

Item No. 12**SCHEDULE B**

APPLICATION NUMBER	CB/09/06194/RM
LOCATION	Land To The Rear Of 3, The Causeway, Clophill
PROPOSAL	RM: Erection of 2 detached dwellings and change of use of area of land to rear from horticulture to paddock. Pursuant to outline planning permission (06/01041/OUT) allowed on appeal date 13/08/07.
PARISH	Clophill
WARD	Maulden and Clophill
WARD COUNCILLORS	Cllr Barker & Cllr Lockey
CASE OFFICER	Julia Ward
DATE REGISTERED	28 October 2009
EXPIRY DATE	23 December 2009
APPLICANT	Blackmore Developments Ltd
AGENT	Michael V S Hardiman & Associates Ltd
REASON FOR COMMITTEE TO DETERMINE RECOMMENDED DECISION	Cllr Barker request due to concerns over the size of the buildings.
	Approve Reserve Matters

Site Location:

The application site is located on the eastern side of The Causeway in Clophill. The application site comprises no. 3 The Causeway, a two storey detached dwelling house and rear garden, and a grassed area to the rear (east of the house) which was formerly a small horticultural nursery. The site extends behind dwellings at 5, 7, 9 and 11 The Causeway.

The site boundary of Clophill Conservation Area runs through the site and is located to the south of 3 The Causeway along the northern boundary of proposed plot 1. The eastern part of the site falls outside the Settlement Envelope for Clophill.

The Causeway is residential in character and comprises 2 storey dwelling houses on the eastern side of the road immediately adjacent to the application site and a mixture of single storey and two storey dwelling houses on the opposite side of the road.

The Application:

The applicant is seeking reserved matters approval for the appearance, landscaping, layout and scale of the site. The application comprises 2 no. two storey dwellings (both with 4 bedrooms) with garages. Access would be taken through the existing access between 3 The Causeway and 5 The Causeway, as approved under planning application ref. 06/01041/OUT, allowed on appeal 13/08/07. A single storey detached garage would be located to the south of plot 1 with an attached single storey garage/ store to plot 2.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development
PPS3 - Housing

Regional Spatial Strategy

East of England Plan (May 2008)

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

Bedfordshire Structure Plan 2011

No relevant saved policies

Core Strategy and Development Management Policies for Central Bedfordshire (North) (adopted November 2009)

CS1 - Development Strategy
CS14 - High quality development
DM3 - High quality development
DM4 - Development within and beyond Settlement Envelopes
DM14 - Landscape and woodland
DM18 - Equestrian development

Supplementary Planning Guidance

Design Guide for Residential Areas in Mid Bedfordshire (adopted 2004)

Planning History

06/01041/OUT	Outline: Erection of 2 no. detached dwellings (all matters reserved except access) and change of use of area of land to rear from horticulture to paddock - refused 29/12/06 as it was considered that the proposal would result in localised flooding of the area and would lead to increased traffic movements within the narrow road of The Causeway and at the junction with the High Street. Appeal allowed 13/08/07
07/00057/FULL	Erection of 2 no. dwellings - refused 12/04/07 as it was considered that the proposal would result in localised flooding of the area and would lead to increased traffic movements within the narrow road of The Causeway and at the junction with the High Street.
74/000762/OA	Outline application for 10 no. houses - refused 08/10/74 as it was considered that the site was at that time unallocated, outside the Settlement Envelope, site subject to flooding,

highways danger from traffic from 10 no. houses, and proposal would set precedent for future development. Application dismissed on appeal - 28/11/75
This application concerned a much larger site extending into the land behind the current planning application.

74/00762A/OA

Outline application for 1 no. house - approved 09/09/76

**Representations:
(Parish & Neighbours)**

Clophill PC

Clophill Parish Council - Objects to the proposal for the following reasons:

- 1) The dwellings have been re-positioned on the site differently to those shown on the plans at outline stage. Any dwellings on the site should be positioned on an east - west line;
- 2) The proposed dwellings are too large for the site;
- 3) Windows have been proposed overlooking the neighbouring properties;
- 4) Any increase in the ground level of the site to prevent flooding would have result in increasing the height of the proposed houses even further;
- 5) The construction of the houses would interfere with the natural drainage of the adjoining gardens.

Adj Occ

Six letters of objection have been received from the following addresses:

5 The Causeway:

1. No bore holes have been dug on the site;
2. The site is in a high water table area;
3. Previous applications have been refused as the site is an obvious flood risk area;
4. Previous conditions laid down by Inspectors have been ignored as the level of the site was raised and caused flood damage to adjoining gardens. Claims for compensation have been made;
5. the site is not suitable for building or storage given the flood problems;
6. The width of the access is inadequate;
7. The submitted plans show houses with windows overlooking the rear gardens of houses in The Causeway resulting in loss of privacy, overshadowing and preventing enjoyment of the existing residential dwellings;
8. The location of the access surrounding the length and width of the boundary of 5 The Causeway will cause noise, traffic fumes and damage to fencing.

11 The Causeway:

1. The site is in an area of well known natural high water table;
2. It adjoins an area of flood risk;
3. No bore holes have been dug to ascertain the suitability of the land for future development;
4. The changing ground conditions caused by the previous depositing and storage of soil and crushed bricks has caused frequent and extended flooding to the surrounding properties;
5. The development would adversely affect the amenities of the area;
6. Loss of privacy to rear garden;
7. Compensation claims for damage already caused have not been settled;
8. Over time many planning applications have been refused due to the instability of the ground;
9. None of the conditions that the previous Inspector attached to the approval were adhered to;
10. Additional traffic would be created on The Causeway;
11. Additional noise would be created from traffic noise and loud music at evening time.

2 The Causeway:

1. The entrance to the site is very narrow and would not be wide enough for emergency vehicles;
2. The Causeway is 30mph and the access would be dangerous.

7 The Causeway:

1. Loss of light and overshadowing;
2. Loss of privacy and overlooking;
3. The development would not bring any social, economic or environmental advantage to Clophill.

17 The Causeway:

1. The ground is not suitable for large buildings because of the high water table - bungalows were originally proposed in this location;
2. The width of the access road is very narrow;
3. Loss of privacy.

42 High Street:

1. The Causeway floods in very wet conditions - can the developer confirm that the purchasers of the properties will not have a problem with flooding and that the proposal will not cause flooding issues for other residents?
2. The junction with the High Street is hazardous. More

dwelling will generate more traffic at this busy junction. Construction vehicles will find it difficult to negotiate this junction and will damage the verges.

Consultations/Publicity responses

Highways

Whilst there are no objections on highways grounds to the proposal, it is noted that the Inspector for the previous appeal added two conditions regarding the provision of visibility at the access and surfacing of the access. The access is currently a gravel surface which is not satisfactory to serve the development and no indication of visibility provision has been made. Subject to satisfactory details being submitted in due course to discharge the conditions related to highways issues, the proposal is considered satisfactory.

A further condition is requested to be added to any approval requiring details for on site parking for construction workers to be submitted to and approved by the local planning authority.

Internal Drainage Board

It is noted that conditions 6 (floor levels), 7 (sustainable drainage) and 8 (no obstructions within 7 metres of the watercourse) were attached to the outline approval for the site (ref: 06/01041/OUT, allowed on appeal 13/08/07) and are therefore required to be addressed at a later date. However, the gated entrance to the site and the gate to the proposed paddock should have a 4.5 metre clear opening in order that the Board may access the watercourse on the northern boundary of the property. There are no other comments at this stage.

Environment Agency

The site lies partly in Flood Zone 2/3 as shown on the Environment Agency's flood map and is at risk of flooding from the surrounding Bedfordshire and River Ivel Internal Drainage Board (IDB) watercourses. The IDB should be consulted with a Flood Risk Assessment including surface water drainage arrangements for the proposal.

Determining Issues

The main considerations of the application are:

1. Principle of residential development on this site
2. Impact of the proposal on the character and appearance of the area
3. Impact on the amenities of adjoining and nearby occupiers and future occupiers of the development
4. Any other material planning considerations

Considerations

1. Principle of residential development on this site

The principle of residential development on this site has been established through the outline planning permission that was allowed on appeal (ref: 06/01041/OUT, allowed 13/08/07). Indeed, this permission indicated that 2 no. dwellings were approved. Although an indicative site plan was submitted with the application showing 2 no. houses orientated in a north-south direction, this plan did not form part of the approved plan and was submitted to indicate that 2 no. dwellings could be accommodated on the site.

The appearance, layout, scale and landscaping of the site are now the factors to be considered in assessing this application as the principle of the erection of 2 no. dwellings and the access to the site have previously been established.

2. Impact of proposal on character and appearance of the area

The Inspector's report for the planning application allowed on appeal (ref: 06/01041/OUT) stated that "It is my opinion that the site is capable of accommodating two dwellings and that due to its location the development of the site would generally preserve the character and appearance of the Clophill Conservation Area". The proposed houses would be two storey which would accord with condition 10 attached to the outline permission stating that the dwellings shall not exceed two storeys in height. The northern elevation of Plot 1 would be immediately adjacent to the boundary with the conservation area. This elevation is a side elevation to the property and would comprise secondary habitable room windows and glazing to a single storey conservatory. This northern boundary would be planted with native hedgerow planting. The proposed materials are light red multi bricks for the walls of the dwellings, a natural grey slate for the roof, and pantiles and dark stained timber boarding for the walls and roofs of the garages and store. It is considered that given the good quality materials proposed and the location of the proposed properties to the rear of existing properties in the Causeway and not being a major view into or out of the Conservation Area, the proposal would not detract from the character or appearance of the Conservation Area or the immediate vicinity.

The front elevations of the proposed properties would have obscurely glazed windows at first floor level to avoid overlooking into the rear of existing properties in The Causeway. Whilst this is an unconventional arrangement of windows within a property, these elevations would only be viewed from the rear of existing properties within The Causeway and it is therefore considered that the design and appearance of the front of these properties would not have a detrimental impact on the character and appearance of the streetscene along The Causeway.

3. Impact of proposal on amenities of adjoining and nearby occupiers and future occupiers of the development

It is appreciated that the orientation of the proposed properties has been amended in this application from the indicative plans submitted with the outline planning application (ref: 06/01041/OUT). However, as the previous plans were indicative and did not form part of the planning permission, this current

application should be determined on its own planning merits against relevant policies.

The existing properties are located a minimum of 23 metres to the single storey element of plot 2 and 30 metres from the two storey elevations of the proposed dwellings. The rear gardens of 5, 7, 9 and 11 The Causeway are bounded by fencing and mature vegetation. Plot 1 would have 2 bathroom windows and a hall window at first floor level facing the rear of existing properties in the Causeway, whilst plot 2 would have a bathroom, hall and secondary bedroom window facing existing properties. It is considered that a condition requiring all these windows at first floor level to be obscurely glazed would prevent an unacceptable level of overlooking or loss of privacy to adjoining properties.

Whilst the rear gardens of the proposed properties would be less than 10.5 metres in length, the gardens would be backing onto open countryside and would be adjacent to a 3.5 metre wide landscaped buffer to the east of the site. In addition, the rear gardens would cover an area larger than 100 sq metres each. The plot sizes are therefore considered adequate.

It is considered appropriate to attach conditions to any approval restricting permitted development rights in terms of new extensions and outbuildings and further window openings at first floor level to ensure that the amenities of adjoining occupiers are not adversely affected by any such development and future occupiers of the proposed dwellings are protected.

The applicant has submitted a section through the site in support of the application. This drawing indicates that the height of the proposed dwellings would be in keeping with the height of the existing buildings on The Causeway. It is also noted that condition 6 attached to the outline permission requires details of levels and ground floor slab levels to be submitted and agreed by the local planning authority prior to the commencement of development.

Having regard to the above factors, it is considered that the proposal would not have such a significant impact on the residential amenities of adjoining occupiers to warrant refusal of the application.

4. Any other material planning considerations

Drainage issues

The issue of drainage of the site was considered at the time of the outline planning application. The applicant has re-submitted the Flood Risk Assessment in support of this reserved matters application. The Internal Drainage Board is satisfied that provided conditions 6, 7 and 8 related to floor levels, foul and surface water drainage and prevention of development within 7 metres of the watercourse are adequately discharged, this proposal is satisfactory.

Highways issues

The means of access from The Causeway was previously considered and approved under the outline planning permission (ref: 06/01041/OUT). The Inspector's report stated that the proposal for two dwellings on the site "... would cause no harm to highway safety". It is considered that provided the relevant condition attached to the outline permission regarding the construction of the access and visibility splays are satisfactorily discharged, the proposal would not have any adverse impact on highway safety in the area.

It is not considered appropriate to add an additional condition requiring on-site parking for construction workers as this condition does not relate to the specific detail of the scheme and therefore should not be added at reserved matters application stage. In any event, it is considered that there is sufficient space at the front of 3 The Causeway for off-street parking for construction workers.

Reasons for Granting

The proposal to erect two dwellings, by reason of its scale, siting and design, would not detract from the character and appearance of the adjoining conservation area or the streetscene, and would not result in a detrimental impact on the residential amenities of adjoining occupiers. The proposal is therefore in conformity with Planning Policy Statement 1 (Delivering Sustainable Development), Planning Policy Statement 3 (Housing), East of England Plan (May 2008), Milton Keynes and South Midlands Sub-Regional Strategy (March 2005) and policies CS14, CS15, DM3 and DM4 of the Core Strategy and Development Management Policies for Central Bedfordshire (North), and Mid Bedfordshire Supplementary Technical Guidance "Design Guide for Residential Areas in Mid Bedfordshire" (2004).

Recommendation

That Planning Permission be approved subject to the following:

- 1 Prior to the first occupation of the dwellings hereby approved the first floor windows in the western elevation of the development facing the rear gardens of 5, 7 and 9 The Causeway and the southern elevation of plot 2 facing the rear garden of 11 The Causeway 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.

- 2 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 or material alteration of the buildings (Part 1, Classes A, B, and C of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) or the erection of any building or structure within its curtilage (Part 1, Class E of the Town and Country Planning (General Permitted Development) (Amendment) (No 2) (England) Order 2008) without the specific grant of planning permission in writing by the Local Planning Authority.

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

- 3 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 further windows or other openings shall be formed at first floor level of the dwellings hereby approved.

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

DECISION

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