

Item No. 11**SCHEDULE B**

APPLICATION NUMBER	CB/09/06351/FULL
LOCATION	Land To The Rear Of 65, Shefford Road, Clifton
PROPOSAL	Full: Erection of 2no 3 bed dwellings with associated access and garaging.
PARISH	Clifton
WARD	Langford and Henlow
WARD COUNCILLORS	Cllr J Clarke and Cllr T Rogers
CASE OFFICER	Dee Walker
DATE REGISTERED	27 October 2009
EXPIRY DATE	22 December 2009
APPLICANT	Mr R Burton
REASON FOR COMMITTEE TO DETERMINE	Cllr J Clarke called the application to Committee on grounds as set out in the Planning Inspectors Report – character and appearance and living conditions
RECOMMENDED DECISION	Grant Planning Permission

Site Location:

The site to which this development relates is located in a residential area within the settlement envelope of Clifton, occupying a site area of approx. 0.05 hectares. The site comprises of a rectangular shaped parcel of land mid-way in the extensive rear garden serving 65 Shefford Road. To the south of the site lies the remaining part of the rear garden that benefits from planning permission for the erection of 3 no. detached dwellings under ref: CB/09/05512/FULL. To the west and east are gardens of properties no. 61 and 67 Shefford Road.

Shefford Road, in the vicinity of the application site is generally characterised by detached dwellings set back from the road frontage. Whilst nos. 65 and 61 have very long gardens other properties close to the site, including Bunyan Close and Alexander Close, have modest plots some with relatively short gardens.

The rear garden area of no. 65 is generally enclosed by mature trees and hedgerow of varying quality. The site contains a number of prominent trees protected by a Tree Preservation Order, mostly located along the boundary with no. 61 alongside the existing driveway serving the host dwelling.

The Application:

This application seeks permission to erect 2 no. 3 bed one and a half storey detached dwellings and garages, utilising the existing access serving the recent approved development to the rear of the garden.

The proposed dwellings would have pitched roofs with a ridge height of 6.5 metres and with gable projections to the rear elevations. Each dwelling would have a rear garden extending to a max. depth of 10 metres.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development (2005)
PPS 3 Housing (2006)

Regional Spatial Strategy

East of England Plan (May 2008)
Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

Central Bedfordshire Adopted Core Strategy and Development Management Policies (2009)

Policies CS1, CS2, Central Bedfordshire Adopted Core Strategy and Development
CS5, DM3, DM14 Management Policies (2009)

Supplementary Planning Guidance

Mid Bedfordshire District Council's Adopted Supplementary Planning Guidance:
Design Guide for Residential Areas in Mid Bedfordshire (2004)
Mid Bedfordshire District Council's Adopted Supplementary Planning Guidance:
Planning Obligations Strategy (2008)

Planning History

MB/06/00121	Full: Erection of 7 dwellings with associated garages – Refused 31.03.2006
MB/06/01486	Full: Erection of 7 dwellings with associated garages – Refused 25.01.2007 Appeal Dismissed 27.11.2007 (Appeal decision attached as Appendix to this report)
MB/07/01032	Full: Erection of 2 dwellings – Refused 14.08.2007
CB/09/05512	Full: Erection of 3 no. four bedroom dwellings with associated access – Approved 29.10.2009

Representations: (Parish & Neighbours)

Clifton Parish Council	Objects on the following grounds: <ol style="list-style-type: none">1. Tandem Development: According to Policy HO6 of the Mid Beds Local Plan tandem development is only acceptable provided there is no adverse effect on the amenity of adjoining dwellings and the character of the area and that a satisfactory access can be provided. In the light of previous planning history both the density of development and adequacy of the access road for the added traffic movement is queried;2. A previous application for two houses on this site was turned down in 2006 as being 'unacceptable piecemeal development' and a subsequent appeal to the Planning
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Adjacent Occupiers

Inspectorate was dismissed. This current application plus the one just approved equate to the scheme refused as being unacceptable;

3. The size of the proposed garages should be larger to accommodate modern day vehicles plus adequate storage space for bicycles, lawn mowers etc.

23 letter of support and 10 letters of objections have been received. The main reasons for objecting are summarised as follows:

- Previous concerns in relation to the last applications remain;
- Contrary to the Planning Inspectorates appeal decision;
- Loss of amenity and privacy to neighbouring properties;
- Increased flood within the local vicinity;
- Out of character with its surroundings and village;
- Inadequate access and parking;
- Increased noise and light pollution;
- Potential danger to existing road users and pedestrians;
- Further overdevelopment of the site;
- Impact on trees;
- Will result in an overlooking issue;
- Represents piecemeal development that was not acceptable in previous refused schemes.

The Clifton Improvement & Preservation Society have objected on grounds of that it is a form of tandem development that previously has been unacceptable and an issue of overlooking

Consultations/Publicity responses

Highways Team	No objections subject to conditions
Tree & Landscape Officer	No objection subject to conditions to ensure protection of trees within and adjacent to the site.
Internal Drainage Board	No comments received to date
Site Notice Posted	05.11.2009

Determining Issues

The main considerations of the application are;

1. The principle of development;
2. The effect on the character of the area;
3. The impact that the proposal will have on the residential amenity of neighbouring properties;
4. Highway Considerations
5. Any other implications of the proposal.

Considerations

1. Principle of development

The application site is located within the village settlement of Clifton, surrounded by housing or gardens, wherein residential development is acceptable in principle by Policy CS1. The policy sets out that the nature and scale of the development will be expected to reflect the size and character of the community within which it is proposed.

This site was subject to a previous application (MB/07/01032/FULL) for 2 no. dwellings, which was refused as it constituted an undesirable form of piecemeal tandem development inappropriate to and at variance with the prevailing character and form of development in the vicinity. Although this proposed scheme is similar there has since been a number of matters that need to be taken into consideration with this application.

Since the above application was refused and following a further refused scheme that has been subject to an appeal, the issue surrounding the principle of the development was mentioned in the appeal decision. The Inspector notes (para. 5) the residential development within similar layout that has occurred elsewhere not far from the site and so she determined that in principle backland development would not be harmful to the character of the settlement.

Also, the approval of a recent scheme for 3 no. dwellings to the far south end of the site (CB/09/05512/FULL) is a material consideration. As the principle of the development was considered acceptable following the appeal decision, the application was then subject to the criteria set out in the policy including access and impact to neighbouring properties. As it was not considered that the scheme would adversely affect the neighbouring properties and a satisfactory access was achievable, this scheme was approved. This criteria applies to the proposed scheme set out in this application and is discussed further in this report.

Furthermore, since the previous applications and appeal decision the Council have fully adopted the Core Strategy and Development Management Policies on 19 November 2009. Clifton has been designated as a 'Large Village' and as such the nature and scale of development needs to reflect the size and character of the community within which it is proposed.

For the above reasons, the principle of the development is considered to be acceptable.

2. Character and Appearance of the Area

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

The proposed houses would be of a smaller scale to that recently approved under ref: CB/09/05512/FULL. They would be one and a half storey with a maximum height of 6.5 metres, and given they are set back and largely screened by the existing house at no. 65, they would not appear unduly prominent within the street scene.

As with the previous scheme, a tree and shrub survey has been carried out with details given of the amenity value of existing trees and details of those to be retained. The site contains a number of prominent trees adjacent to the access, and along the boundary with no. 61, which are important within the street scene. The access drive was approved under ref: CB/09/05512/FULL and as such further landscape will be submitted as part of the pre-development conditions attached to that permission. The Tree Officer considers that the submitted details in respect of tree protection to be acceptable and has raised no objections to the application. Furthermore, the nearest significant tree would be an oak however, it will be located in the rear garden area of no. 65 and given its canopy spread will not be significantly affected by the proposed houses and garages.

The previous appeal proposal, as referred to by the Inspector in her decision letter (para. 10), included a layout indicating how the neighbouring property (No. 61) could be developed. The plan showed an access road running adjacent to the east elevation on no. 61 and then extending parallel to the proposed access road at the rear of no. 65. The Inspector was concerned that the proposed development would result in large areas of hardstanding, and that the layout of development at the rear of no. 65 would restrict the extent of development possible to the rear of no. 61. It is however considered that this proposal would not prejudice any future development on the basis that there is no evidence on the current proposal to show that this land would come forward for development in the near future. Furthermore any such application, would need to be judged on its own planning merits.

It is also necessary to consider the Council's refusal of application MB/07/01032/FULL, being for 2 no. houses on this particular site. The application was refused on the grounds that it represented piecemeal tandem development being one of the reasons for the Council refusing the 2006 appeal application. However the application was determined prior to the issue of the appeal decision, in which the principle of such backland development was not disputed by the Inspector. As such it is not considered that a refusal on such grounds could be substantiated in this case in light of the Inspectors decision and the recent approval.

Overall, taking into account the comments from the Inspectors appeal decision and the recent approval of a similar scheme alongside this application site, it is considered that the proposal would not be harmful to the character and appearance of the area.

3. Residential Amenity of Neighbouring Properties

The application site adjoins the very far end of the garden of no. 67 Shefford Road.

The siting of the two dwellings is identical as the 2007 application. The proposed dwellings would have relatively short gardens they would nevertheless have depth of 10 metres, and being wide plots would provide a reasonable level of amenity provision for future occupants. Given the siting of the proposed dwellings whilst there would be some degree of overlooking of the bottom end of the garden to no. 67 to the west, it is conventionally accepted that the most private part of any rear garden is closest to the rear elevation of the dwelling,

and diminishes as one moves away from it. Given the depth of the adjoining rear garden there is unlikely to be any material loss of privacy to this property.

The outlook from the first floor bedroom windows would all enjoy direct views into the rear garden of no. 61. However, views over the garden area which is directly to the rear of the adjacent dwelling would be at an oblique angle, and as is the case within no. 67, given the depth of the adjoining rear garden at no. 61 there is unlikely to be any material loss of privacy to this property. The Inspector highlighted the relationship between new dwellings and the rear garden of no. 67 and whilst she acknowledged they would be relatively short in length, the dwellings would not be so close as to unacceptable harm privacy.

The physical bulk of the buildings would not be detrimental to the amenities enjoyed by the occupiers of no. 61 or 67 by reason of the overall height and siting. It is therefore considered that it would be unlikely that the development would have an unacceptable impact upon the amenities currently enjoyed by the occupiers of no. 61 Shefford Road.

The access is to be taken from the road approved under a recent permission. The addition of two further dwellings will intensify the use of the access and general disturbance to the area. The Inspector within her decision (para. 12) regarding the proposal for seven dwellings concluded that the relationship of the access, the dwellings and gardens proposed, would not adversely impact on the amenities of the neighbouring occupiers. It is considered that the same applies to this proposal, where the siting of dwellings is no more intrusive.

The nearby properties in Bunyan Close would not be close enough to be affected by any loss of light or overbearing impact. No. 7 Bunyan Close would be the principle property for that road that could be affected however, given that it is some 31 metres from the rear elevation of plot 4 there would be no loss of privacy also taking into account that the garden of no. 67 is located between the two plots.

As such it is concluded that the proposal would not adversely affect the residential amenity of neighbouring properties.

4. Highway Considerations

Parking would be provided for 3-4 cars per dwelling, which is considered acceptable for such as development in this location. The Highways Officer considered the proposed development with access to the site through the access recently approved, to serve three dwellings (CB/09/05512/FULL). The 2 no. new dwellings will bring the total number of units to be served by the access to 5, which is satisfactory to be a private drive.

Whilst the access in respect of its alignment, visibility provision and carriageway width is identical to that approved under reference CB/09/05512/FULL, the access as shown on drawing no. 2009-50-1B does not include the provision of a 1.0 metre footway along the west side of the carriageway. The Highways Officer considered this omission satisfactory to serve the proposal as the shared drive to serve two units will not require such provision as conflicts between pedestrians and vehicles will be minimal. Concerns were raised with the internal dimensions of the garages being inadequate, subsequent drawings were submitted which addressed this issue and satisfied the Highway Officer.

Therefore the proposal is considered acceptable in terms of highway safety and no objections are raised to the proposal subject to conditions being attached to any consent granted.

5. Any Other Implications

Concerns relating to flooding in the local vicinity are noted however the site does not lie within the flood plain and as such, subject to appropriate surface water drainage it is not considered that any objection on such grounds could be substantiated.

Given the current use of the site as a residential garden, it is considered that there would be no known biodiversity issues to be considered.

Matters raised regarding location of wheelie bins on collection day are noted, the plans and application indicate that bin storage area's are to be provided for on the plots as well as a central collection point approx. 9 metres of Shefford Road to avoid the issue of bins being left on the public footpath.

Following the adoption of the Planning Obligations Strategy SPD on 20 February 2008, the SPD provides a mechanism to ensure that smaller-scale development can fairly and reasonably contribute towards new infrastructure and facilities. The Council requires either a Unilateral Undertaking or an agreement under S106 of the Town and Country Planning Act 1990 be submitted with the planning application.

This application was submitted on 27 October 2009 and as such the proposal would attract Planning Obligations. A draft legal agreement has subsequently been submitted although the Council is awaiting the final signed copy, providing it is completed the application will be in accordance with the Mid Bedfordshire District Council's Adopted Supplementary Planning Guidance: Planning Obligations Strategy (2008).

Reasons for Granting

In conclusion, the scheme by reason of its site, design and location is in conformity with Policies DM3, CS1 and CS5 of the Central Bedfordshire Adopted Core Strategy and Development Management Policies 2009; Planning Policy Statement 1 (2005) and Planning Policy Statement 3 (2006); and Technical Guidance: Design Guide for Residential Areas in Mid Bedfordshire (2004). The proposal is therefore **acceptable** and that planning permission should be granted subject to conditions.

RECOMMENDATION

APPROVE Planning Permission for the application set out above subject to the following condition(s):

- 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 The development hereby approved purely relates to plots 4 and 5 only and shall not extend to include the adjoining layout and associated details submitted in the application.

Reason: For the avoidance of doubt.

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

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

- 4 **Details of the method of disposal of foul and surface water drainage shall be submitted to and approved 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 system has been implemented.**

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

- 5 **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.

- 6 **Prior to commencement of development, full details of both hard and soft landscaping shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:-**

- **proposed finished levels or contours;**
- **materials to be used for any hard surfacing;**
- **minor structures (e.g. furniture, play equipment, signs, etc);**
- **proposed and existing functional services above and below ground level;**
- **planting plans, including schedule of size, species, positions, density and times of planting;**
- **cultivation details including operations required to establish new planting;**
- **details of existing trees and hedgerows on the site, indicating those**

to be retained and the method of their protection during development works.

The development shall be carried out in accordance with the approved details.

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

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

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

- 8 **Prior to the commencement of development the tree protection plan shown on drawing PL106 shall be implemented. The 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.

- 9 **Development shall not begin until details of the junction of the proposed vehicular access with the highway have been approved by the Local Planning Authority and no building shall be occupied until the junction has been constructed in accordance with the approved details.**

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

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

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

- 11 **Development shall not commence until a scheme detailing provision for on site parking for construction workers for the duration of the construction period has been submitted to and approved in writing by**

the Local Planning Authority. The scheme shall be implemented throughout the construction period.

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

- 12 The proposed vehicular access shall be constructed and surfaced in a durable material to be approved in writing by the Local Planning Authority for a distance of 10.0m into the site, measured from the highway boundary, before the premises are occupied. Arrangements shall be made for surface water drainage from the site to be intercepted and disposed of separately so that it does not discharge into the highway.

Reason: To avoid the carriage of mud or other extraneous material or surface water from the site into the highway so as to safeguard the interest of highway safety

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

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

- 14 Visibility splays shall be provided at the junction of the access with the public highway before the development is brought into use. The minimum dimensions to provide the required splay lines shall be 2.4m measured along the centre line of the proposed access from its junction with the channel of the public highway and 43.0m measured from the centre line of the proposed access along the line of the channel of the public highway. The required vision splays shall, on land in the applicant's control, be kept free of any obstruction.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it

- 15 Before the access is first brought into use a triangular vision splay shall be provided on each side of the new access and shall measure 1.8m along the fence, wall, hedge or other means of definition of the front boundary of the site, and 1.8m measured into the site at right angles to the same line along the side of the new access drive. The vision splays so described and on land under the applicant's control shall be maintained free of any obstruction to visibility exceeding a height of 600mm above the adjoining footway level.

Reason: To provide adequate visibility between the existing highway and the proposed access, and to make the access safe and convenient for the traffic which is likely to use it

- 16 The turning space for vehicles illustrated on the approved plan NO. 2009-50-1B shall be constructed before the development is first brought into use.

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

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

Reason: In the interest of highway safety.

- 18 The access driveway shall be constructed using a “no-dig” method of construction in accordance with that shown on drawing PL106, unless otherwise agreed in writing by the Local Planning Authority.

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

- 19 Notwithstanding any provision of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension of any dwelling 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.

Notes to Applicant

1. The applicant is advised that no works associated with the construction of the vehicular access should be carried out within the confines of the public highway without prior consent, in writing, of the Central Bedfordshire Council. Upon receipt of this Notice of Planning Approval, the applicant is advised to write to the Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN quoting the Planning Application number and supplying a copy of the Decision Notice and a copy of the approved plan. This will enable the necessary consent and procedures under Section 184 of the Highways Act to be implemented. The applicant is also advised that if any of the works associated with the construction of the vehicular access affects or requires the removal and/or relocation of any equipment, apparatus or structures (e.g. street name plates, bus stop signs or shelters, statutory authority equipment etc.) then the applicant will be required to bear the cost of such removal or alteration.
2. The applicant is advised that the requirements of the New Roads and Street Works Act 1991 will apply to any works undertaken within the limits of the existing public highway. Further details can be obtained from the Highway Engineer, Central Bedfordshire Council, PO Box 1395, Bedford, MK42 5AN.

DECISION

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