

LATE SHEET

DEVELOPMENT MANAGEMENT COMMITTEE 23.06.10

SCHEDULE A – REFUSAL

Item 9 (pages 39-96) – CB/10/000859/FULL – Land at Derwent Road, Linslade, Leighton Buzzard, LU7 2XT

Additional Information / Relevant Policies

In determining this application Members must take into account as a material consideration a letter dated 27th May 2010 issued by the Secretary of State for Communities and Local Government in which he states:

“I am writing to you today to highlight our commitment in the coalition agreements where we very clearly set out our intention to rapidly abolish Regional Strategies and return decision making powers on housing and planning to local councils. Consequently, decisions on housing supply (including the provision of travellers’ sites) will rest with Local Planning Authorities without the framework of regional numbers and plans. I will make a formal announcement on this matter soon. However, I expect Local Planning Authorities and the Planning Inspectorate to have regard to this letter as a material planning consideration in any decision they are currently taking.”

Consequently, notwithstanding that the East of England Plan and the Milton Keynes South Midlands Sub-Regional Strategy currently constitute part of the Development Plan, Members should afford them less weight in determining this application.

With regard to the Valley Farm urban extension development proposal, it was the intention of Aylesbury Vale District Council officers to report their application to the meeting of AVDC’s Strategic Development Control Committee on 23rd June 2010. Following discussions with their barrister, this is no longer the case. The barrister has advised them to await further clarification on the Regional Strategies situation and its implications for the Valley Farm application before reporting the application to Committee. They have written to Paul Newman New Homes seeking an extension of time for determination of the application until 6th August 2010.

Additional Consultation/Publicity Responses

Andrew Selous MP – Objection:

- The town is currently building a significant number of new homes and does not yet have sufficient local jobs and good enough transport links and local facilities to absorb the new residents of the town without further adding to these problems by stretching the demand on existing infrastructure even

further. This inappropriate development will also bring more and more pressure on Leighton Buzzard station travellers, given that parking around the station is already causing a great deal of difficulties for residents and local travellers.

SCHEDULE B – APPROVAL

Item 10 (pages 97-130) – SB/07/01448/OUT - Land at Houghton Quarry, Houghton Road, Dunstable

Additional Comments

The recommendation in the report has been reviewed in light of the newly published PPS3 (June 2010) and the comments made in Communities Secretary letter to Chief Planners (May 2010). The report remains unchanged.

Additional/Amended Conditions

28. **Development shall not begin until the detailed parking provision within the development, in accordance with the Design Guide For Central Bedfordshire - Design Supplement 7 (Movement, Streets and Places), has been approved by the Local Planning Authority and no building shall be occupied until that provision has been made in accordance with the approved details. The following parking standards shall apply:**
- 1.25 spaces for 1 bedroom dwellings;**
 - 2.25 spaces for 2 and 3 bedroom dwellings;**
 - 3.25 spaces for 4 bedroom dwellings.**

REASON: To ensure provision of car parking in the interest of the safety and convenience of road users.

Renumber condition 28 to 29.

Item 11 (pages 131-142) – CB/10/01535/FULL – Land to the rear of 57 Cambridge Road, Sandy

Additional Consultation/Publicity Responses

Highways Development Control:

Application is acceptable in principle, on the assumption that the vehicles can encroach upon the turning circle of Edward Close. The bin storage point is also too far from the highway and would have to be relocated. Subject to conditions relating to the above matters.

Tree and Landscape North:

Application will only result in the removal of a number of small trees of little significance and so there is no objection to the proposal.

Sandy Town Council:

Objects,

- Basis that 02/00706/OUT decision notice said a detached dwelling in this location would be inappropriate, and 2 semi detached dwellings would have the same visual impact.
- The access is very narrow, and can not accommodate a fire engine.
- Access down Edward Close is poor and visibility is hard due to cars parked along Cambridge Road.
- The design of the properties are not in keeping with the properties in Edward Close or Cambridge Road.
- Overdevelopment of the site, unacceptable tandem development.
- Possibility of flooding.
- Loss of amenity for the residents of 57 and 57a Cambridge Road, due to loss of garden land.
- The turning circle is on private land and the owners have not given their permission for its use.

14th June 2010: Two emails received from the occupants of Number 2 Edward Close.

1. Comments on the Committee Report:

- Site is still being used as garden land.
- 6 dwellings use the access.
- Concerns over the consultation process, regarding number of objections received; there were 4 letters of objection for this application, whereas 5 were received under reference CB/10/00125/FULL which was an invalid application on the same site for the same kind of development.

Officer comment on this point: The email dated 14th June 2010 states “7 were received” but one letter was not an objection, and 2 were from the same objector.

- They wish for a definition of residential amenity.
- They commented upon the determining issues.
- Concerns over Emergency vehicles not being able to use the access.
- Concerns over drainage.
- Concerns over refuse collection.

2. Copy of a letter sent to Greg Clark, MP

- The “garden grabbing” amendments to PPS3 and how it effects this application.
- The residents of 57/57a still use the garden, therefore the residents need this space for amenity land.
- They wanted to know why the views of the Town Council were not in the original report to committee.

15th June 2010: Emails from the occupants of Number 2 Edward Close asking from an explanation of the committee process and the Town Councils comments which were not received until the 11th June 2010.

16th June 2010: An email was received from the occupants of Number 1 Edward Close regarding the committee process. Additional comments were also received in regard to the application. These reiterated the comments received before the original report was written, but wished for special attention to be paid to the issue of a fire engine passing down Edward Close.

Officer comments on this matter:

- The access is existing and judged acceptable by the Highway Department, it would be a matter for Building Control to require suitable alternatives should it be deemed by them that the access is too narrow or too long for a fire appliance.

22nd June 2010: An email was received from Alistair Burt MP who wished his concerns to be noted. The email was in relation to the amendments to PPS3 and objections from Sandy Town Council.

Additional Officer Comments

Amendments to PPS3 (Housing):

Since the original report was written there has been an amendment to PPS3, and residential gardens are not longer classed as previously developed (brownfield) land.

The amendments to PPS3 (Housing) which were announced 9th June 2010 give the Local Planning Authorities power to determine the best locations for development within the area. The amendment does not supersede Policy DM4 of the Central Bedfordshire Core Strategy and Development Management Policies, which finds the principle of residential development within Settlement Envelopes acceptable. Lesser weight is given to this presumption in favour of developing previously developed land, and increases the weight to be given to the impact on amenity and character.

In the case of this application it is considered that there would be a residential court yard area which could be used by the residents of number 57 Cambridge Road and the annex property 57A Cambridge Road, there is also an outbuilding, which could be removed to provide additional external amenity space for these properties, should it be required in the future. The proposed garden areas for one bedroom dwellings are judged to be of a suitable size to provide an amenity area.

Unilateral Undertaking:

Though a Unilateral Undertaking was received, and there is a willingness from the applicant to enter into an agreement with Central Bedfordshire Council to make contributions, it is advised from the legal department that HSBC also

need to be party to the agreement and therefore a completed Unilateral Undertaking does not form part of this application. Should the Committee be minded to approve this application no decision could be issued until this matter was resolved and a completed Unilateral Undertaking has been received.

Additional Conditions

Highways conditions:

7. Before the premises are occupied all on site vehicular areas shall be surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority. 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.

8. No building shall be occupied until the triangular vision splays proposed at the north-eastern corner of the building and those enclosed by the application's site red line at both sides of Edward Close's entrance shown on Drawing No 04A have been provided. 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 level of Edward Close and footway level on Cambridge Road respectively.

Reason

To provide adequate visibility between the existing highway and the proposed and existing access, and to make the accesses safe and convenient for the traffic which is likely to use them.

9. Development shall not begin until details of the refuse collection point located within the first 15.0m of the site measured from the channel of the road and outside the envelope of any visibility splays shall be submitted to and approved by the Local Planning Authority and no building shall be occupied until the refuse collection point has been constructed in accordance with the approved details.

Reason

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

Item 12 (pages 143-152) – CB/10/00922/FULL – 11 Brook Lane, Flitton

Additional Consultation/Publicity Responses

None

Additional Comments

The Officer's report attached to the agenda is incomplete in respect to this application. The full report is attached.

Item No.

SCHEDULE B

APPLICATION NUMBER	CB/10/00922/FULL
LOCATION	11 Brook Lane, Flitton, Bedford, MK45 5EJ
PROPOSAL	Full: Erection of detached two bay open garage with lean-to to side.
PARISH	Flitton/Greenfield
WARD	Flitwick East
WARD COUNCILLORS	Cllr James Jamieson, Cllr Andrew Turner
CASE OFFICER	Mary Collins
DATE REGISTERED	08 March 2010
EXPIRY DATE	03 May 2010
APPLICANT	Mr English
AGENT	Mr S Everitt
REASON FOR COMMITTEE TO DETERMINE	Cllr Jamieson call in. There is concern regarding overdevelopment and also secondary line of development.
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is located on the west side and to the rear of 11 Brook Lane Flitton within the built up area of the village and in the Conservation Area. The site lies in the built up area of Flitton and within the Flitton Settlement Envelope. 11 Brook Lane Flitton - is a Grade II listed 17 Century house finished in colourwashed roughcast render.

The building is to be sited to the rear of the main listed house just beyond the end of the rear garden to the house.

The Application:

Planning permission is sought for the erection of a detached two bay open garage with lean-to to side.

This application was deferred at the Development Management Committee meeting on 26 May 2010 to enable a site visit to be carried out

This report has been updated to incorporate the conditions previously detailed on the late sheet and concerns expressed by the Parish Council and adjoining neighbours. The Other Concerns section of this report has been updated.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 Delivering Sustainable Development
PPS 5 Planning for the Historic Environment

Regional Spatial Strategy

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

Bedfordshire Structure Plan 2011

None

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

DM3 - Criteria for extensions
CS15 - Development in Conservation Areas
DM13 - Development in Conservation Areas

Supplementary Planning Guidance

Flitton Conservation Area Appraisal 2006

Planning History

04/00835	Full: Detached summer house. Approved: 16/06/2004
07/01520	Full: Alterations and extension to existing barn to form 1 no. 3 bed dwelling. Refused:
07/01623/LB	Listed Building Consent: Demolition of store and stable, alterations and extension to existing barn to form 1 no. 3 bed dwelling. Refused:
08/01880/LB	Listed Building Consent: Demolition of rear storage shed to barn and demolition of adjacent timber stable. Conversion and extension of barn to form ancillary accommodation with work studio. Approved: 04/12/08
08/01881/FULL	Full: Conversion and extension of barn to form

ancillary accommodation with work studio.
Construction of new vehicular access. Approved:
04/12/08
CB/09/06233/FULL Full: Erection of building for residential use ancillary
to the main house in place of dismantled barn.
Approved: 03/12/2009.

**Representations:
(Parish & Neighbours)**

Flitton Parish Council Concerned that the proposal amounts to overdevelopment
in a conservation area. Consent would create a dangerous
precedent
Neighbours The Occupier of No. 9 Brook Lane (The Barn) objects:
The building of a new detached garage block will increase
substantially the footprint of the original buildings
Noise and light pollution
Proposed height of the garage block will severely restrict
sunlight into the area of the garden which has been used
to promote a wildlife habitat.

Consultations/Publicity responses

Archaeology Flitton has its origins in the Saxon period and recent
investigations in close proximity to the application area
uncovered the presence of a large medieval cemetery as
well as other deposits relating to the development of the
village. Given the location of the proposed development it
is therefore highly likely that archaeological remains
dating from the Saxon period onwards will be present.

Whilst this development is small scale it will have a
negative and irreversible affect on any archaeological
deposits present at the site. This does not represent an
over-riding constraint provided that adequate provisions
are made to investigate and record any archaeological
remains that are affected. Recommend a condition is
attached in line with *PPS5: Planning for the Historic
Environment* to any permission granted in respect of this
application.
Flitton Preservation Society No response received
Highways If a vehicle enters the garage in reverse gear (which is
more than likely as turning into the garage in forward gear
will be very tight), then it will take multiple manoeuvres to
leave in forward gear and turn into the drive. However
this is within the site and will not affect the highway as
such no objection to the proposal.
Application advertised No response received

26/03/10

Site Notice posted

No response received

31/03/10

Determining Issues

The main considerations of the application are;

1. Impact on appearance of Conservation Area and the setting of Listed Buildings
2. Impact on amenities of neighbours.
3. Other concerns

Considerations

1. Visual impact on the Conservation Area and the setting of Listed Buildings

Planning permission is required as the outbuilding is within the curtilage of a listed building and because the outbuilding is within two metres of the boundary and is more than 2.5 metres high.

The proposed building has an oak frame and is 5.6 metres deep and 6.82 metres wide. To the front elevation it has two bays each 2.81 metres wide and an open outshoot to the side of 1.2 metres wide. The remainder of the building will have weatherboarded sides on top of a 0.225 metre high brick plinth.

The building is 4 metres high to main ridge with catslide roofs to the rear and side elevation. To the other side it has a fully weatherboarded gable. The roof will be in slate.

The proposed outbuilding will be opposite the former barn that is being reconstructed to the rear of the property with the open bays of the building facing down the application site. Although the building falls just outside the main garden area to the property, it is within the curtilage of the dwelling and is in close proximity to the reconstructed barn on the site and the rear garden.

The proposed building is situated to the rear of 11 Brook Lane such that it is not visible from the Brook Lane. The building therefore does not have a visual impact on the street scene or this part of the Flitton Conservation Area.

The outbuilding has a traditional design and with the use of good quality traditional materials will preserve the appearance of this part of the conservation area.

Conditions will be imposed to ensure that the materials used are the same as those approved for the reconstructed barn.

2. Impact on amenities of neighbours

The outbuilding is to be sited close to the rear boundary of the property known as The

Barn at 9 Brook Lane where the application site wraps around the rear garden of this property.

The rear and side elevations of the proposed building face the boundary. The garage has a catslide roof to the rear which will be presented to the rear boundary of The Barn and will be in directly facing the rear elevation of this property.

The boundary line is splayed at this point and the garage is inset from this boundary at its nearest point by approximately 0.5 metres increasing to 2.5 metres. The rear elevation of the building will slope away from the boundary and will attain its full height approximately 4.5 metres from the boundary.

Although the garage will be in direct view from the rear of The Barn there is an intervening distance of at least 23 metres from the rear of this property. The boundary is also screened by existing laurel bushes. The ground levels to this part of the application site already slope downwards away from this part of the boundary and are at a lower level to the adjacent property. The garage will be partially screened by the existing boundary fencing and landscaping. As such it is considered that the garage will not be overbearing on this section of the boundary.

The weatherboarded gable to the side of the garage will be presented to the side boundary with 9 Brook Lane. This side of the garage will be inset from the boundary by approximately one metre and will be partially screened by existing close boarded fencing. Although the garage is close to the boundary, due to the intervening distance between the residential property and the garage, a detrimental loss of amenities caused by noise through use of the garage is not considered to arise as a result of the proposal.

As the garage is to be situated to the north west of the garden the garage is not considered to result in a loss of sunlight to this section of the rear garden of this property and is not considered to be overbearing on this part of the boundary.

The application site slopes downwards from Brook Lane to the rear of the site. The siting of the proposed garage is at a lower level to the adjoining garden at 9 Brook Lane. However, there is potential that the levels at this point could be further lowered which would further reduce the impact of the structure on the boundary. A condition requiring final floor levels in relation to the neighbouring garden will be added if permission is granted.

3. Other concerns

The Parish Council have expressed concern that the existing annexe building and proposed garage may be separated from the main dwelling at 11 Brook Lane at a later date and become a separate dwelling. The adjoining neighbour has also expressed concern that the piece meal development to the rear of this property is to get a separate three bed house.

Flitton is categorised as a "Small Village" by Policy CS1 of Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009.

Policy DM4 states that development will be limited to infill residential development and small-scale employment uses. As such backland development in this location is contrary to policy.

Concern has been raised previously that the reconstruction of the barn to the rear of 11 Brook Lane Flitton is tantamount to backland development. However the construction of outbuildings within the curtilage of the dwelling are acceptable in principle and in this particular case acceptable as long as they do not harm the setting of the listed building or the character and appearance of the conservation area.

In this instance the circumstances of the site mean that the reconstructed barn (annexe) at the site cannot be used as an independent dwelling as it is considered that the construction of a separate independent dwelling and the subdivision of the site into two separate plots in different ownership would divorce the existing listed main dwelling at 11 Brook Lane from the countryside to the rear. In addition the vehicular access to the site that has been constructed is too narrow to serve an additional separate dwelling. The access must be a minimum width of 4.7 metres to serve an independent separate dwelling plus the existing dwelling.

Permission for the annexe currently under construction was acceptable in this particular instance subject to the condition that the use of the building remains ancillary to the main house (11 Brook Lane).

The proposal the subject of this application is to provide a garage for the use of the occupants of 11 Brook Lane and should be considered on its own merits. An outbuilding in this location close to the main dwelling is acceptable in principle.

The use of the proposed garage the subject of this application can be tied to the occupation of the main dwelling and vice versa. The garage would then be ancillary to the dwelling at 11 Brook Lane and could not be used independently from the dwelling in the future without being in breach of this planning permission or without the express granting of planning permission to remove the condition

Conclusion

In light of the above considerations it is recommended that planning permission is granted.

Reasons for Granting

The proposal is in conformity with Policies CS15 and DM13 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009 as it is not considered inappropriate development within a Conservation Area and safeguards archaeological remains; Policy DM3 as the proposal respects the amenity of surrounding properties and respects and complements the context and setting of the designated Flitton and Greenfield Conservation Area. It is also in accordance with Planning Policy Guidance: PPS1: Delivering Sustainable Development, PPS3: Housing and PPS 5: Planning for the Historic Environment as the

development does not unacceptably adversely affect the setting of a listed building or adversely impact upon the character or appearance of the Conservation Area.

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 **No development shall take place until the applicant or developer has secured the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

Reason: To safeguard any material of archaeological interest which exists on the site in accordance with PPS 5 Planning for the Historic Environment.

- 3 **Cross sections through the site of the proposed garage and the adjoining garden at 9 Brook Lane, Flitton showing the final floor level of the garage and profile in relation to the garden of the adjoining property at 9 Brook Lane shall be submitted to and approved in writing prior to commencement of the development hereby approved. Thereafter the site shall be developed in full accordance with the approved details.**

Reason: To ensure that a satisfactory relationship results between the building and adjacent garden areas.

- 4 The weatherboarding to the external walls of the building hereby permitted shall be of a wide format 200 - 225mm wide and stained/painted black unless otherwise approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 5 *The building hereby permitted shall be roofed in natural slate with grey clay ridge tiles unless otherwise agreed in writing by the Local Planning Authority.*

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed

Building.

- 6 The brick plinth of the building hereby approved shall be constructed in a handmade Sainsbury Mix from Dunton Brothers Ltd, laid in a Flemish or English bond with snapped headers with gritty part coarse sharp sand/ aggregate to lime mortar and neat flush joint unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 7 Notwithstanding the approved plans, the guttering shall have a half round profile and the downpipe shall be 65mm. All rainwater goods shall be of cast iron or aluminium and painted black unless otherwise agreed in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 8 Notwithstanding the provisions 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 building until detailed plans and elevations have been submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the appearance of the development in the interests of the visual amenities of the Conservation Area and the setting of the Listed Building.

- 9 Before the garage hereby approved is first used all on site vehicular areas shall be surfaced in a manner 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.

- 10 The building hereby permitted shall not be used at any time other than for purposes ancillary to the residential use of the dwelling known as 11 Brook Lane, Flitton.

Reason: Any intensification of use of this double garage and store would cause conflict at the entrance to the site due to the restricted width of the vehicular access.

DECISION

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SCHEDULE C – OTHER APPLICATIONS

Item 13 (Pages 153-166) – CB/10/01172/OUT – Roker Park, The Green, Stotfold

Additional Consultation/Publicity Responses

Additional Comments

Further information has been submitted in relation to Storey Heights which has indicated that the site would be developed with two storey properties. It should be noted though that this is an outline planning application and as such the detail would be finalised if planning permission was granted through the Reserved Matters.

Unfortunately the S106 Legal Agreement has not been completed to date. Work is continuing between the parties to ensure that this is resolved as quickly as possible. Please can we retain to refuse the planning application if a satisfactory legal agreement is not secured.

Additional/Amended Conditions

Item 14 (pages 167-176) – CB/10/01486/VOC – Units 1,3 and 4 Grove Park, Court Drive, Dunstable

Additional Consultation/Publicity Responses

Dunstable Town Council were re-consulted on the application following the applicant's decision to omit seeking Class A1 use for Units 3 and 4 and the suggested imposition of a condition limiting the retail offer on Unit 1 to comparison goods only. There was not an opportunity for the revised details to be reported to the Plans Sub-Committee but the Chairman of the Sub-Committee indicated that there was still likely to be an objection to accepting a retail use for Unit 1. However, if retail was considered acceptable he indicated that a further condition should be imposed restricting the use for the related sale of goods to the recreation market, such as a sportswear retailer.

Additional Comments

Notwithstanding the additional response above, it is considered that limiting the sale of goods to comparison goods only would be sufficient to safeguard

the vitality and viability of the town centre. There is no need to further limit within comparison goods the range of items that could be sold.

Item 15 (pages 177-182) – CB/10/01168/REG3 – 95 Beecroft Way, Dunstable

Additional Consultation/Publicity Responses

None.

Additional Comments

None.

Additional/Amended Conditions

None.