

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	For Committee to reconsider their resolution of 21st October 2009
RECOMMENDED DECISION	Grant Planning Permission

The application

Members will recall that at their meeting of 21st October 2009 they resolved to grant full planning permission for this site which is located on the northern side of Clophill Road within Maulden.

The applicant is proposing to demolish the existing two storey dwelling at 129 Clophill Road and replace with a two storey dwelling, together with the erection of three single storey dwellings to the rear. Vehicular access to the proposed properties would be taken from Clophill Road along the boundary with no. 129a.

The resolution

The resolution made by Members on 21st October 2009 followed the recommendation of officers that planning permission should be approved subject to the completion of a satisfactory Unilateral Undertaking in relation to the new properties and an acceptable Waste Management Plan being submitted.

The Issues

Following the previous "minded to approve" resolution of Committee, the applicant submitted evidence of title in support of the Unilateral Undertaking. These Deeds indicate a discrepancy between the site edged red submitted with the application and the land actually owned by the applicant. The site edged red included an area along the western boundary (maximum 1.5 metres wide) which is not within the ownership of the applicant, although Certificate A was signed with the application. The previous confirmation from the agent that the correct certificate had been signed was therefore found to be incorrect.

Following a review of relevant case law related to amending site location plans during the planning application process, it is considered that a site edged red may be made smaller provided the change does not result in any material impact on nearby occupiers or achieving the development itself. All previous neighbours and the Parish Council have been re-consulted on the amended plans and any comments will be reported at Committee.

The reduction in the size of the site edged red in this instance would result in a reduction in the depth of the rear garden of plot 4 and the side garden of plot 3 by a maximum of 1.5 metres. Whilst this reduction would reduce the overall size of the gardens, they would each still be at least 100 sq metres in total and therefore would accord with the Design Guide for Residential Areas in Mid Bedfordshire (adopted 2004). The location of the proposed buildings themselves has not altered and therefore the impact on the residential amenities of adjoining occupiers is still considered to be acceptable.

Policy implications

The original resolution of the Development Management Committee was made having regard to the policies of the Mid Bedfordshire Local Plan First Review (adopted 2005). This document has now been superseded by the Core Strategy and Development Management Policies for Central Bedfordshire (North) (CSDM) which was adopted on 19th November 2009.

It should be noted that the following policies now apply to this proposal:

- CS1 – Development Strategy
- CS2 – Developer Contributions
- CS7 – Affordable Housing
- CS14 – High Quality Development
- CS16 – Landscape and Woodland
- CS18 – Biodiversity and Geological Conservation
- DM3 – High Quality Development
- DM4 – Development Within and Beyond Settlement Envelopes
- DM14 – Landscape and Woodland
- DM15 – Biodiversity

It should also be noted that the site to the rear of the existing rear boundary of 129 Clophill Road has been removed from the Settlement Envelope of Clophill (including Hall End). The proposal would therefore be contrary to policy DM4 of the CSDM which advises that new development should be within defined Settlement Envelopes.

In considering this application on 21st October 2009, members had regard to the adopted Local Plan First Review. The change to the delineated edge of the application site has not materially altered the development proposal itself. What has changed during the consideration of the application is that the Core Strategy has now been adopted, taking the site outside the defined Settlement Envelope. A determination strictly in line with the Core Strategy would indicate that this application should be refused planning permission. However, the previous resolution of the Committee is an important material planning consideration in the re-assessment of this proposal. The recommendation of officers is that since the proposal itself has not materially changed, and having regard to all the relevant material considerations, the balance of the argument weighs in favour of continuing support for the application.

Policy CS7 requires all new housing sites of four or more houses to include at least one affordable unit. However, in this instance, one of the four proposed properties is a replacement dwelling with a net gain of 3 no. new dwellings and therefore policy CS7 would not apply.

Whilst the proposal would now be contrary to policy DM4 of the CSDM, it is considered that the previous pre-application advice, planning application process and resolution to grant planning permission all having regard to the former Mid Bedfordshire Local Plan First Review (adopted 2005) holds significant weight in the decision making process. In addition, it is considered that the residential nature of the proposal would not have a material impact on the amenities of adjoining occupiers and the proposal would not detract from the ecological interests or landscape character of the area and would create a high quality development in this location.

An acceptable Waste Audit has now been submitted by the applicant.

Attachments

A copy of the original report to Committee is attached for information as Appendix A.

Amended plans

The amended plan reference numbers are as follows:
1090/09/1C
1090/09/4J
E-mail from agent dated 16/11/09 related to Waste Audit

Recommendation

Members are asked to confirm their resolution to grant planning permission for this amended site area subject to the completion of a satisfactory Unilateral Undertaking.

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 CS1, CS2, CS7, CS14, CS16, CS18, DM3, DM14 and DM15 of the Core Strategy and Development Management Policies for Central Bedfordshire (North) (adopted 19/11/09), Supplementary Planning Guidance: Design Guide for Residential Areas in Mid Bedfordshire, PPS1: Delivering Sustainable Development, PPS3: Housing.

DECISION

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