

APPLICATION NUMBER	CB/09/00830/FULL
LOCATION	129 CLOPHILL ROAD, MAULDEN, BEDFORD, MK45 2AE
PROPOSAL	FULL: DEMOLITION OF EXISTING BUILDING AND ERECTION OF FOUR NEW DWELLINGS.
PARISH	MAULDEN
WARD	MAULDEN AND HOUGHTON CONQUEST
WARD COUNCILLORS	Cllr A Barker and Cllr H Lockey
CASE OFFICER	Julia Ward
DATE REGISTERED	22 May 2009
EXPIRY DATE	17 July 2009
APPLICANT	Mr Rayner
AGENT	Aragon Land & Planning UK LLP
REASON FOR COMMITTEE TO DETERMINE	CLLR LOCKEY REQUEST IN RESPONSE TO RESIDENTS' CONCERNS ABOUT NEW DRIVEWAY AND IMPACT OF NEW HOUSE ON ADJACENT BUNGALOW
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The application site lies on the northern side of Clophill Road within the large Village Settlement of Clophill (including Hall End, Maulden). The site currently comprises a detached two storey dwelling set within a frontage of other dwellings of mixed sizes, ages and designs. The adjacent property to the west is a bungalow (no. 127a) and there is an existing access running between the application property and no. 127a leading to land at the rear of the site occupied by redundant glass houses in a poor state of repair. The existing property to the east is a two storey house (no. 129a). There is an increase in levels towards the rear of the site with land to the north of the site sloping up towards an Area of Great Landscape Value, Site of Special Scientific Interest and County Wildlife Site.

The immediate area fronting Clophill Road is residential in character comprising a mix of dwelling types, sizes and designs.

The Application:

The applicant is seeking planning permission for the demolition of the existing house fronting Clophill Road and its replacement with a two storey dwelling together with the erection of three single storey dwellings to the rear. Vehicular access to the proposed properties to the rear would be taken from Clophill Road along the boundary with no. 129a. The site is 0.23ha in size.

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)

Mid Bedfordshire Local Plan First Review 2005 Policies

LPS2 - Large Villages
LPS4 - Settlement Envelopes
DPS5 - Protection of Amenity
DPS9 - Open Space for New Dwellings
DPS10 - Highways Provision for New Developments
HO5 - Housing Density
HO6 - Location of New Residential Development

Supplementary Planning Guidance

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

Planning History

MB/06/00169/FULL Erection of detached 3 bed dwelling following demolition of existing dwelling - Refused 25/05/06 due to overbearing impact of proposal on adjacent bungalow at 127a Clophill Road.

MB/06/00171/FULL Erection of 3 no. detached dwellings, associated garages and parking, and formation of vehicular access following demolition of existing nursery greenhouses - Withdrawn 23/03/06

Representations: (Parish & Neighbours)

Maulden Parish Council No objection to the proposal provided it remains in the development envelope of the village. However, issues that need to be considered are:

1. The site rises from Clophill Road and the Parish Council prefers that the development is bungalows only;
2. Concerns about the width of the entrance roadway;
3. No vision splays are provided and there is a big bend very near the entrance and visibility should be a priority;
4. Plot 1 indicates a four bedroomed house with only one parking space provided - a property this size would have

at least 2 vehicles and parking will be forced onto Clophill Road.

Following receipt of revised plans, the Parish Council support the application.

Neighbours

5 letters of objection have been received raising the following concerns:

150B Clophill Road:

1. The submitted plans are inaccurate in terms of land ownership and only indicate 7 car parking spaces for 3 houses;
2. Part of the site lies outside the Settlement Envelope;
3. The new houses will generate more traffic and cause highway safety issues. There would not be enough room for delivery vehicles to enter and exit the site;
4. Parking for the proposed house on Clophill Road should be at the rear of the dwelling;
5. Development would be too dense - the dwellings have been squeezed onto the site;
6. Proposal would result in overlooking and loss of privacy to adjoining occupiers;
7. The proposal would dominate the streetscene;
8. The application does not include adequate boundary planting;
9. Maulden does not have enough capacity in its local services to cope with additional population;
10. Insufficient parking would be provided.

123A Clophill Road:

1. The submitted plans are inaccurate in terms of land ownership;
2. Part of the site falls outside the Settlement Envelope;
3. Plot 4 overlooks the garden of 123A Clophill Road;
4. Plot 1 would have a detrimental impact on the occupiers of 127A Clophill Road;
5. Unsafe and inadequate width of access onto Clophill Road;
6. Proposed houses would be visually intrusive and detrimental to the character of the area;
7. Proposed layout is cramped and not large enough for dwellings;
8. Lack of adequate landscaping.

150 Clophill Road:

1. Impact of the proposal on wildlife in the area

127A Clophill Road:

1. Proposal would block light to windows;
2. Additional noise of traffic generated by proposal

129A Clophill Road:

1. Loss of privacy and security to property;
2. Additional traffic would increase noise levels;
3. Inaccurate plans submitted in terms of land ownership;
4. Housing density too great for site;
5. Why is location of entrance road into the site being moved from its current position?
6. Proposed tree screen along boundary would overhang property;
7. If plans are approved, a condition should be attached for the developer to erect a 2 metre high boundary brick wall in keeping with the surrounding properties and any overlooking bathroom windows should have obscure glazing.

Consultations/Publicity responses

Waste officer	A Waste Audit is required to be submitted, a Site Waste Management Plan is required and the bin storage location and proposed collection points are required to be clarified by the applicant.
Wildlife Trust	The verified records held by the Bedfordshire and Luton Biodiversity and Recording Centre include a recent Slow Worm record from close to 129 Clophill Road. The derelict greenhouses on the site would probably contain suitable habitats for Slow Worms. Slow Worms are legally protected under the Wildlife and Countryside Act 1981. The submitted Reptile Assessment states that "it was highly likely that reptile would be present in the proposed development site and may be at risk of harm due to development works on the site". It is therefore advised that the recommendations in the Assessment are followed in order to prevent harm to the protected species. Further survey works should be tied by condition to any approval. Work should not start until mitigation measures have been agreed and implemented.
Natural England	It is noted that the ecological report recommends further surveys for the application site. However, the detailed mitigation measures appear to cover a "worse case scenario" position and provided the detailed surveys and appropriate mitigation measures are undertaken as outlined in the report, there are no objections to the proposal in respect of impact on protected species. Conditions related to further reptile surveys, a detailed mitigation plan and a long term management plan for

enhancement of the site should be attached to any approval.

Marston Vale Trust	Application is relevant for a contribution to the delivery of the Forest of Marston Vale as set out within the Mid Bedfordshire Planning Obligations Strategy 2008
Environment Agency	The application site falls within Cell F2 of the Environment Agency's PPS25 Flood Zone Standing Advice Matrix Version 2 (February 2009). In line with current government guidance on Standing Advice, it is not necessary, in this instance, for the Council to respond on behalf of the Agency in respect of land drainage/ flood defence issues using the matrix. The applicant suggests that the disposal of foul sewage is unknown. In the eventuality of a connection to a public foul sewer not being available, the suitability of any non-mains sewerage system must be demonstrated by the applicant to the satisfaction of the Local Planning Authority. Any non-mains foul water drainage system will require the prior written consent of the Environment Agency.
Internal Drainage Board	The Board notes that the proposed method of storm water disposal is by way of soakaways. It is essential that ground conditions are investigated and if found satisfactory the soakaways are constructed in accordance with the latest Building Research Establishment Digest (365).
Highways	A revised plan (1090/09/4C) has been submitted addressing previous issues raised including parking areas, turning circles for large and emergency vehicles and cycle parking. Although the plan indicates cycle parking for each dwelling, it is not detailed enough and it is considered that cycle parking within the garage would not provide adequate parking for both cars and cycles. A condition is therefore suggested to ensure adequate cycle parking. As a fire appliance cannot reach the furthest dwelling and cannot turn and leave in a forward gear, the applicant has provided evidence from the fire service that a sprinkler system will be acceptable in this instance for the dwellings. Other conditions are suggested relating to the surfacing of on-site vehicular areas, garage accommodation to be retained as such, and details of on site car parking for construction workers during the construction period.

Determining Issues

The main considerations of the application are;

1. Principle of residential development in this location;

2. Impact of proposal on the visual amenities of the area;
3. Impact of proposal on residential amenities of neighbouring occupiers;
4. Highways issues;
5. Other material planning considerations.

Considerations

1. Principle of residential development in this location

Revised plans have been submitted indicating that the application site is wholly located within the Settlement Envelope of Clophill (including Hall End, Maulden) as defined in the Mid Bedfordshire Local Plan (adopted 2005). Clophill is defined as a "Large Village" in the Local Plan. The principle of residential development in such areas is usually considered acceptable, subject to various other criteria being satisfied.

The recent Local Development Framework Inquiry considered the new Core Strategy for the old Mid Bedfordshire area. The final report and conclusions are awaited but may include the removal of the application site from the Settlement Envelope. It is considered that as the Inspector's report has not been adopted for Development Management purposes, this application must be determined on the current policies for the development within the adopted Mid Bedfordshire Local Plan.

2. Impact of the proposal on the visual amenities of the area

The site is slightly elevated in relation to the houses facing Clophill Road and is visible from Clophill Road itself. Following pre-application discussions and amendments received during the planning application process, the applicant is proposing to replace the existing two storey dwelling at 129 Clophill Road with a two storey dwelling moved closer to the boundary with 127a Clophill Road. Three single storey bungalows are proposed to the rear of this dwelling with access from Clophill Road along the boundary with 129a Clophill Road.

The design of the dwelling facing Clophill Road is simple and reflects that of the existing dwelling with a pitched roof with gable ends. Bay windows are proposed to the front of the dwelling. The proposed house would be located on the same building line as the neighbouring houses.

The three single storey dwellings to the rear would be arranged in a courtyard style and would be constructed in a timber cladding and brick appearance. Plot 2 has been reduced in footprint to allow greater open space around this property and a more acceptable layout. It is considered that single storey dwellings would be appropriate in this location given the rise in levels towards the rear of the site. A condition requiring full details of existing and proposed levels is considered appropriate in this instance.

It is considered that the scale, design and form of the development is acceptable and would appear in keeping with the streetscene in this part of Clophill Road.

3. Impact of the proposal on the residential amenities of neighbouring occupiers

Planning permission has previously been refused for a two storey replacement dwelling at 129 Clophill Road due to the overbearing impact of the proposal on the occupiers of 127a Clophill Road (ref: MB/06/00169/FULL, refused 25/05/06). 127a Clophill Road has three windows in its gable end facing the application site - one of the windows at ground level is a habitable room with a first floor habitable room window at first floor level. Whilst this application also proposes a two storey dwelling onto Clophill Road, the proposed dwelling has been moved 2.5 metres away from the boundary with 127a Clophill Road and set 1.5m deeper into the site (the previously refused property was located on the boundary). On balance, given the current outlook of the occupiers of 127a Clophill Road into the existing gable end of 129, it is considered that this revised siting would not have so significant an overbearing impact on the occupiers of 127a Clophill Road to warrant refusal of the application.

The orientation of the single storey dwellings to the rear would not result in any direct overlooking to adjacent properties on Clophill Road. In addition, the proposed dwellings would not have any windows in the roof. It is considered that the proposal would not result in any undue loss of privacy or overlooking to adjoining properties, but that a condition would be appropriate if planning permission is granted to require planning permission for any subsequent material alterations to the roofs of these three units.

The depths of the proposed rear gardens do not meet the 10.5 metre guidance as advised in the Design Guidance (adopted 2004). However, given the orientation of the dwellings in relation to surrounding properties and the total amount of garden space for each dwelling, the layout is considered appropriate in this instance.

Access to the proposed development would be taken along the side boundary with 129a Clophill Road. It is considered that the development of 3 no. dwellings in this location would not have any undue impact in terms of noise and disturbance from vehicles entering and leaving the site. However, it is considered appropriate to attach a condition to any approval requiring full details of boundary treatment along this boundary to be submitted and agreed.

On balance, it is considered that provided suitable conditions are attached to any approval as discussed above, the proposal would not have such a significant impact on the residential amenities of adjoining occupiers to warrant refusal of the application.

4. Highways issues

Revised plans have been submitted by the applicant which address concerns raised by highways including location and number of parking spaces, cycle parking and turning areas for large and emergency vehicles. It is considered that appropriate conditions can be attached to any approval relating to on-site vehicular surfacing, adequate sprinkler systems within the properties and cycle parking.

5. Other material planning considerations

Ecological impacts

The application site is located in close proximity to an Area of Great Landscape Value, Site of Special Scientific Interest and County Wildlife Site.

Following concerns raised by the Wildlife Trust that the application site and the adjacent sites may be populated by Slow-worms (a protected species) and other reptiles, the applicant has submitted a Reptile Survey in support of the application (Adonis Ecology, 13/07/09). The report states that although no reptiles were observed within the boundaries of the site, habitats such as rough grassland and scrub were considered to be suitable foraging, basking and refuge habitat for reptile species. Furthermore, three slow-worm and two common lizards were observed within land to the north of the application site. Given that habitats on the site were considered suitable for reptiles, two species of reptile were observed on land adjacent to the site and past records indicate that reptiles were present within 30 metres of the site, it is considered highly likely that reptiles would be present within the proposed development site and may be at risk of harm due to development works on the site. It is therefore recommended that further surveys are undertaken to design appropriate impact avoidance and/or mitigation measures for reptiles.

Suggested mitigation measures include reptile fencing and artificial refuges prior, during and after construction works.

The applicant's site location plan indicates that the applicant controls land immediately to the north of the site that would be required to undertake any proposed mitigation measures.

Having regard to the conclusions of the above report and advice from Natural England and the Wildlife Trust, it is considered appropriate to attach conditions to any approval requiring further survey works and mitigation measures to be carried out and implemented in accordance with the recommendations of the submitted survey.

Waste Audit and Site Waste Management Plan

The applicant has confirmed that a Waste Audit and Site Waste Management plan is being prepared. Further details will be reported at Committee. The applicant has indicated on the submitted drawings that a waste collection point would be located at the front of the site with a waste storage area at the side of each property. These locations are considered acceptable.

Planning Obligation Strategy

Supplementary Planning Guidance relating to Planning Obligations came into effect on 1st May 2008. This requires planning applications relating to one or more dwellings to provide contributions towards infrastructure as set out in the Planning Obligations Strategy.

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.

Accordingly, the level of contribution required for this scheme has been calculated in relation to the impact the development would have on the local infrastructure and the contribution that would be required to offset this.

The total contributions required for this scheme come to £57, 025.

The applicant has submitted a draft Planning Obligation to be agreed with the Local Planning Authority. A further update on this will be presented to committee.

Reasons for Granting

The proposal, by reason of its scale, appearance, location, layout and mitigation measures related to reptiles, would not have an adverse impact on the character or appearance of the streetscene or the amenities of adjoining occupiers, nor on the ecological interests of the area. The proposal is therefore in conformity with policies LPS2, LPS4, DPS5, DPS6, DPS9, DPS10, HO5 and HO6 of the Mid Bedfordshire Local Plan First Review (adopted 2005), Supplementary Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire, PPS1: Delivering Sustainable Development, PPS3: Housing.

Recommendation

That Planning Permission 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 **Notwithstanding the approved plans, no development shall be undertaken until a scheme has been submitted to and approved in writing by the Local Planning Authority setting out the details of the materials to be used for the external walls and roofs. The development shall be carried out in accordance with the approved scheme.**

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

- 3 **No development shall be undertaken on site until full details of both hard and soft landscaping have been 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;
- 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.

- 4 No development shall be undertaken on site until a scheme has been submitted to and agreed in writing by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme before the buildings are occupied.

Reason: To safeguard the appearance of the completed development and the visual amenities of the locality.

- 5 Before development is undertaken 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. Such details shall be sufficient to clearly identify the completed height of the development in relation to the adjacent development. 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.

- 6 Details of the method of disposal of foul and surface water drainage shall be submitted to and agreed in writing by the Local Planning Authority including any land drainage system, before the development is commenced. Thereafter no part of the development shall be brought into use until the approved drainage scheme has been implemented.

Reason: To ensure that adequate foul and surface water drainage is provided and that existing and future land drainage needs are protected.

- 7 Before development is undertaken on site, further reptile surveys of the

site, as recommended in the submitted Reptile Assessment (Adonis Ecology, 13/07/09), shall be undertaken and the results submitted to the Local Planning Authority for approval. A long term management plan for the wildlife enhancement of the site shall be submitted to and approved in writing by the Local Planning Authority. If any protected species are found to exist the details of mitigation measures to be undertaken to safeguard these protected species, as stated in the submitted Reptile Assessment, shall be submitted to and approved in writing by the Local Planning Authority. The habitat protection measures and long term management plan shall be implemented to the satisfaction of the Local Planning Authority and in accordance with a timetable agreed in writing by the Local Planning Authority.

Reason: To enable proper consideration of the impact of the development on the contribution of nature conservation interests to the amenity of the area.

- 8 Before development is undertaken on site, full details of the proposed sprinkler system to be installed within the dwellings at plots 2, 3 & 4 shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: The development does not allow a fire appliance to turn and leave in a forward gear and therefore to ensure adequate fire protection.

- 9 Before development is undertaken on site, a scheme for the parking of cycles on site (calculated at one space per bedroom), and access thereto, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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.

- 10 Before development is undertaken on site, a scheme for on site parking provision for construction workers during the construction period shall be submitted to, and approved in writing by, the Local Planning Authority. The development shall be undertaken in accordance with the approved details.

Reason: To ensure adequate off-street parking during construction in the interests of road safety.

- 11 Before the dwellings hereby approved are occupied, the proposed vehicular access and on site vehicular areas shall be surfaced in a stable and durable manner be approved in writing by the Local Planning Authority for a distance of 8 metres 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 and reduce the risk of flooding and to minimise inconvenience to users of the premises and ensure satisfactory parking of vehicles outside highway limits.

- 12 Before the new access is first brought into use, any existing access within the frontage of the land to be developed, not incorporated in the access hereby approved 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.

- 13 Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 1995, or any amendments thereto, the garage accommodation on the site shall not be used for any purpose, other than as garage accommodation, unless permission has been granted by the Local Planning Authority on an application made for that purpose.

Reason: To retain off-street parking provision and thereby minimise the potential for on-street parking which could adversely affect the convenience of road users.

- 14 The turning space for vehicles illustrated on the approved drawing no. 1090/09/4C 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 onto the highway.

- 15 Notwithstanding Schedule 1 Part 1 Class A 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 window or other opening shall be formed on the flank elevations of Plot 1 without the grant of express planning permission from the Local Planning Authority.

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

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (no) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no works shall be commenced at Plots 2,3 and 4 under Schedule Part 1 Class A (extensions), Class B (additions or alterations to roof), Class C (alteration to roofs), Class D (porches), Class E (outbuildings), or Class F (hardstandings) without the grant of express planning permission from the Local Planning Authority.

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