

**Item No. 14****SCHEDULE C**

<b>APPLICATION NUMBER</b>	<b>CB/09/05637/FULL</b>
<b>LOCATION</b>	<b>Land To The Rear And Side Of 91, High Street, Clophill</b>
<b>PROPOSAL</b>	<b>Full: Erection of a single detached dwelling with double garage and carport and a new double garage for 91 High Street following the demolition of an existing garage, store, greenhouses, boiler house and outhouse.</b>
<b>PARISH</b>	<b>Clophill</b>
<b>WARD</b>	<b>Maulden and Clophill</b>
<b>WARD COUNCILLORS</b>	
<b>CASE OFFICER</b>	<b>Mary Collins</b>
<b>DATE REGISTERED</b>	<b>05 August 2009</b>
<b>EXPIRY DATE</b>	<b>30 September 2009</b>
<b>APPLICANT</b>	<b>Mr T &amp; Mrs A Palmer</b>
<b>AGENT</b>	
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Applicant employee of Central Bedfordshire Council</b>
<b>RECOMMENDED DECISION</b>	<b>Grant Planning Permission</b>

**Site Location:**

91 High Street, Clophill is a detached property which fronts the High Street. To the side/rear of the existing dwelling is a detached brick built garage. The plot is long and the site contains a number of derelict horticultural buildings, a derelict greenhouse and redundant boiler house and chimney. The site is next to the Grade II Listed St Mary's Church and is partly within the conservation area. The site area is 0.264 hectares.

This part of Clophill is characterised by development close to and on the pavement edge with boundary walls providing a sense of enclosure. There is little backland development.

**The Application:**

Planning permission is sought for the erection of a single detached dwelling with double garage and carport and a new double garage for 91 High Street following the demolition of an existing garage, store, greenhouses, boiler house and outhouse.

**RELEVANT POLICIES:****National Policies (PPG & PPS)**

PPS 1	Delivering Sustainable Development
PPS 3	Housing
PPG 15	Planning and the Historic Environment

## **Regional Spatial Strategy**

East of England Plan (May 2008)

Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

## **Bedfordshire Structure Plan 2011**

### **Mid Bedfordshire Local Plan First Review 2005 Policies**

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

LPS2 - Large Villages

LPS4 - Settlement Envelopes

DPS5 - Protection of Amenity

DPS9 - Open Space for New Dwellings

H06 - Location of new Residential Development

CHE11 - Conservation Areas

#### **Supplementary Planning Guidance**

Design Guide for Residential Areas in Mid-Bedfordshire

Planning Obligations Strategy February 2008

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

Clophill PC

Support the application but with one important proviso. Believe the long term retention of the hedge is so important as to require a condition

Adj Occupiers

Two letters have been received from The Occupiers of Lavender House, Great Lane, Clophill. Object to the proposal on the following grounds:

- Loss of privacy
- Request dwelling sited further away as this would be less intrusive, less of an eyesore from rear windows and impact less on view
- request that a 1.8 metre high close boarded fence is erected prior to work starting

The Occupier of No. 95 High Street, Clophill raises concerns:

- Any removal of earth close to the existing wall on the eastern boundary could disturb ground due to varying levels.
- Altar window should be protected against vibration and accidental damage.

## Consultations/Publicity responses

Archaeology	The application site is likely to contain archaeological deposits relating to the development of the High Street. The proposal will have a damaging impact on those remains. No objection provided adequate provision is made to investigate and record any remains that are affected. Recommend condition attached if approval recommended
Highways	No objection, recommend imposition of conditions
Application advertised 21/08/09	No response received
Site Notice posted 21/08/09	No response received

## Determining Issues

The main considerations of the application are;

1. Principle of development
2. Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church
3. Impact upon neighbouring residential amenity
4. Unilateral Undertaking

## Considerations

### 1. Principle of development

Clophill is a large village as defined by Policy LPS2 of the Mid Bedfordshire Local Plan First Review 2005. The site is within the Settlement Envelope as defined by the proposal map and Policy HO6 states that development is acceptable in principle within the Settlement Envelope.

### 2. Visual impact upon the character and appearance of the area, the conservation area and setting of the Grade II listed church

The proposed dwelling is to be sited to the rear of the existing dwelling. The proposed dwelling is one and half storey with dormers to the front elevation and rear elevation and a single storey projection to the side which is to be weatherboarded. The dwelling is 7 metres deep and to the rear elevation a gable projects by a further 4 metres.

The size of the rear garden exceeds the minimum requirement given in supplementary planning guidance Design Guide for Residential Areas in Mid Bedfordshire 2004. Adequate garden area has been retained for the existing dwelling.

As the dwelling will occupy a backland plot, it is essential that the dwelling is subservient in scale and form. The site is on rising land making the development more prominent in the vicinity, however the ground levels are to be lowered. If permission is granted this will be subject to a condition requiring details of the finished levels of the property and any change of

levels and excavation required.

Although its footprint is larger than the principal house on the High Street, its height to the ridge is lower and its scale and appearance is a cottage style associated with the conservation area and appropriate to a backland position. The proposal is considered to be subservient in scale and form to the principal dwelling fronting the High Street.

Due to the reduction in the ground level by excavation of soil around the footprint of the dwelling, the ridge height of the proposed dwelling will not exceed the eaves level of the church. Given also that the front elevation of the proposed property is set back behind the listed St Mary's church by a distance of 9 metres and the dwelling is set in from the boundary by approximately 5 metres, any views of the dwelling across the open churchyard will be recessive and distant. As such the siting of the dwelling is not considered to harm the setting of the Grade II listed church or views from the Conservation Area.

The proposed garage to the proposed property is set forward of the church with its rear wall being in line with the front of the church. The garage is set in by approximately 6 metres with the ridge line parallel to the boundary and is to be constructed in traditional materials in a traditional design. To the rear roof slope facing the proposed dwelling are two dormer windows. These windows are set in from the roof edge and there will be limited public views of them, as such they are considered acceptable. Tree planting is proposed along the boundary with the church to partially obscure views of the garage and the dwelling. The siting of the dwelling and its garage is not considered to have a detrimental impact on the setting of the listed church.

The setting back of the dwelling from the rear elevation of the church means that the side elevation of the church and the window to the altar is still unimpeded and will be in view to occupiers of the new property. Although there are no public views of this side of the church, this aspect does contribute to the appearance of the Conservation area.

The proposed new garage for the existing property is sited to the side and rear of the existing dwelling in close proximity to it. The garage relates well to the street frontage presenting a gable to the street. The area to the front of the garage and side of the dwelling will be enclosed by a new boundary wall (approximately one metre in height) which will wrap around the front and side of 91 High Street creating a sense of enclosure. The new wall and the side wall of the garage will lead the eye to the driveway serving the proposed dwelling and garage and the garage to the existing dwelling. The long linear driveway is terminated by the single storey element to the side of the dwelling.

The proposal is considered to preserve the Conservation Area and does not adversely affect the setting of a Grade II Listed Building. The buildings to be demolished are not of architectural merit worthy of retention.

### **3. Impact upon neighbouring residential amenity**

A distance in excess of 60 metres has been achieved between the rear of the

existing property at 91 High Street Clophill and the front of the proposed dwelling. Adequate garden land has been allocated to each property. As such it is considered that the proposal will not have a detrimental impact on the amenities of the occupiers of 91 High Street.

Due to the relationship between the position of the new dwelling and the property at Lavender House in Great Lane to the rear, it is considered there will not be a detrimental loss of privacy through direct looking into first floor windows given a distance of 21 metres between the properties and the oblique views. A first floor window to the side elevation serving a bedroom faces the garden of Lavender House. Given the proposed property is set in from the boundary by 5.4 metres, it is considered that there will be potential for overlooking into the private garden to this property. As this bedroom is also served by a window to the rear elevation, it is not considered unreasonable for the side facing window to be obscurely glazed to prevent a loss of privacy through overlooking.

93 High Street and 95 High Street are not considered to be detrimentally affected by the proposal due to their separation from the proposed dwelling and the proposed garages.

If permission is recommended a condition restricting permitted development for the extension and or material alteration of the dwelling and the erection of outbuilding will be imposed to protect the amenities of neighbours.

#### **4. Unilateral Undertaking**

The Planning Obligations Strategy, wherein the construction of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by the Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

In accordance with national planning policy contained in PPS1, Local Planning Authorities are required to ensure that new development is planned to be sustainable. Where communities continue to grow, many require additional infrastructure, in the form of services and health care, for example.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the Mid Beds area.

The Supplementary Planning Document is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

A Unilateral Undertaking has now been submitted in respect of this application and is currently being examined. An update will be given prior to the meeting.

#### **5. Other issues**

Concern has been raised by neighbours regarding noise and disruption that

will accompany the development and they have asked that building work is restricted to weekdays only. This is not a planning matter however the applicant will be made aware of this request.

Concern has also been raised regarding vibration and accidental damage to the altar window during construction work and to the eastern boundary wall during excavations. These are not planning matters but again will be brought to the attention of the applicant.

### **Reasons for Granting**

The proposal is in conformity with Policy DPS5 of the Mid Bedfordshire Local Plan First Review 2005 as the proposal relates sensitively to the character and appearance of the locality and the amenities of nearby residents is protected, DPS9 as adequate privacy for the occupiers of existing and proposed dwellings has been provided, Policy HO6 as the development will not have an adverse impact upon the amenity of adjoining neighbours or the character of the area and a satisfactory standard of access has been achieved and Policy CHE11 as it does not have an adverse impact upon the character or appearance of the Conservation Area. It is also in conformity with Planning Policy Statement: PPS 1 Delivering Sustainable Development, PPS 3 Housing and PPG 15 as the setting of a Grade II Listed Building is preserved.

### **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 **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.**

- 3 **No development shall take place within the application site until the applicant or developer has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Local Planning Authority. The programme of archaeological work should be undertaken by the Council's Archaeological Service or other competent archaeological organisation approved by the Local Planning Authority.**

**Reason: To ensure that remains of archaeological importance likely to be disturbed in the course of the development are adequately recorded.**

- 4 Prior to the commencement of development a scheme shall be submitted to and approved in writing by the Local Planning Authority defining those trees, hedges, shrubs and other natural features to be retained during the course of the development, and setting out measures for their protection during construction work . No work shall commence on site until all trees, hedges, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- for trees, hedges and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless otherwise agreed in writing by the Local Planning Authority;**
- for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;**
- for other natural features along a line to be 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.**

- 5 Prior to the commencement of the development hereby approved, details of materials to be used for all external finishes including brick type, brick bond and mortar mix 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.**

- 6 Notwithstanding the details shown on the approved plan, no development shall be undertaken until a scheme has been submitted for written approval by the Local Planning Authority indicating the positions, design, materials and types of boundary treatment to be erected. This shall include details of the construction of a wall to the boundary with 93 High Street and a front boundary wall to 91 High Street, and the retention of the hedgerow adjoining the grounds to the Church. The details shall include information on the the coping stones, brick type, brick bond and mortar mix to be used for the boundary walls. The boundary treatment shall be completed in**

accordance with the approved scheme before the dwelling is occupied.

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

- 7 **Prior to any building works being first commenced, detailed drawings of all proposed windows and doors to a scale of 1:10 together with a detailed specification of the materials, construction and finishes, shall be submitted to and approved in writing by the Local Planning Authority. Details shall be provided which clearly show (as appropriate)- a section of the glazing bars, frame mouldings, door panels, the position of the door or window frame in relation to the face of the wall, depth of reveal, arch and sill detail.**

**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.**

- 8 All rainwater goods shall be cast iron or cast aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that the special architectural and historic interest, character, appearance and integrity of the listed building or other historic building is properly maintained and to accord with PPG15 and standard conservation good practice.

- 9 Prior to the first occupation of the dwelling the first floor window in the side elevation of the dwelling hereby approved shall be fitted with obscured glass of a type to substantially restrict vision through it at all times, and restriction on its opening, details of which shall have been previously submitted to and agreed in writing by the Local Planning Authority.

Reason: To safeguard the amenities of occupiers of adjoining properties.

- 10 Notwithstanding Schedule 2, Part 1, Classes A, B, C, D, E, F, G and H 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 or material alteration of the buildings hereby permitted or the erection of any building/ structure within the curtilage of the dwelling hereby approved 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. To protect the setting of the adjacent listed church. To protect the character of Clophill Conservation Area.

- 11 Full details of both hard and soft landscaping to 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;
- planting plans, including schedule of size, species, positions, density and times of planting;
- cultivation details including operations required to establish new planting.

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.

- 12 The scheme approved in Condition 11 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the completion of the development.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

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

- 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 for the proposal and 91 High Street illustrated on the approved Drawing No CLOP-018 B shall be constructed before the first occupation of the new dwelling or the first use of the new garages.

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 The proposed development shall be carried out and completed in all respects in accordance with the access siting, width and layout and pedestrian visibility splays illustrated on the approved drawing No. CLOP-018 B and defined by this permission and, notwithstanding the provision of the Town and Country Planning General Permitted Development Order 1995, (or any Order revoking or re-enacting that Order) there shall be no variation without the prior approval in writing of the Local Planning Authority.

Reason: To ensure that the development of the site is completed insofar as

its various parts are interrelated and dependent one upon another and to provide adequate and appropriate access arrangements at all times.

- 16 Before the new dwelling is occupied the lengths of the existing access that are surplus to requirement shall be closed in a manner to the Local Planning Authority's written approval.

Reason: In the interest of road safety and to reduce the number of points at which traffic will enter and leave the public highway.

- 17 Details of a bin collection point to serve the new dwelling shall be submitted to and approved by the Local Planning Authority and made available for use prior to the first occupation of the dwelling.

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

### **Notes to Applicant**

1. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, P.O. Box 1395, Bedford, MK42 5AN.
2. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
3. The applicant is advised that the closure of the surplus existing access shall include the reinstatement of the highway to include any footway, verge and kerbing in a manner to be agreed in writing with Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049. No work shall be carried out within the confines of the public highway without prior consent. The applicant will also be expected to bear all costs involved in closing the access.