

SCHEDULE B

APPLICATION NUMBER	CB/11/00706/FULL
LOCATION PROPOSAL	Land To The Rear Of 104, Flitwick Road, Ampthill To demolish an existing building and erect a new single storey dwelling with accommodation in the roof line and a detached single garage and carport (Revised application CB/10/04201/FULL)
PARISH	Ampthill
WARD	Ampthill
WARD COUNCILLORS	Cllr Paul Duckett and Cllr Gary Summerfield
CASE OFFICER	Mary Collins
DATE REGISTERED	24 February 2011
EXPIRY DATE	21 April 2011
APPLICANT	Mr Duggan
AGENT	CHQ Partnership Ltd
REASON FOR COMMITTEE TO DETERMINE	Ward Councillor call in Objections expressed by neighbour and Town Council
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site comprises an irregular shaped plot of land set behind nos. 100,102 and 104 on the west side of Flitwick Road, Ampthill. The land was previously occupied by a large single storey building located adjacent to the southern boundary apparently used for informal storage and recreational use in association with the property at 104 Flitwick Road. The site is accessed from Flitwick Road via a track which also serves as a public footpath. Immediately to the north, on the opposite side of the track/footpath are the rear gardens of dwellings fronting Tavistock Avenue, a modern housing estate development. To the south and west the site adjoins open countryside. There are a number of trees around the perimeter of the site and a wooded area to the west.

The site lies just inside the settlement envelope for Ampthill, the boundary for which runs along the southern and western boundaries of the application site beyond which is Green Belt.

The Application:

Planning permission is sought for the erection of a one-and-a-half storey dwelling with detached garage and driveway.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS 1 – Delivering Sustainable Development
PPS 3 – Housing

East of England Plan (May 2008)

Policy ENV 7 - Quality in the Built Environment

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

CS1 - Selected Settlements

CS2- Developer Contributions

DM4 - Settlement Envelopes

DM3 - Protection of Amenity

CS2, CS3 - Open Space for New Dwellings

CS1, CS5 - Location of new Residential Development

Supplementary Planning Guidance

Design in Central Bedfordshire: A Guide for Development, Adopted January 2010

Design Supplement 1: New Residential Development

Planning Obligations Strategy

Planning History

MB/06/01183/OUT	Outline: Erection of dwelling (all matters reserved except siting and means of access). Approved: 30/10/06
CB/09/05816/RM	Reserved Matters: Erection of dwelling. Refused: 23/10/09
CB/09/06415/RM	Reserved Matters: Erection of 1 No Dwelling. Approved: 05/02/10
CB/10/04201/FULL	Full: Construct a new one-and-a-half storey dwelling with detached garage and driveway. Refused: 17/01/11

Representations: (Parish & Neighbours)

Ampthill Town Council	Object: The access is shown going off a bridleway. Access is close to a corner raising concern over visibility. Access is opposite the entrance to Redborne Upper School raising safety concerns. Access tapers to a pinch point within the development area. The wheelie bin storage area is on the line of the bridleway.
Neighbours	One letter of objection received: Overlooking, loss of privacy

Consultations/Publicity responses

Ramblers	The proposed development will have no adverse affect on public path Ampthill FPA10, subject to the path not being obstructed by vehicles or materials during building operations, and therefore the Ramblers' Association offers no objection.
Rights of Way	No comments to make.

Highways	The gates can not be locked as this will impede service/delivery vehicles from using the turning area. Also although the access is wide enough to serve the site, the crossover is not and will cause vehicles to overrun the verge to use the access and degrade it, as well as possible bumping over the kerb. Recommend conditions are attached to any permission issued.
Public Protection	Advise the inclusion of a bespoke condition requiring applicant to follow the contamination report recommendations for a further Site Investigation and to follow up any such work required by such prior to completion.
Site Notice posted 08/03/11	No response received.
Application advertised 04/03/11	No response received.

Determining Issues:

The determining issues are:

- The Principle
- The impact upon the character of the area
- The impact upon the amenities of adjoining occupiers
- Other issues
- Unilateral Undertaking

Considerations

1. The Principle

The application site is within the Ampthill Settlement Envelope and is acceptable in principle.

Outline planning permission and Reserved Matters approval has been previously granted for the erection of a dwelling.

A planning application for full planning permission was subsequently refused.

This application differs from the previous refusal in the following ways:

- The roof pitch has been reduced from 50 degrees to 45 degrees and this has resulted in the height of the dwelling being reduced from approximately 8 metres to 7 metres.
- The ground level of the dwelling will be 77.864 metres and ground levels will be lowered.
- The roof of the garage has been reorientated so that it presents a gable to the front. The garage will have one open bay to the ground floor.

- The garage has been resited further away from the dwelling.

2. The impact upon the character of the area

The dwelling will be sited behind the existing properties which front Flitwick Road. 100 Flitwick Road is a two storey chalet property, 102 Flitwick Road is a single storey bungalow and 104 is a chalet bungalow with accommodation in the roofspace.

The application site is on the edge of the settlement of Ampthill and adjoining the Green Belt. There will be views of the angled front face of the new property from Flitwick Road between the properties at 100 and 102 Flitwick Road. Although the property is set behind these dwellings it will be higher than the dwellings facing Flitwick Road and will be visible in the street scene.

The dwelling will be screened from view from the surrounding open countryside and the Green Belt by landscaping and trees to the rear and side boundaries of the site. However these trees may die or be removed in the future and the dwelling being two storey on the edge of the town would have a high visual impact.

The property has a private rear garden which is roughly triangular in area with a depth of 13 metres at its deepest point decreasing to 6.5 metres and a width of approximately 22 metres. The front garden is dominated by a large turning area but this area could provide a degree of amenity area for washing cars etc. The front garden would also be relatively private.

A Design Guide for Central Bedfordshire and Design Supplement 1: New Residential Development in paragraph 6.08 (p.14) states "Rear gardens for family houses should be on average about 100 sq. m and generally no less than 50m². It is considered that the rear garden area is acceptable. However, if planning permission is granted a condition will be imposed removing permitted development rights for extensions and outbuildings.

The scale and massing of the dwelling has been reduced by reducing the pitch of the roof slope which lowers the height of the building. The ground level of the dwelling is also to be lowered which will contribute towards reducing the impact of the dwelling in relation to the existing properties facing Flitwick Road. The ridge height of the dwelling will be comparable to the dwelling at 100 Flitwick Road and views of the dwelling from Flitwick Road between these properties will be recessive.

There is now visual spacing between the dwelling and the detached double garage created by the change in roof form to a gable to the front with the roof sloping away from the dwelling and the open section to the garage. There are views through to the boundary and the current backdrop of trees due to the additional separation of the garage from the dwelling and the removal of the screen wall between the dwelling and garage. As a result of this separation, the siting of the dwelling and garage on this site no longer appears squeezed in and cramped.

It is considered that the amendments received are acceptable and that the development is acceptable on this backland plot on the boundary between the

Green Belt and this edge of the built up part of Ampthill.

3. The impact upon the amenities of adjoining occupiers

The property will be constructed behind properties at 100 and 102 Flitwick Road. The front corner of the dwelling will be inset by a distance of 3 metres from the access road serving the garage to the rear of 102/104 Flitwick Road to the eastern boundary of the site. This access way provides separation between the application site and the rear of the properties at 100 and 102 Flitwick Road.

Dormer windows to the front roofslope serve bedrooms with the central dormer window serving a study will face the rear gardens of these properties.

There is a distance of approximately 32 metres between the front of the proposed dwelling and the rear of 100 Flitwick Road and as such a detrimental loss of privacy should not arise as a result of the proposal through looking into windows. The nearest bedroom window is set in by 14 metres from the rear boundary of this property and any overlooking into the private rear garden of this property is not considered.

The property is orientated so that windows in the rear elevation will face over the bottom section of the rear garden to 104 Flitwick Road. This boundary is also marked by trees and as such it is considered that although the proposed dwelling is close to the boundary with this property, it will not have a detrimental impact through overlooking.

Neighbouring properties in Tavistock Avenue are not considered to be detrimentally affected by the proposal as there is sufficient spacing between them.

4. Other issues

Concern has been raised that the access to the site will be gained by the use of Public Footpath A10. The outline application accepted that vehicular access to the site was already gained via this route via an existing right of access for the owner of 104 Flitwick Road.

There are a number of substantial trees on the property that are worthy of protection and also a number of trees in adjoining properties. In particular a sweet chestnut that has a root protection area that will encroach into the proposed driveway and also the parking area, along with many of the trees numbered T2 to T13 as identified on the proposed site plan. All areas that are within these areas to have surface or level changes ie drive and parking areas are to be constructed using a non dig construction method.

5. Unilateral Undertaking

The Planning Obligations Strategy, wherein the construction or creation of one dwelling or more is required to make a financial contribution towards the costs of local infrastructure and services, was adopted by Mid Bedfordshire District Council on 20th February 2008 and has been operative since 1st May 2008. The Draft Supplementary Planning Document was subject to a six week public consultation period between 6th July and 17th August 2007.

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.

This involves all new residential proposals having to enter into either a Section 106 Legal Agreement or a Unilateral Undertaking to provide contributions towards the impact of new developments within the area.

The SPD is a material consideration in the determination of planning applications and refusal of planning permission is likely when development proposals do not comply with its requirements.

A Unilateral Undertaking has been submitted and is acceptable.

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 on site details of the existing ground levels and final ground and slab levels of the dwelling and garages and details of any changes to ground levels required in the construction of the access way have been 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.

- 3 **No development shall take place until a scheme defining those trees, hedges, shrubs and other natural features to be retained during the course of the development, and setting out measures for their protection during construction work have been submitted to and approved in writing by the Local Planning Authority . No work shall commence on site until all trees, hedges, shrubs and features to be protected are fenced with 2.3 high weldmesh fencing securely mounted on standard scaffolding poles driven firmly in the ground in accordance with BS 5837:2005;**

- **for trees, hedges and shrubs the fencing shall follow a line 1.0m outside the furthest extent of the crown spread, unless**

otherwise agreed in writing by the Local Planning Authority;

- for upright growing trees at a radius from the trunk not less than 6.0m, or two thirds of the height of the tree whichever is the greater;
- for other natural features along a line to be approved in writing by the Local Planning Authority.

Such 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.

- 4 No development shall take place until details of materials to be used for all external finishes including brick type, brick bond and mortar mix, roof tile and ridge tile have been 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.

- 5 1. Prior to the commencement of any phase of development approved by this planning permission the developer shall submit to the Planning Authority for written agreement: a) A Phase 2 Site Investigation report further documenting the ground conditions of the site with regard to potential contamination, incorporating appropriate sampling, as shown to be necessary by the Phase 1 Geoenvironmental Assessment (Report No XK01800/R1) already submitted.

b) Where shown necessary by this Phase 2 investigation, a Phase 3 detailed scheme for remedial works and measures to be taken to mitigate any risks to human health, groundwater and the wider environment.

2. On completion of the development, the developer shall provide written confirmation that any and all works have been completed in accordance with the agreed remediation scheme in the form of a Phase 4 validation report to incorporate photographs, material transport tickets and validation sampling.

Any remediation scheme and any variations shall be agreed in writing by the local planning authority prior to the commencement of works. This should include responses to any unexpected contamination discovered during works.

The British Standard for Topsoil, BS 3882:2007, specifies requirements for topsoils that are moved or traded and should be adhered to.

Applicants are reminded that, should groundwater or surface water courses be at risk of contamination during or after development, the Environment Agency at Brampton should be approached for approval

of measures to protect water resources separately, unless an Agency condition already forms part of this permission.

Reason: To protect human health and the environment.

- 6 No development shall 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.

- 7 No work shall take place until details of the widening of the junction/crossover of the access have been submitted to and approved in writing by the Local Planning Authority and the development shall not be brought into use until the junction/crossover has been constructed in accordance with the approved details.**

Reason: In the interest of road safety and for the avoidance of doubt.

- 8 No development shall take place until a scheme for the secure and covered parking of cycles on the site (including the internal dimensions of the cycle parking area, stands/brackets to be used and access thereto), calculated at one cycle parking space per bedroom, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied or brought into use and thereafter retained for this purpose.**

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.

- 9 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.

- 10 The access shall have a minimum width of 3.0m.**

Reason: In the interest of road safety and for the avoidance of doubt.

- 11 Before the premises are occupied the on site vehicular areas shall be constructed and surfaced in a stable and durable manner in accordance with details to be approved in writing by the Local Planning Authority for a distance of 6.0m into the site, measured from the highway boundary.**

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 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 The gates into the development shall be located as indicated on the approved plan. The gates shall thereafter remain unlocked for entry into the site for delivery/service/ambulance sized vehicles.

Reason: To provide adequate access and turning for delivery/service/ambulance sized vehicles and for the avoidance of doubt.

- 13 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

- 14 The turning space for vehicles illustrated on the approved Drawing No. CHQ.10.9347-03C shall be constructed before the development is first brought into use and shall thereafter be accessible and free of obstruction for delivery/service/ambulance sized vehicles accessing the site.

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

- 15 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.

- 16 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 previously agreed in writing by the Local Planning Authority.

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.

- 17 The bin collection point shall be located as illustrated on the approved plan no. CHQ.10.9347-03C before the development is brought into use.

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

- 18 Notwithstanding Schedule 2, Part 1, Classes A, B, C, D, E, F, G and H of the Town and Country Planning (General Permitted Development Order) 1995 (or any Order revoking or re-enacting that Order with or without modification) no works shall be commenced for the extension or material alteration of the buildings hereby permitted or the erection of any building/ structure within the curtilage of the dwelling hereby approved 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 and the appearance of the site.

- 19 Full details of a soft landscaping scheme to the access road/right of way and to the front of the property shall be submitted to and approved in writing by the Local Planning Authority. These details shall include planting plans, including schedule of size, species, positions, density and times of planting and cultivation details including operations required to establish new planting.

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

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

- 20 The scheme approved in Condition 19 shall be carried out by a date which shall be not later than the end of the full planting season immediately following the completion of the development.

Thereafter the planting shall be adequately maintained for a period of five years from the date of planting. Any of the trees or shrubs or both which die or are removed, or which become severely damaged or seriously diseased (during the said period of five years) shall be replaced with trees or shrubs or both, as the case may be, of similar size and species to those originally required to be planted and the same shall be maintained until properly established.

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

- 21 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers [CHQ.10.9347-01, CHQ.10.9347-03C, CHQ.10.9347-04A, CHQ.10.9347-05A, CHQ.10.9347-06A, CHQ.10.9347-01].

Reason: For the avoidance of doubt.

Reasons for granting

The proposal is in conformity with Policy DM3 of the Core Strategy and Development Management Policies, Central Bedfordshire (North), November 2009, as it is appropriate in scale and design to its setting and respects the amenities of surrounding properties.

The proposal is also in conformity with Planning Policy Guidance: PPS 1 Delivering Sustainable Development and PPS 3 Housing.

Notes to Applicant

1. The applicant is advised that no works associated with the widening of the vehicular access/crossover 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 Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BA 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 the 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 Traffic Management Group Highways and Transport Division, Central Bedfordshire Council, Technology House, 239 Ampthill Road, Bedford MK42 9BD.
3. The applicant is advised that photographs of the existing highway that is to be used for access and delivery of materials will be required by the Local Highway Authority. Any subsequent damage to the public highway resulting from the works as shown by the photographs, including damage caused by delivery vehicles to the works, will be made good to the satisfaction of the Local Highway Authority and at the expense of the applicant. Attention is drawn to Section 59 of the Highways Act 1980 in this respect.
4. The applicant is advised that all cycle parking to be provided within the site shall be designed in accordance with the Central Bedfordshire Council's "Cycle Parking Annexes – July 2010".

DECISION

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