

SCHEDULE B

APPLICATION NUMBER	CB/09/01212/FULL
LOCATION	LAND TO THE REAR OF 61 AND 63, ARTHUR STREET, AMPHILL
PROPOSAL	FULL: ERECTION OF DETACHED DWELLING.
PARISH	Amphill
WARD	Amphill
WARD COUNCILLORS	Cllr P Duckett & Cllr G Summerfield
CASE OFFICER	Mary Collins
DATE REGISTERED	24 June 2009
EXPIRY DATE	19 August 2009
APPLICANT	Mr K Knowles
AGENT	Mr B Pitts
REASON FOR COMMITTEE TO DETERMINE	CLLR SUMMERFIELD AT REQUEST OF AMPHILL TOWN COUNCIL WHO OBJECT. ALSO BECAUSE CENTRAL BEDFORDSHIRE COUNCIL OWNS A PART OF THE ACCESS TO THE SITE.
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site comprises a narrow, regular shaped plot of land, 0.3 hectares in area to the rear of 61 and 63 Arthur Street and with frontage onto Oliver Street. The site is currently overgrown and unmanaged, formerly comprising part of the rear gardens to 61 and 63 Arthur Street but now fenced off from them. At the eastern extremity of the site is a concrete hardstanding which provides parking for no. 63, accessed from a private driveway which serves the rear of all the dwellings between nos. 53 – 63 Arthur Street.

The site is situated within and on the edge of the Amphill Conservation Area. Oliver Street is characterised by a mixture of houses of varying styles and sizes. Immediately to the east is a Fire Station with an Ambulance Station and health centre on the opposite side of Oliver Street. Further west along Oliver Street the area is characterised by terraced dwellings set at the back edge of the pavement and towards the eastern end of Oliver Street outside the Conservation Area are chalet bungalows.

The Application:

Planning permission is sought for the erection of a detached dwelling. The access to the site and adjacent garages is owned by Central Bedfordshire Council (Fire Service) and the relevant notices have been served.

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)

Mid Bedfordshire Local Plan First Review 2005 Policies

LPS1 - Selected Settlements

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 Adopted 2004.

Planning Obligations Strategy 2008

Planning History

MB/93/00399	Outline application for erection of one detached dwelling.
MB/93/01218	Outline application for erection of one detached dwelling.
MB/98/00363	Full: Erection of dwelling. Refused June 1998
MB/98/01490	Full: Erection of one Dwelling. Refused Jan. 2001
MB/06/00687	Erection of 1 no. 3 bed detached dwelling. Refused: June 2006
MB/06/01136	Full: Erection of detached dwelling. Refused: 13/9/06
MB/09/00239	Full: Erection of 3 no. bedroom detached chalet. Withdrawn: 28/04/09

Representations: (Parish & Neighbours)

Ampthill Town Council	Recommend Refusal: a) Arthur Street is characterised by terraced properties and this proposed development is out of keeping with the street scene and will therefore have an adverse impact on the Conservation Area. b) Lack of amenity space c) Loss of amenity to adjoining neighbours by reason of overlooking. d) There could be a conflict of traffic movements as this property is in close proximity to the emergency and health services and an established safer route to school.
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e) Would recommend that members of the Development Control Committee visit the site before the application is determined

f) Ampthill Fire Station and Ampthill Ambulance Station have previously raised concern about increased traffic movements in the vicinity of Oliver Street/

Neighbours

The Occupier of No. 45 Oliver Street objects to the proposal on the following grounds:

- Detrimental impact on the traffic problems currently endured and conflict with ambulance and fire stations
- Detrimental impact on the current level of parking
- Lack of parking provision for guests or additional cars
- The driveway does not look wide enough for cars to enter and leave the premises safely

Consultations/Publicity responses

Highways

No objections. Recommend conditions are imposed regarding resurfacing of existing access drive, the footpath along the site frontage should measure 2.0m and that the development should not include the existing service box within the development boundary.

Application advertised
03/07/09

No response received

Site Notice posted
26/06/09

No response received

Determining Issues

The main considerations of the application are;

1. **Background**
2. **Visual impact upon the character and appearance of the Conservation Area**
3. **Impact upon neighbouring residential amenity**
4. **Highways issues**
5. **Unilateral Undertaking**

Considerations

1. Background

The principle of development has been established on the site through the granting of an outline planning permission in 1993. Although this permission has lapsed the site is located within the settlement envelope of Ampthill which is identified as a Selected Settlement within the adopted Local Plan. As such this proposal for a new residential dwelling within the settlement envelope is considered acceptable in principle provided other local plan criteria can be met.

A previous application for full planning permission for a detached two storey dwelling was refused for the following reasons:

1. The application contains insufficient information to show that adequate on-site parking and access can be provided to serve the development in a manner that would not cause additional vehicles parking on the public highway and increased danger and inconvenience to users of the highway; as such the proposal is contrary to Policy DPS5 of the Mid Bedfordshire Local Plan 2005.
2. The proposed dwelling, by reason of its size, siting and proximity to the northern boundary would appear unduly overbearing and would result in an unacceptable loss of daylight and overshadowing of the adjoining property at no. 59 Arthur Street, to the detriment of the amenities currently enjoyed by the occupiers; as such the proposal is contrary to Policy DPS5 of the Mid Bedfordshire Local Plan 2005.

2. Visual impact upon the character and appearance of the Conservation Area

The application site comprises the former rear gardens to 61 and 63 Arthur Street. The rear gardens to 61 and 63 Arthur Street were previously separated into two sections by outbuildings to the rear of the properties. The outbuildings still exist and separate the application site from these properties.

A three bedroomed detached one and half storey dwelling is proposed to front Oliver Street and will be sited on the back edge of the pavement.

The dwelling has three pitched dormer windows to the front elevation and these are equally spaced across the roof slope. The dormers are set down from the ridge of the roof and are set in from the eaves by approximately 20cm and are not considered to dominate the roof slope.

The ground level is currently higher than the level of the public pavement. It is proposed to lower ground levels by approximately 700-800mm to reduce the impact of the dwelling on the neighbouring property and its impact on the street scene.

The garden to the proposed dwelling will be to the side and will comprise a lower terrace area off the lounge and a raised garden area. The garden is 10 metres wide by 8.9 metres deep. The garden to the side will be private and is proposed to be behind a garden wall with fencing above to a height of approximately two metres. Given that this is within the Conservation Area, it is considered that a more appropriate treatment is a full height brick wall. This can be achieved by condition.

The garden area available for the proposed property has a depth of 10.5m and therefore meets the Council's supplementary guidance for development in a suburban area. The depth of the remaining gardens for the existing dwellings at 61 and 63 Arthur Street is approximately 10 metres in depth.

The dwelling faces on to Oliver Street and relates well to the street. The side of the dwelling will be highly visible when approached from the south east along Oliver

Street. The building will mark the entrance into the Conservation Area from Oliver Street. However the dwelling does not project beyond the end elevation of the existing terrace which faces Oliver Street and the proposed dwelling will be viewed against a backdrop of the rear elevations of this existing terrace of properties in Arthur Street. The parking area to the side of the dwelling is not considered to be detrimental to the appearance of the area.

The land at present is overgrown and contributes nothing to the character of the Conservation Area or street scene. Although the dwelling would appear unrelated to any surrounding development, given the variety, nature and form of surrounding buildings and uses, it is considered that the modest form of the new dwelling would not appear duly prominent within the streetscene. The proposed dwelling is not detrimental to the character or appearance of this part of the Conservation Area. and does not visually detract from views into the Conservation Area. It is therefore considered that the proposal will preserve the character and appearance of this part of Amptill conservation area in compliance with Policy CHE11 of the Mid Bedfordshire Local Plan and guidance in PPG15.

3. Impact upon neighbouring residential amenity

The property will present a rear elevation and a gable end to the boundary and garden of 59 Arthur Street.

The proposed dwelling is one and a half storey and is set in by one metre from the boundary. The part of the garden affected is approximately 23 metres from the rear of the dwelling at 59 Arthur Street. Ground levels are proposed to be lowered by 700-800mm. The eaves level of the dwelling is approximately 3 metres high. Given the reduction in ground levels and intervening boundary treatment, all that will be visible above a two metre fence line would be the roof of the dwelling sloping away from the boundary. The proposed dwelling is therefore not considered to be overbearing or result in a detrimental loss of light to this property. A small section of adjoining garden will be affected by the dwelling but this would not warrant refusal of this application.

There are two rooflights in the rear elevation serving a shower room and the stairwell. The shower room rooflight will be conditioned to be obscurely glazed whilst there will be limited views out of the other rooflight. As a result a detrimental loss of privacy through overlooking into the adjoining rear gardens is unlikely to occur.

There is an intervening outbuilding between the rear gardens of 61 and 63 Arthur Street and the application site and this will obscure views at ground floor level so that a detrimental loss of privacy should not result. A bedroom window in the gable end will face the rear of these properties and the property at 59 Arthur Street. However given that there is a distance of over 21 metres between this side elevation and the backs of these properties, it is considered that a detrimental loss of privacy will not result at first floor level.

4. Highway issues

Six parking spaces have been provided on site. Two each for the existing properties at 61 and 63 Arthur Street and two for the proposed property and this is satisfactory. A one metre high brick wall will separate the parking area from the side elevation of the dwelling. The parking area is partially screened from the street by a one metre

high wall.

5. Unilateral Undertaking

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by Mid Bedfordshire District 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 former Mid Beds area.

The SPD 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 been received and payment for the legal and monitoring fees has also been received. If members are minded to approve the application, it is requested members delegate the decision pending the satisfactory completion of the Unilateral Undertaking.

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 existing ground levels and final ground and slab levels of the dwelling and the final levels of the garden 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 residential properties and public areas.

- 3 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 unauthorized 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.

- 4 Prior to the commencement of the development, samples of all the materials to be used for the external walls and roof and details of all external finishes including windows and doors, brick bond and mortar mix shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented solely in accordance with these approved details.**

Reason: To safeguard the appearance of the completed development and preserve the special character and appearance of the Conservation Area in accordance with Policy CHE11 of the Mid Bedfordshire Local Plan 2005.

- 5 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 including details of the retaining wall to the garden and the provision of a full height brick wall to enclose the rear garden adjacent to Oliver Street. 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.

- 6 **Development shall not commence until a scheme detailing provision for on site parking for construction workers and one on site space for both 61 and 63 Oliver Street 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.

- 7 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 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 Prior to the first occupation of the dwelling the rooflights to the rear roofslope shall be fitted with obscured glass of a type to substantially restrict vision through them at all times.

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

- 9 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 character of Ampthill Conservation Area.

- 10 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.

- 11 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.

- 12 Before the access is first brought into use a triangular vision splay shall be provided on the west side of the 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.

- 13 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority for a distance of 5.0m into the site, measured from the highway boundary. Arrangements shall be made for surface water drainage from the site to soak away within the site so that it does not discharge into the highway or into the main drainage system.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site so as to safeguard the interest of highway safety and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits .

- 14 The proposed development shall be carried out and completed in all respects in accordance with the access siting and parking bays sizing and layout, 2.0m footpath width along the site frontage with Oliver Street, site boundary excluding the existing service box illustrated on the approved drawing No. 01 Rev G 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. The dwelling shall not be occupied until the six parking spaces on the approved plan have been laid out and are available for use.

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 and parking arrangements at all times and to ensure the highway boundary is protected.

Notes to Applicant

1. The applicant is advised that, under the provisions of the Highways Act 1980, no part of boundary treatment or foundations shall be erected or installed in, under or overhanging the public highway door or gate shall be fixed so as to open outwards into the highway.

2. The Highway Authority has the power under Section 143 of the Highways Act 1980, to remove any structure erected on a highway.
3. 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.
4. 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.
5. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Bedfordshire County Council's "Cycle Parking Guidance - August 2006".

DECISION

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