

Item No. 14**SCHEDULE B**

APPLICATION NUMBER	CB/10/04491/FULL
LOCATION	Land to the rear of 1 and 2 Church Walk, Marston Moretaine, Bedford, MK43 0PL
PROPOSAL	Full: Proposed development of 2 detached bungalows. Re-submission CB/10/02840/FULL
PARISH	Marston Moretaine
WARD	Cranfield & Marston Moretaine
WARD COUNCILLORS	
CASE OFFICER	Sarah Fortune
DATE REGISTERED	09 December 2010
EXPIRY DATE	03 February 2011
APPLICANT	Mr Rossiter
AGENT	Still Associates
REASON FOR COMMITTEE TO DETERMINE	View of Public Interest
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The site is located in the built up area of Marston Moretaine to the north east of numbers 1 and 2 Church Walk and to the south east of the Bell Public House. It comprises of an elongated stretch of land presently vacant which was formerly used for garden and is owned by number 11 Browns Close.

The Application:

This application is for the erection of two no. detached, two bedroomed bungalows with two parking spaces for each property within the site - as well as visitor parking.

RELEVANT POLICIES:**Regional Policies**

East of England Plan
Policy ENV7 Quality in the Built Environment

National Policies (PPG & PPS)

PPS1 Delivering Sustainable Development
PPS3 Housing

Core Strategy and development Management Policy Document dated November 2009.

DM3 Amenity
CS1 Minor Service Centre

CS5 Providing Homes
DM4 Settlement Envelopes.
CS2 Developer Contributions

Supplementary Planning Guidance

Design Guide on Housing: November 2009

Planning History - relevant

89//01569	Outline: erection of one bungalow Refused: 17/11/1988
89/01502	Outline erection of one bungalow. Refused and appeal allowed: 1/10/1990
10/02840	Full: Two detached bungalows with detached double garage to each plot. Withdrawn: 8/09/2010

Representations: (Parish & Neighbours)

Marston Moretaine Parish Council	Objects: Concerns about access to the site via Church Walk as this is pedestrianised apart for access to two dwellings/Extra use of this by two dwellings will cause safety issues for the 260 local school children who attend the Lower School and their parent at drop off and pick up times. Concern also about construction traffic to the site. Can neighbours comments be taken into account in consideration of the application.
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Neighbours	10. Strongly object on grounds that access to the site along Church Walk is very poor as it is heavily used by pedestrians and some vehicles and is not a road but a pathway, the local residents are firmly against this proposal thus the development should not be allowed to proceed. Church Walk will have exacerbated pedestrian and highway safety problems, refuse vehicles can not move up and down Church Walk, people walk up and down Church Walk to and from the Lower School and Chimney Tops Nursery - and additional traffic will lead to highway safety problems and risk of injury to children. Loss of privacy to neighbours, design of bungalows is out of keeping with the area, very close to boundary with neighbouring properties, restrictions should be placed on any new dormers facing towards the neighbours, the site has a history of flooding, the development will increase the risk of flooding around the site, Church Walk is not of adequate strength for the use by construction lorries without causing damage, this is garden grabbing, the houses adjacent to the site are not shown, there are trees on the site, there is not enough space for a fire vehicle to turn into the site, lack of visitor parking, boundary fences may be damaged.
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Revised Plans:

4. Unsuitable access as stated above, access is now only via The Green, the access has been made suitable for pedestrians, do not need more traffic along it, used by children to get to school, no revisions have been made to the plans regarding the access to the site, previous concerns have not been resolved, lack of parking in this area, restricted access to the site for large vehicles and dust carts, overdevelopment of site, adverse impact on privacy of neighbours, out of keeping with the local style of development in the village, restrictions should be placed so that there are no dormers overlooking the neighbours/removal of PD rights, garden grabbing for profit only, these two bed properties could be used as three bedroomed ones, construction traffic will have to turn in front of the school causing danger/risk to children.

Consultations/Publicity responses

Highways Officer	No objections subject to conditions and Highway notes.
E.H.O.	No objection as long as Informative is attached to any consent.
Tree Officer	No objections but any consent should be the subject of conditions to protect trees on the adjoining sites and the development should be moved further from the ditch.
Archaeology Officer	No objections as long as a condition is attached to any consent.
E.A.	No objection. Advisory comments should be attached to any consent.
Refuse Officer	Need to provide for a suitable collection point on the highway boundary for waste collection and a condition needs to be attached requiring the submission of a Site Waste Management Plan.

Determining Issues

The main considerations of the application are;

1. Background and Policy
2. Size, Siting and Design in relation to site and visual amenities of area.
3. Impact on amenities of neighbours
4. Other Considerations

Considerations

1. Background and Policy

The site lies in the built up area of the village of Marston Moretaine which is classified as a Minor Service centre in the Core Strategy and Development Management policy Document dated November 2009 - policy CS1 refers. There are dwellings around most of the site's boundaries apart from to the west where there is The Bell Public House. Further to the south east is the Church End Lower School.

A recent planning application for virtually the same development - but in respect of two no. three bedroomed bungalows and two double garages - was withdrawn in view of concerns raised about various highways aspects and the lack of an agreed legal Unilateral Undertaking in respect of off site financial contributions towards education etc. (ref: 10/02840).

In view of the above there are no policy objections to the principle of new residential development in this backland position as long as various criteria are complied with such as the site being of sufficient size and shape for the proposed development, the design of the properties being acceptable, suitable access and no unduly adverse impact on the amenities of neighbours etc....

Planning permission has previously been granted for the erection of a terrace of three houses on the adjoining land to the north west - to the rear of the Bell Public House - with access off Bedford Road to the north west. These houses have been built and are occupied.

In 1989 outline planning permission was granted consent on appeal for the erection of one bungalow on this site under planning consent ref; 89/01502. The application had been refused by this council on grounds that it would have resulted in the increased usage of a substandard access to the detriment of highways safety, it would have exceeded the recommended distance for refuse collection purposes and fire fighting and also that Church Walk was felt to be of narrow width and not suitable to be the sole means of access to the site. The Inspector was of the view that despite the limited width of Church Walk he did not feel that the increase in traffic as a result of one bungalow would be to the detriment of highway safety or a hazard to other road users. He therefore allowed the appeal subject to various conditions.

2. Size, Siting and Design in relation to site and the visual amenities of area.

The site has a main depth of about 50 metres and a width of 26 metres approx. It is proposed to erect two detached bungalows - staggered on the site each having three bedrooms. There is to be an average garden depth of 17 metres (approx) and a front turning area of 20 metres (approx) depth. There is to be a gap of about three quarters of a metre up to the south east boundary of the site and a gap of about one metre up to the north west boundary which is shared with the rear boundary of the terrace of houses known as 2a, 2b and 2c Bedford Road

3. Impact on amenities of neighbours

The closest neighbours are to the north west - in the recently erected terrace of three houses. There is to be a gap of 8.5 metres (approx) between the north west side elevation of Plot 1 and the rear elevations of these terraced houses. The ridge height of each bungalow is to be 5.9 metres and the eaves height 2.3 metres. In view of the close proximity of the bungalow on Plot 1 to the rear elevations to the terrace of three houses there will be some loss of outlook to these terraced houses and some loss of light - particularly since the bungalows are to the south east of the terraced properties.

There will be limited potential for overlooking from the terraced houses into the nearest bungalow and the rear gardens of both bungalows due to the proposed siting of the bungalows on the site in relation to the terraced houses. There is a house to the north of the site - which has some potential for overlooking into the proposed rear garden of Plot 1 - but this will not be sufficient as to sustain an objection on grounds of loss of privacy. However, there are no windows in the roof spaces of the elevation of the bungalows facing these houses to the north and north east.

4. Other Considerations

Access to the site is to be via a new drive off Church Walk alongside number 1 Church Walk. A turning area is to be provided in front of the bungalows. The highways officer is of the view that the plans do not show the correct length of refuse vehicles used by the council but that there is space on the site for such vehicles to turn within the site. This is a matter that can be dealt with by way of a condition being attached to any planning permission.

There are some mature trees both on the site and adjacent to it. The tree officer has advised that there are no trees of any significance on the site but those next door to it need to be safeguarded - by protective fencing being erected and 'no dig construction' of the highway to the site - especially those in the grounds of the Bell Public House. No other technical concerns have been raised.

The archaeological officer has advised that the site lies in the historic core of the settlement of Marston Moretaine. It is an archaeologically sensitive area and a locally identified heritage asset. Archaeological investigations at the Lower School immediately to the south found a Saxon-Norman hall and associated buildings and evidence of medieval occupation. The development site has the high potential to contain archaeological remains associated with the origins and development of Marston Moretaine. He has requested that the applicant submit an assessment of the impact of the development on Heritage assets. This has been submitted and the archaeological officer has now advised that he has no objections to raise as long as a condition is attached to any planning permission which requires that the developer secure the implementation of a Written Scheme of Archaeological Investigation which has been submitted to and approved in writing by the Local Planning Authority.

With regards to the required Unilateral Undertaking in respect of off site contributions the applicant has submitted a Unilateral Undertaking and discussions are taking place with officers regarding its finalisation and agreement.

Recommendation

It is recommended that the Development Management Committee delegate the issue of planning permission to the Head of Development Management or a Planning Manager subject to the following conditions and following the agreement of the Unilateral Undertaking.

- 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 **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.

- 3 **A scheme shall be submitted for written approval by the Local Planning Authority indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed in accordance with the approved scheme**

before the use hereby permitted is commenced before the building(s) is/are occupied in accordance with a timescale agreed in writing with the Local Planning Authority.

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

- 4 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;
- 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.

- 5
- The scheme approved in Condition 4 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.

- 6
- 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 in writing by the Local Planning Authority. The said development shall only be implemented in accordance with the scheme thereby approved.**

Reason: To record and advance understanding of the significance of the Heritage asset in accordance with policy HE12 of PPS5.

- 7
- Notwithstanding the details shown development shall not begin until details of the junction of the proposed vehicular access with the highway and the tracking diagrams for a vehicle entering/leaving the site 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.

- 8
- 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.

- 9
- Before development begins, 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 and 2 short stay spaces per unit, shall be 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.

- 10 Development shall not commence until a scheme detailing access provision to and from the site for construction traffic, which details shall show what arrangements will be made for restricting such vehicles to approved points of access and egress has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be operated throughout the period of construction work.**

Reason: To ensure the safe operation of the surrounding road network in the interests of road safety.

- 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 Before development commences details of the two parking spaces for plot 1 and the one visitor parking space shall be submitted to and approved in writing by the Local Planning Authority and no building shall be occupied until the parking bays have been constructed in accordance with the approved details.**

Reason: To provide adequate on site parking outside of the turning area.

- 13 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 2.0m measured along the centre line of the proposed access from its junction with the channel of the public highway and 7.0m measured from the centre line of the proposed access along the line of the channel of the public highway in a northerly direction. 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.

- 14 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.**

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.

- 15 The development shall not be brought into use until a turning space suitable for a 11.5m size refuse vehicle has been constructed within the curtilage of the site in a manner to be approved in writing by the Local Planning Authority.

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

- 16 **Prior to commencement of the development hereby approved a Site Waste Management Plan shall be produced and forward to the council for approval. This plan shall be implemented at the site.**

Reason: To ensure that waste from the site is properly managed.

- 17 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, numbers CBC1, 821/01/A, 821/02/A, 821/03/A.

Reason: For the avoidance of doubt.

- 18 Details of a suitable collection point that is on the highway boundary and is of sufficient size for two 240ltr wheeled bins and two food waste containers shall be submitted to and approved in writing by the local planning Authority prior to commencement of development and the approved scheme shall be implemented.

Reason: To ensure the satisfactory disposal of refuse from the site.

Reasons for Granting

There are no objections to the principle of this development in view of the fact that this site is in the built up area of the village of Marston Moretaine surrounded by development and there has been previous approval for one dwelling on the site some years ago. There will be minimal adverse impact on the amenities of the neighbours and the access, parking, drainage and landscaping arrangements are acceptable. The application is recommended for approval as being in compliance with policies DM3, DM4, CS1 and CS5 in the Core Strategy and Development Management Policy Document dated November 2009 as well as PS1 and PPS3.

Notes to Applicant

1. The applicant is advised to take note of the comments from the Environment Agency in their letter dated 18/02/2011.

2. The applicant is advised that while the Council has no reason to believe this site is contaminated, and is not aware of any potentially contaminative past use, it is the developer's responsibility to ensure that the final ground conditions are fit for the end use of the site. Any staining, odours or other indications of contamination discovered during the development should be described to CBC Public Protection. Any imported material for gardens and landscaping must be of quality that adheres to British Standard Topsoil BS 3882:2007, as expected by the NHBC and other bodies. Further information can be obtained from Kay Sterling, Public Protection tel 0300 300 5065.
3. 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 Highways Department. Upon receipt of this Notice of Planning Approval, the applicant is advised to seek approval from the Local Planning Authority for details of the proposed vehicular access junction in accordance with condition 1. Upon formal approval of details, the applicant is advised to write to Central Bedfordshire Council's Highway Help Desk, Technology House, 239 Ampthill Road, Bedford MK42 9BD quoting the Planning Application number and supplying a copy of the Decision Notice (with list of conditions) and a copy of the approved plan for the access. 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.
To fully discharge condition 7 the applicant should provide evidence to the Local Planning Authority of its construction in accordance with the approved plan, before the development is brought into use.
4. 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.
5. 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.
6. The applicant is advised that in order to achieve the vision splays in condition 2 of the permission it may be necessary for vegetation overhanging the public highway to be removed. Prior to the commencement of work the applicant is advised to contact Central Bedfordshire Council's Customer Contact Centre on 0300 300 8049 to request the removal of the overhanging vegetation on the public highway.

7. 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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