

Item No. 10**SCHEDULE B**

APPLICATION NUMBER	CB/11/03414/FULL
LOCATION	Land rear of 100 Common Road, Kensworth, Dunstable, LU6 3RG
PROPOSAL	Erection of 1 bed bungalow
PARISH	Kensworth
WARD	Caddington
WARD COUNCILLORS	Cllrs Mrs Gammons & Stay
CASE OFFICER	Abel Bunu
DATE REGISTERED	26 September 2011
EXPIRY DATE	21 November 2011
APPLICANT	Gleneden Properties Ltd
AGENT	Lee Butler MRICS
REASON FOR COMMITTEE TO DETERMINE	Member call in by Ward Councillor Stay on the grounds of overdevelopment of site
RECOMMENDED DECISION	Full Application - Granted

Site Location:

The application site lies to the rear of numbers 100 & 100A Common Road located within the Infill boundaries of Kensworth Village. The site is washed over by the Green Belt and falls within an Area of Outstanding Natural Beauty(AONB) and Area of Great Landscape Value(AGLV).

The Application:

seeks planning permission to erect a single bedroom bungalow on the site. Details of the proposal are as follows :

- The bungalow would be erected on an irregularly shaped piece of land that has been physically severed from the rear gardens of numbers 100 and 100A.
- An existing nissen type building with a footprint of about 47.5 sqm would be demolished to make way for the proposed bungalow.
- The proposed bungalow would occupy a footprint of about 46.2 sqm and would measure approximately 6.6 metres deep, 7 metres wide and 3.5 metres high.
- The dwelling would be accessed directly from a public footpath which runs along the eastern boundary of the site.
- The dwelling would be separated from the boundary with number 102 Common Road by about 1.5 metres
- A parking space would be provided at the front of the building.

RELEVANT POLICIES:

National Policies (PPG & PPS)

PPS1 - Delivering Sustainable Development
PPS3 - Housing
PPG13 - Transport
PPS7 - Sustainable Development in Rural Areas

Regional Spatial Strategy East of England Plan (May 2008)

ENV2 Landscape Conservation
ENV7 Quality in the Built Environment

Bedfordshire Structure Plan 2011

7 - Areas of Great Landscape Value
25 -Infrastructure

South Bedfordshire Local Plan Review Policies

BE8 - Design Considerations
H12 - Infilling In Villages
NE3 - Control of Development in AGLV
SD1 - Keynote Policy
T10 - Parking - New Development

Supplementary Planning Guidance

1. Planning Obligations Strategy, 23 October 2009
2. Design in Central Bedfordshire, A Guide for Development, Adopted 23 July 2010.

Planning History

Land at 100 Common Road and land to rear

- CB/10/02361 - Erection of a detached bungalow and garage. Refused. Appeal dismissed. (Attached as Appendix to this report).
- CB/09/05130 - Permission. Erection of 2 dwellings involving change of house types to previous scheme (SB/TP/09/0153).
- SB/TP/09/00153 - Refused. Erection of 2 detached dwellings. (Revised application SB/TP/07/1034).
- SB/TP/08/00520 - Refused. Erection of two pairs of semi-detached dwellings with parking provision.(Appeal Dismissed).
- SB/TP/07/1034 - Permission for the demolition of existing bungalow and outbuildings and erection of two chalet bungalows (revised application SB/TP/07/0695)
- SB/TP/07/0695 - Refusal for demolition of existing bungalow and outbuilding and erection of two chalet bungalows.
- SB/TP/02/0954 - Refusal for demolition of existing bungalow and outbuildings and erection of two detached dwellings. with detached single/double garages (outline). Appeal dismissed.

Land to rear of 100-106 Common Road

- SB/TP/06/0720 - Use as Paddock and Erection of Associated Stables. Application withdrawn.
- SB/TP/06/1275 - Erection of four stables and manege. Retention of existing barn, landscaping and use of fields as paddocks. Permission granted subject to Section 106 agreement.
- SB/TP/06/0673 - Refusal for demolition of existing out building and erection of two storey outbuilding to incorporate triple garage and study.
- SB/TP/05/1283 - Refusal for demolition of existing outbuilding and erection of detached dwelling.

Representations: (Parish & Neighbours)

- Parish Council: Objection
- Site may be outside the infill boundary;
 - This is not even infilling;
 - Site is next to a public footpath hence the rights of way should be maintained;
 - Overdevelopment;
 - Out of character;
 - Highway safety hazard;
 - If permission is granted, attach condition for the contribution of £1000 by the developer for road infrastructure improvement.
- Neighbours:
92 Common Road Objection
- Proposal does not satisfy infilling criteria;
 - Plot size and frontage length not similar to those of adjoining properties;
 - New development takes away the gardens of the newly built houses at 100 & 100 A;
 - No rights of way for vehicular access to the rear of 100 Common Road;
 - Development seems motivated by need to maximise profit.

Consultations/Publicity responses

- Highways Officer: No objection.
The submitted scheme can be amended to show details of the turning space on site and there is adequate space for parking two vehicles. Conditions and informatives are therefore appropriate.
- Environmental Health Officer: Recommends an informative.
- Tree and Landscape Officer: Does not object to the removal of the existing hedgerow to improve visibility at the access point subject to a condition for replacement planting.

Rights of Way Officer: No objection. Recommends conditions to ensure that visibility is acceptable at the entrance of the site and that any gates should not open outwards towards the public footpath. An informative is also recommended to ensure the footpath is not obstructed.

Environment Agency: No objection.

Determining Issues

The main considerations of the application are:

1. Whether or not the proposal is acceptable in principle
2. Impact on the character and appearance of the surrounding area
3. Impact on residential amenity
4. Impact on parking and highway safety
5. Other matters

Considerations

1. Principle of the proposed development

Having regard to the location of the application site within the designated South Bedfordshire Green Belt, the Chilterns Area of Outstanding Natural Beauty (AONB) and Area of Great Landscape Value (AGLV), the main issue to consider is whether the proposal amounts to inappropriate development in the Green Belt and, if so, whether there are any very special circumstances sufficient to outweigh the harm by reason of inappropriateness, and any other harm, including harm to the character and appearance of the AONB and AGLV. The application recently refused permission and dismissed at appeal, reference **CB/10/02361** is a material consideration including another scheme for the erection of dwellings on a nearby site, reference **CB/09/06124** which was allowed on appeal .

National advice contained within Planning Policy Guidance 2: Green Belts states at paragraph 3.4 that the construction of new buildings inside a Green Belt is inappropriate unless it is for the following purposes:

- agriculture and forestry (unless permitted development rights have been withdrawn)
- essential facilities for outdoor sport and outdoor recreation, for cemeteries, and for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- limited extension, alteration or replacement of existing dwellings (subject to paragraph 3.6);
- limited infilling in existing villages and limited affordable housing for local community needs or
- limited infilling or redevelopment of major existing developed sites identified in adopted local plans

The application site is situated within the infill boundaries of Kensworth Village as identified on the Village and Infilling Boundary Map appended to the South Bedfordshire Local Plan Review where Policy GB3 permits appropriate infilling,

limited redevelopment and limited extension to non-residential property. Limited infilling is defined in Policy H12 as a development of up to two dwellings in a small gap in an otherwise built up residential frontage. The application site was previously part of the rear gardens of numbers 100 & 100A Common Road but has now been severed by the erection of a timber fence with the benefit of planning permission, reference, **CB/10/04307**. The site would be accessed directly from an existing public footpath. It is necessary to assess whether or not the revised scheme satisfies the criteria for infill development set out in Policy H12. The policy criteria is reproduced below :

Limited infilling will be permitted in villages within category 2 as set out in policy GB3 of this plan, provided:

- (i) the site is within the infilling boundaries defined for the village on the Proposals Map.*
- (ii) the proposal is for the development, for up to two dwellings of a small gap in an otherwise built up residential frontage (unless a large site is specifically proposed in this local plan).*
- (iii) the dwelling or dwellings proposed have a plot size and frontage length which is similar to those of adjoining frontage properties.*
- (iv) there is no adverse impact on the setting of the site, the character of the area, and surrounding properties and uses.*

The Council considered that the previous scheme failed to satisfy criteria (iii) and (iv) of Policy H12. The Planning Inspector concurred with the Council's view but pointed out at paragraph 5 of the appeal decision that, ' Given the juxtaposition of the appeal site with others around, a direct comparison of frontages serves little usual purpose'. Instead, the Inspector gave more weight to the size of the plot and the relationship of the proposed bungalow and garage to its boundaries and concluded on that basis that the development would appear cramped and hence fail to integrate well into the surroundings.

The Inspector also gave consideration to the recent amendment to national advice contained in Planning Policy Statement 3, 'Housing' which seeks, among other things, to prevent 'garden grabbing'. The Inspector noted that the application site has been severed from the rear gardens of numbers 100 and 100A. The Council therefore considers that the proposed development would not conflict with national advice with respect to the loss of gardens. With regards the impact of the proposed development on the AONB and AGLV, it is considered that the bungalow would be contained within a largely built up area and as such, would not be visually harmful to the wider landscape especially when viewed against the backdrop of an existing two storey barn located to the north of the site. Furthermore, by reason of its size and design, the proposed bungalow would not be any more harmful to the visual appearance of the area than the nissen hut it would replace.

Taking these factors into account, it is concluded that the proposed development satisfies the infilling criteria set out in Policy H12 of the South Bedfordshire Local Plan Review (SBLPR) and as such is not inappropriate in the Green Belt. Very special circumstances therefore need not be demonstrated.

2. **Character and appearance of the area**

Policy BE8 requires all development to, amongst other things, complement and harmonise with surrounding development, to carefully consider setting and to have no adverse impact upon amenity. Due to its modest size and design, the proposed dwelling would be appropriate to its context and would not detract from the character and appearance of the area thus complying with policy BE8 of the SBLPR and national advice contained in Planning Policy Statements 1 and 3. Furthermore, the Planning Inspector acknowledged the fact that plot sizes vary in the locality.

3. **Residential amenity**

The proposed dwelling would not have any windows in the western elevation and as such would not result in overlooking and loss of privacy to the occupiers of number 102.

4. **Parking and highway safety**

It is considered that the site can accommodate adequate parking and turning facilities and visibility could be achieved at the entrance to the site. With appropriate conditions as advised by the Highways Officer, it is considered that the development would not be prejudicial to highway safety and would not pose a hazard to users of the adjoining public footpath.

5. **Other material considerations**

The appeal decision at the former Red Lion Public House at number 86 Common Road, reference **CB/09/06124** confirmed the view that in this part of the Green Belt where infilling is acceptable, plot sizes can vary substantially in relation to the adjoining properties provided that no demonstrable harm can be shown. The objections from the Parish Council and a local resident have been addressed in the preceding sections.

With regards financial contributions, the Planning Obligations Supplementary Planning Document was adopted on the 23rd October 2009 and came into force on the 5th January 2010. This document is a material consideration in the determination of all applications received after the 5th January 2010 and as such the proposal would attract Planning Obligations to the tune of £1, 850. The applicant has accordingly signed a Unilateral Undertaking in this respect. National advice contained in Circular 05/2005, 'Planning Obligations' requires that Local Planning Authorities should only seek financial contributions where this is directly related to the development proposed and is necessary to make the development acceptable in planning terms. As has been demonstrated above, the development is acceptable in planning terms subject to conditions. The Council therefore considers that the request by the Parish Council cannot be justified.

Recommendation

That Planning Permission be **GRANTED** subject to the following:

- 1 The development shall begin not later than three years from the date of this permission.

Reason: To comply with Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2 **Before development begins, samples of the materials to be used for the external walls and roofs of all new buildings shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.**

**Reason: To control the appearance of the building.
(Policy BE8 S.B.L.P.R).**

- 3 The hedgerow to be removed shall be replaced by a new planting, the size, position and species of which shall be approved in writing by the Local Planning Authority. The hedge shall be planted by a date not later than the end of the full planting season immediately following the removal of the hedge and shall be maintained until satisfactorily established (a full planting season shall mean the period from October to March).

Reason: To ensure the planting of replacement hedge in the interests of visual amenity.
(Policy BE8 S.B.L.P.R).

- 4 **Before development begins, the position of the dwelling shall be pegged out on site and its position approved in writing by the Local Planning Authority.**

**Reason: To enable consideration to be given to the precise layout of the development.
(Policy BE8 S.B.L.P.R).**

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no extensions to the building/s hereby permitted shall be carried out without the grant of further specific permission from the Local Planning Authority.

Reason: To control the external appearance of the building/s in the interests of the amenities of the area.
(Policy BE8 S.B.L.P.R).

- 6 Notwithstanding the provisions of Part 1 Class E of Schedule 2 to the Town and Country (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no buildings or other structures shall be erected or constructed within the curtilage of the property without the grant of further specific permission from the Local Planning Authority.

Reason: To control the development in the interests of the amenities of the area.
(Policy BE8 S.B.L.P.R).

- 7 The existing vehicular access shall be surfaced in bituminous or other similar durable material as may be approved in writing by the Local Planning Authority for a distance of 8m into the site, measured from the highway boundary, before the premises are occupied. Arrangement 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 the highway.

- 8 The development shall not be brought into use until a turning space for service vehicles 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.

- 9 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: To avoid the long term storage of refuse containers on the highway so as to safeguard the interest of highway safety.

- 10 Before development begins, a scheme for the parking of cycles on the site 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.

- 11 No development shall commence until the apparatus for wheel cleaning has been provided on site in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The apparatus for wheel cleaning 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.

- 12 Before the vehicular access is first brought into use, a triangular vision splay shall be provided on each side of the new access drive and shall be 2.8m measured along the back edge of the highway from the centre line of the anticipated vehicle path to a point 2.0m measured from the back edge of the highway into the site along the centre line of the anticipated vehicle path. The vision splay 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 highway 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.

- 13 Visibility splays shall be provided at the junction of the vehicular access with the highway. The splays shall extend to the limits of the site's highway frontage on each side of the access from a point on the centre line of the access measured 2m back from the edge of highway. The vision splays so described shall be maintained free of any obstruction to visibility.

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 The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plan, number 13911.

Reason: For the avoidance of doubt.

Reasons for Granting

The proposed development would not, be inappropriate in the Green Belt, detract from the appearance of the locality, be harmful to residential amenities and would make adequate provision for off-street parking thereby conforming with the development plan policies comprising policies ENV2, ENV7, H1, SS1 of the Regional Spatial Strategy for the East of England, Policy 25 of the Bedfordshire Structure Plan, BE8, SD1, H12, H3 and T10 of the South Bedfordshire Local Plan Review and national advice contained in Planning Policy Statements 1, 3, 7 and Planning Policy Guidance 2, 13 and the supplementary planning guidance, 'Design in Central Bedfordshire, A Guide for Development', 2010 and the Planning Obligations supplementary planning document.

Notes to Applicant

1. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the Council hereby certify that the proposal as hereby approved conforms with the relevant policies of the Development Plan comprising of the Regional Spatial Strategy for the East of England (the East of England Plan and the Milton Keynes and South Midlands Sub-Regional Strategy), Bedfordshire Structure Plan 2011 and the South Bedfordshire Local Plan Review and material considerations do not indicate otherwise. The policies which refer are as follows:

East of England Plan (May 2008)

ENV7 - Quality in the Built Environment

ENV2 - Landscape Conservation

Bedfordshire Structure Plan 2011

7 - Areas of Great Landscape Value (AGLV)

South Bedfordshire Local Plan Review

BE8 - Design Considerations

T10 - Parking - New Development

NE3 - Control of Development in Areas of Great Landscape Value (AGLV)

2. In accordance with Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010, the reason for any condition above relates to the Policies as referred to in the Regional Spatial Strategy (RSS), Bedfordshire Structure Plan 2011 (BSP) and the South Bedfordshire Local Plan Review (SBLPR).
3. This permission relates only to that required under the Town & Country Planning Acts and does not include any consent or approval under any other enactment or under the Building Regulations. Any other consent or approval which is necessary must be obtained from the appropriate authority.
4. Only clean, uncontaminated surface water, should be discharged to any soakaway, watercourse or surface water sewer.
5. Where soakaways are proposed for the disposal of uncontaminated surface water, percolation tests should be undertaken, and soakaways designed and constructed in accordance with BRE Digest 365 (or CIRIA Report 156), and to the satisfaction of the Local Planning Authority. The maximum acceptable depth for soakaways is 2.00 metres below existing ground level. Soakaways must not be located in contaminated areas. If, after tests, it is found that soakaways do not work satisfactorily, alternative proposals must be submitted.
6. If during any site investigation, excavation, engineering or construction works, evidence of land contamination is identified, the applicant shall notify the Local Planning Authority without delay. Any land contamination identified shall thereafter be remediated to the satisfaction of the local Planning authority to ensure that the site is made suitable for its end use.
7. 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 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 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.

8. 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 Amphill Road, Bedford MK42 9BD.
9. 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.
10. 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 Guidance - July 2010".
11. The applicant is reminded that a licence is required should any scaffolding be required which will overhang or encroach part of the Public Footpath.
12. No materials or vehicles associated with the development should be left on or near the Public footpath so as to cause an obstruction or hazard to its users at any time, including preparation for the development and during any work carried out.
13. The applicant and the developer are advised that this permission is subject to a legal obligation under Section 106 of the Town and Country Planning Act 1990.

DECISION

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