos.61, 65 & 67, all of which would be located in excess of 70m from the closest part of the proposed development, being the front elevation of plot 3.

Whilst the proposed dwellings would have relatively short gardens they would nevertheless have a depth of 10m, and being wide plots with south facing gardens, would provide a reasonable level of amenity provision for future occupants.

As such it is concluded that the proposal would not adversely affect the living conditions of neighbouring occupiers and as such is in accordance with policies DPS5 and DPS9 of the Local Plan.

### **4. Highway and parking Considerations**

Parking would be provided for 3-4 cars per dwelling which is considered acceptable for such a development in this location.

The Highways section consider the proposed new access to be acceptable in terms of highway safety and have raised no objection to the proposal subject to conditions.

As such the proposal complies with Policy DPS5 of the Local Plan.

## **5. Other Issues**

A number of other issues have been raised by neighbours in respect of this application:

Site boundary – The applicants have confirmed that the site is within their ownership or the ownership of the occupier of No.65, upon whom notice has been served. Such matters, as noted by the Inspector in the previous appeal (Para 6), are not material in respect of the planning considerations of this application.

Impact on wildlife – The site is currently the garden of 65 Shefford Road and is located within the Clifton settlement envelope surrounded by residential properties. There has been no evidence provided of any protected wildlife habitat within the site and as such it is not considered that there would be any impact to justify a refusal in relation to biodiversity issues.

Flooding around the site – The site does not lie with the flood plain and as such, subject to appropriate surface water drainage it is not considered that any objection on such grounds could be substantiated.

Impact on existing education facilities - The development, by virtue of the recently adopted Planning Obligations Supplementary Planning Document would require the developer to make contributions towards infrastructure provision, including towards lower and middle schools in the vicinity. A draft unilateral undertaking in respect of these requirements has been submitted.

## **Conclusion**

In light of the above the proposal is considered acceptable, having regard to the relevant policy considerations.

## **Reasons for Granting**

Residential development is acceptable in principle and the form of tandem development proposed, incorporating adequate retention of existing trees and additional landscaping would result in a form of layout of development which would be in keeping with the character of the surrounding area.

In addition, the privacy and amenities of neighbouring properties would not be adversely affected, whilst adequate parking and a safe access would be provided. As such the proposal is in conformity with policies LPS2, H06, DPS1, DPS5, DPS9, DPS11, DPS16 of the Mid Bedfordshire Local Plan First Review 2005; Planning

- 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 **Prior to commencement of development details of materials to be used for the external finishes of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance therewith.**

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

- 3 **Prior to the development hereby approved commencing on site details of the final ground and slab levels of the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include sections through both the site and the adjoining properties, the location of which shall first be agreed in writing with the Local Planning Authority. Thereafter the site shall be developed in full accordance with the approved details.**

**Reason: To ensure that a satisfactory relationship results between the new development and adjacent buildings and public areas.**

- 4 **Prior to commencement of development, 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;**
- **minor structures (e.g. furniture, play equipment, signs, etc);**
- **proposed and existing functional services above and below ground level;**
- **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, indicating those to be retained 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.**

- 5 **Prior to the commencement of development a scheme setting out measures for protecting trees, shrubs and other natural features during construction work shall be submitted to and approved in writing by the Local Planning Authority. Such fencing shall be maintained during the course of the works on the site. No unauthorised access or placement of goods, fuels or chemicals, soil or other materials shall take place inside the fenced area.**

**Reason: To safeguard the existing trees on the site in the interests of visual amenity.**

- 6 **Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension of the dwelling or for the erection of any free standing building until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.**

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

- 7 **Development shall not begin until details of the junction of the proposed vehicular access 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.**

- 8 **No development shall commence until a wheel cleaning facility has been provided at all site exits in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. The wheel cleaner(s) shall be removed from the site once the roadworks necessary to provide adequate access from the public highway have been completed (apart from final surfacing) to the satisfaction of the Local Planning Authority.**

**Reason: In the interests of the amenity and to prevent the deposit of mud or other extraneous material on the highway during the construction period.**

- 9 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented throughout the construction period.**

**Reason: To ensure adequate off street parking during construction in**



**the interests of road safety.**

- 10 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access 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 drive. 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 access, and to make the access safe and convenient for the traffic which is likely to use it

- 11 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m 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 access, and to make the access safe and convenient for the traffic which is likely to use it

- 12 The proposed vehicular access shall be constructed and surfaced in a durable material to be approved in writing by the Local Planning Authority for a distance of 10.0m into the site, measured from the highway boundary, before the premises are 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

- 13 Before the premises are occupied all on site vehicular areas shall be surfaced in a manner to the Local Planning Authority's approval so as to ensure satisfactory parking of vehicles outside highway limits. Arrangements shall be made for surface water from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

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

- 14 The turning space for vehicles illustrated on the approved plan shall be

constructed before the development is first brought into use.

Reason: To enable vehicles to draw off, park and turn outside the highway limits thereby avoiding the reversing of vehicles on to the highway.

- 15 Details of bin storage/collection point shall be submitted to and approved by the Local Planning Authority prior to the occupation of any dwelling.

Reason: In the interest of highway safety.

- 16 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development whichever is the sooner; and any trees or plants which within a period of 5 years of completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority give written consent to any variation.

Reason: In the interests of the visual amenities of the site and the area generally.

- 17 The access driveway shall be constructed using a "no-dig" method of construction as outlined in Arboricultural Practice Note no.1 and shall, unless otherwise agreed in writing by the Local Planning Authority, retain the existing hardstanding.

Reason: To ensure the protection of trees and hedgerows to be retained, and in particular to avoid unnecessary damage to their root systems.

### **Notes to Applicant**

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to Central Bedfordshire Council's, Highways Help Desk P.O.Box 1395, Bedford, MK42 5AN 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.

2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management group Highways and Transportation Division, Central Bedfordshire Council, P.O. Box 1395 Bedford, MK42 5AN.

**DECISION**

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